



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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

Hearing Date: November 4, 2021

To: Humboldt County Zoning Administrator

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

Subject: **JC Consultants, LLC Special Permit**  
Record Number PLN-11612-SP  
Assessor's Parcel Number (APN) 317-191-001  
19265 USFS Route 1, Willow Creek, California

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Please contact Jordan Mayor, Contract Planner, at 707-683-4711 or by email at [jordan.mayor@icf.com](mailto:jordan.mayor@icf.com), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

<b>Hearing Date</b> November 4, 2021	<b>Subject</b> Special Permit	<b>Contact</b> Jordan Mayor
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**Project Description:** JC Consultants, LLC seeks a Special Permit for an existing 9,800-square-foot (SF) outdoor cannabis cultivation operation in five full-sun cultivation areas. Two cultivation areas partially crossing onto property to the west will only remain if a lot-line adjustment with the adjoining neighbor is completed within one year, otherwise these two areas will be relocated to existing cultivation areas and the retired locations will be remediated. Irrigation water is sourced from an existing onsite well drawing water from 135 to 295 feet deep. Total storage is 7,275 gallons in nine tanks, of which 5,075 gallons are available to store irrigation water drawn from the well. An estimated 109,000 gallons of water are needed annually for irrigation for a growing season extending from April to October. All processing will occur offsite at a licensed facility. Electricity is sourced by two onsite generators; the applicant states that an additional generator will be installed for an emergency backup. Two full-time employees will be required for daily operations, with an additional six employees needed during peak operations. All cultivation areas are more than 600 feet from public lands managed by Six Rivers National Forest west and northeast of the parcel. The applicant is required to obtain a Streambed Alteration Agreement from the California Department of Fish and Wildlife to install a culvert on a Class III watercourse.

**Project Location:** The project is located in Humboldt County, in the Dinsmores area, approximately 14 air miles south by southwest of Willow Creek, on both sides of U.S. Forest Service Route 1 (6N01), approximately 19.8 miles on Berry Summit-Mad River Road from Titlow Hill Road, and then approximately 2.64 miles from the intersection of Berry Summit-Mad River Road and a private access road, at 19265 USFS Route 1, Willow Creek.

**Present Plan Land Use Designations:** Timberland (T) Density: 40-160 acres per dwelling unit, Slope Stability: High instability (3)

**Present Zoning:** TPZ (Timber Production Zone)

**Record Number:** PLN-11612-SP

**Assessor's Parcel Number:** 317-191-001

**Applicant**

JC Consultants, LLC  
22817 Ventura Blvd #420  
Woodland Hills, CA 91364

**Owner**

JC Consultants, LLC  
22817 Ventura Blvd #420  
Woodland Hills, CA 91364

**Agents**

Mother Earth Engineering  
Kendra Miers  
425 I Street  
Arcata, CA 95521

**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 Zoning Administrator Action**

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

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

**Executive Summary:**

JC Consultants LLC seeks a Special Permit for an existing 9,800-square-foot (SF) cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The 161-acre parcel site is designated as Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Timber Production Zone (TPZ). The cannabis cultivation consists of 9,800 SF of full-sun outdoor cultivation in five different areas on the parcel; two of these areas extend into the property to the west and will only remain if a lot-line adjustment with the adjoining neighbor is completed within one year, otherwise these two areas will be relocated to existing cultivation areas and the retired locations will be remediated. Two existing graded sites will be used for a total of 1,800 SF of immature plant nursery areas. One annual harvest is expected from the outdoor cultivation for a growing season that extends from April through October. Three Honda EU2000i generators will be used onsite. Two generators operate daily during the growing season from approximately 10 a.m. to 6 p.m. to pump well water to storage tanks; the generators are stored following harvest. A third generator is reserved as an emergency backup. Two portable toilets will be continuously supplied to two full-time and up to six seasonal cultivation staff and receipts furnished to the Division of Environmental Health as a condition of approval. Drying of harvested cannabis occurs in existing storage containers and further processing will occur offsite at a licensed processing facility. The cultivation areas are located behind two locked gates. Lighting and surveillance-motion sensor lighting and game cameras are installed around the facility. Full-time occupancy of the parcel during the cultivation season will be maintained.

**Lot-Line Adjustment/Site Remediation**

A recently surveyed parcel boundary indicated Cultivation areas 1 and 2 are partially within the adjoining parcel owned by Hunter Ranch (APN 315-164-001). Provided correspondence between the applicant and Hunter Ranch indicate that a lot-line adjustment is preferred and acceptable by both parties. Approval of the lot-line adjustment is required within 1-year as a condition of approval; if not approved, the applicant shall proceed with Onsite Relocation: Environmental Superiority Analysis and Remediation Plan prepared by Mother Earth Engineering in January 2021 (Attachment 3). The Remediation Plan identified that relocation of cultivation areas 1 and 2 could be accommodated at existing cultivation site 5. If relocation is chosen, a total of 4,208 SF (0.09 acre) shall be remediated and cultivation relocated to a pre-existing flat, one of proposed nursery sites, on the southwestern corner of the property. The accessory storage containers are proposed to be relocated to the portion of cultivation area 1 that is not on the neighboring property. The canopy areas shall be remediated by the removal of cultivation infrastructure and reseeding the area with native seed mix and monitoring until establishment. The relocation site is a pre-existing flat with no watercourses, wetlands, or other sensitive resources. Currently, there is no active cultivation at this site although cultivation is planned for the 2021 season as the lot-line adjustment proceeds. Currently, there are remains of unused, remnant smart pots and a 2,200-gallon water tank. The Remediation Plan noted several best management practices—removal of cultivation infrastructure, revegetation, and monitoring—which are all made conditions of approval should the lot-line adjustment not move forward within 1-year.

## **Water Resources**

A permitted well (15/16-0479) supplies all water onsite. Water storage included one 175-gallon tank, three 300-gallon tanks, three 500-gallon tanks, one 2,500-gallon tank, and one 2,200-gallon tank dedicated for fire use. Total storage is 7,275 gallons in nine tanks, of which 5,075 gallons are available to store irrigation water drawn from the well. Peak demand occurs June through October. Irrigation water for the property is sourced from a well that yields 4 gallons per minute; the well is more than 500 feet from the nearest mapped ephemeral watercourse.

The Humboldt County's WebGIS shows one mapped stream: Grouse Creek (Class II watercourse) that flows north through the eastern area of the parcel, approximately 900 feet from the nearest immature plant cultivation area. The reach of Grouse Creek north of the parcel is listed by the U.S. Environmental Protection Agency as a 303(d)-Listed Impaired Waters. The 2021 Site Plan shows three additional Class III ephemeral watercourse reaches flowing east to Grouse Creek. Cultivation sites are more than 150 feet from the four watercourses known from the parcel. There are three culverted ephemeral stream crossings.

A Site Management Plan (SMP) prepared by Mother Earth Engineering in June 2020 evaluated if the site met the best practicable treatment and control measures listed in Attachment A, Section 2 of the State Water Resources Control Board (SWRCB) Order WQ 2019-0001-DWQ. As a condition of approval, the applicant shall implement the recommended corrective measures detailed in Table 13 of the SMP. In addition, those recommendations and requirements developed under any future amended SMP to be developed for the parcel, pursuant to continued Tier 2 – Low Risk enrollment under the SWRCB Cannabis Cultivation Policy, shall also be followed. The SMP described the property containing seven ditch relief culverts and three stream crossings. Proposed improvements include replacement of one culvert (CV-3) with a larger size culvert, installation of a new proposed culvert (CV-4), and replacement of one ditch relief culvert (DRC-4). While this ditch relief culvert is outside the property's boundaries, it is observed to be clogged with sediment and debris. It is recommended to be replaced with permission from the landowner. In addition, several water bars and rolling dips shall be installed on the private access road. The applicant is required to abide by the existing and any additional Streambed Alteration Agreement from California Department of Fish and Wildlife (CDFW; 1600-2016-0105-R1).

## **Biological Resources**

There are no mapped sensitive species onsite and although the nearest northern spotted owl (NSO) activity center is approximately 0.87 mile from the site, lands surrounding the site are forested and provide NSO habitat. The parcel is not within, but is immediately adjacent to, NSO critical habitat. Marbled murrelet designated critical habitat is known from the public lands adjacent to the parcel to the west and northeast. Because no forested habitat will be removed as part of the proposed project and aerial images suggest the parcel consists of a forest recovering from recent logging, disturbance is limited to noise associated with vehicles on the private access road to the parcel, intermittent use of small equipment for cultivation purposes, and generator noise associated with pumping water during the summer cultivation season. A site visit conducted June 11, 2020 measured noise produced by a single Honda EU2000i generator model as 44.8 A-weighted decibels (dBA) at 100 feet from the generator. This level of noise does not exceed the 60 dBA at the property line and does not exceed the noise level threshold for NSO harassment of 50 decibels at 100 feet. All cultivation areas are more than 800 feet from public lands managed by Six Rivers National Forest to the west and northeast of the parcel.

Appropriate facility setbacks from Class II and III watercourses on the parcel will be followed, and measures described in the SMP, Cultivations and Operations Plan, and Streambed Alteration Agreement to protect aquatic and upland resources will be adhered to. Furthermore, the project is conditioned to adhere to Dark Sky Association standards for 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**

The project was referred to the Bear River Band of the Rohnerville Rancheria and Northwest Information Center. The Tribal Historic Preservation Officer Assistant of the Bear River Band of the Rohnerville Rancheria 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**

The parcel known as 19265 U.S. Forest Service (USFS) Route 1 (APN: 317-191-001) is accessed from USFS Route 1 and a private road. Both the private road and USFS Route 1 have a road category of 4, which is "adequate for the proposed use without further review by the applicant." Per the photo-documented Road Evaluation Form received August 31, 2020, the private drive is maintained by local residents; USFS Route 1 is maintained by USFS. The site plan received April 2, 2021 shows two emergency vehicle turnaround areas. Per the Public Works Land Use Division comments, the project is accessed on USFS-maintained roads. The USFS did not respond to project referrals.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted MND that was adopted for the CMMLUO and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information).

**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 Special Permit.

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

**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 21-  
Record Number PLN-11612-SP  
Assessor's Parcel Number: 317-191-001**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approves JC Consultants, LLC Special Permit.**

**WHEREAS, JC Consultants, LLC** submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 9,800-square-foot (SF) outdoor cannabis cultivation operation with appurtenant propagation, nursery, 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 Zoning Administrator held a duly-noticed public hearing on November 4, 2021, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:**                    **Project Description:** JC Consultants, LLC seeks a Special Permit for an existing 9,800-SF outdoor cannabis cultivation operation. Cultivation will occur in four existing cultivation areas. Irrigation water is sourced from an existing onsite well. Water is stored in nine tanks for a total of 7,275 gallons of available water storage. An estimated 109,000 gallons are needed annually for irrigation. All processing will occur offsite at a licensed facility. Electricity is sourced by two onsite generators; the applicant states that an additional generator will be installed for an emergency backup. The applicant states that two full-time employees are needed for operations, with an additional six needed at peak operations. The applicant is required to obtain a Streambed Alteration Agreement from the California Department of Fish and Wildlife to install a culvert on a Class III watercourse.

**EVIDENCE:**                a) Project File: PLN-11612-SP

- 2. FINDING:**                    **CEQA.** The requirements of CEQA have been complied with. The Humboldt County Zoning Administrator 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 Site Management Plan was prepared by Mother Earth Engineering to show compliance with the State Water Resources Control Board Order WQ 2019-0001-DWQ.
- d) A Remediation Plan prepared by Mother Earth Engineering dated January, 2021 identified an existing cultivation site where cultivation sites 1 and 2 may be relocated to a pre-existing flat with no watercourses, wetlands, or other sensitive resources and is entirely within the parcel boundary.
- e) The site is accessed off U.S. Forest Service (USFS) Route 1 and a private road. The USFS did not respond to project referrals.
- f) The Health and Human Services Division of Environmental Health provided recommended conditions of approval addressing the establishment of an onsite waste treatment system and documentation to confirm the continued use of portable toilets are onsite to serve the needs of cultivation staff prior to reissuance of an annual permit.

**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 Timber Production Zone (TPZ) 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 TPZ-Zone in which the site is located.
- EVIDENCE**
  - a) The TPZ-Zone is applied to areas of the County in which timber production and recreation is the desirable predominant uses and general agriculture is the secondary uses.
  - b) All general agricultural uses are principally permitted in the TPZ-Zone.
  - c) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation of up to 10,000 SF of existing cannabis cultivation on a parcel over one acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 9,800 SF of outdoor cultivation on a 161-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
  - d) The applicant is required to obtain a Streambed Alteration Agreement from the California Department of Fish and Wildlife to install a culvert on a Class III watercourse.
  
- 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 TPZ (Section 314-55.4.8.2.2).
  - b) The parcel was created in compliance with all applicable state and local

subdivision regulations, as it was created in its current configuration by patent April 1820.

- c) The project will obtain water from a permitted groundwater well (15/16-0479). Irrigation water is pumped from the well to nine storage tanks with a total water storage capacity of 7,275 gallons.
- d) The site is accessed directly off of USFS Route 1 and a private road; the USFS did not respond to project referral.
- e) The cultivation of cannabis will not result in the conversion of timberland. Timberland Resource Consultants in 2018 prepared a letter memo that described current conditions at various cultivation areas and informed the applicant that the brushing of cultivation areas as long as grading would not occur would not constitute timberland conversion. The Cal Fire referral letter dated August 29, 2017 did not raise concerns about potential timberland conversion activity. In an email that Humboldt County prepared November 28, 2018 the county accepted the conclusions made by Timberland Resources Consultants, agreeing that timberland conversion did not occur as previously thought.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It will be more than 30 feet from any property line through a lot line adjustment or relocation and more than 600 feet from any school, church, public park, or tribal cultural resource.

**6. FINDING**

The cultivation of 9,800 SF of outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) The site is located on USFS Route 1 and a private road; the USFS did not respond to project referral.
- b) The site is in a rural part of the county where the typical parcel size is over 25–40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.
- c) The project will obtain water from a permitted well (15/16-0479). Irrigation water is pumped from the well to nine storage tanks with a total water storage capacity of 7,275 gallons.
- 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.



## DECISION

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

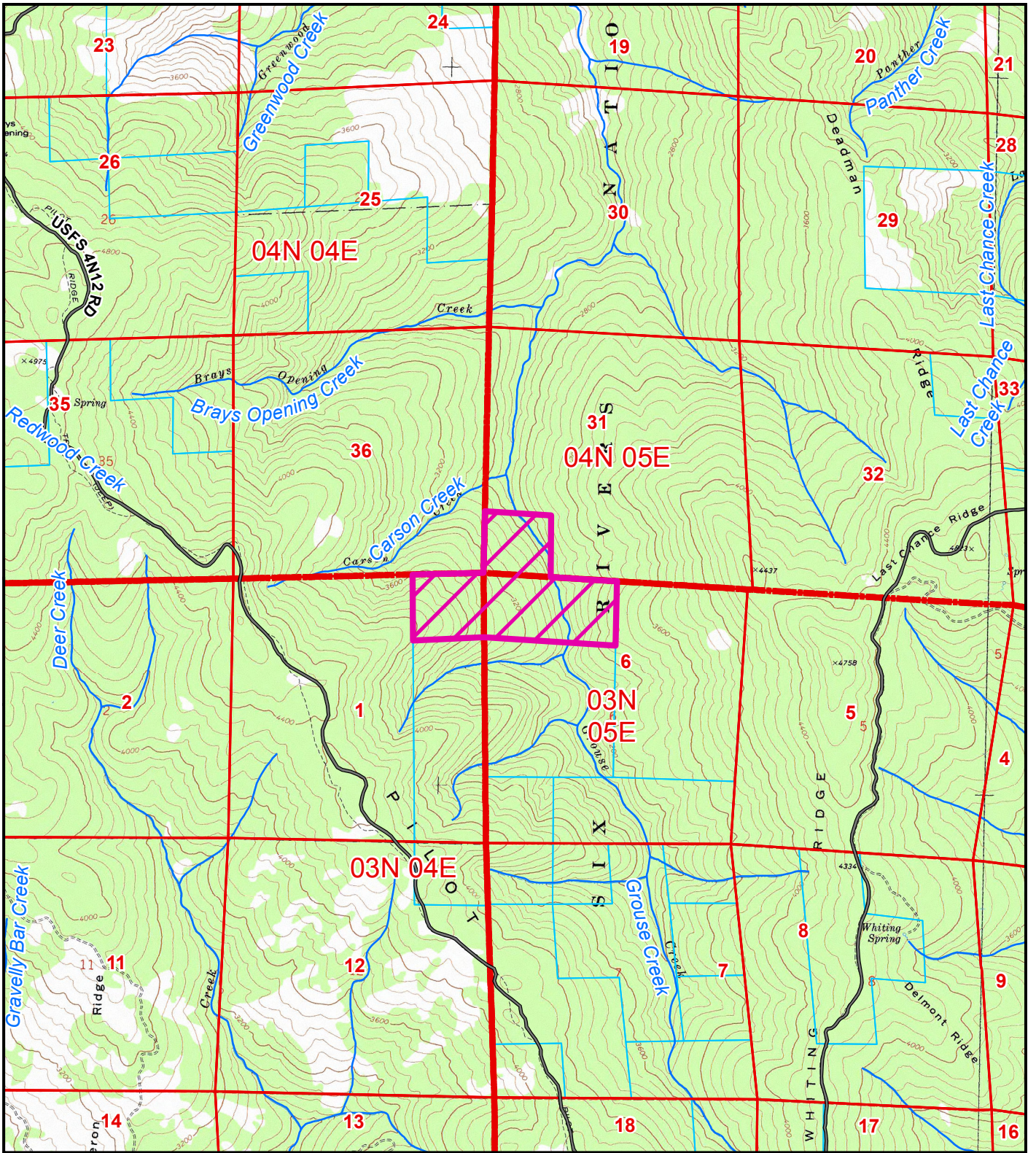
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for JC Consultants, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

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

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

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John Ford, Director  
Planning and Building Department

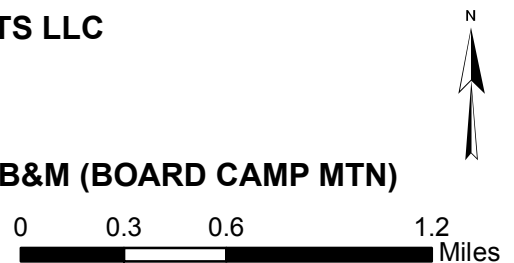


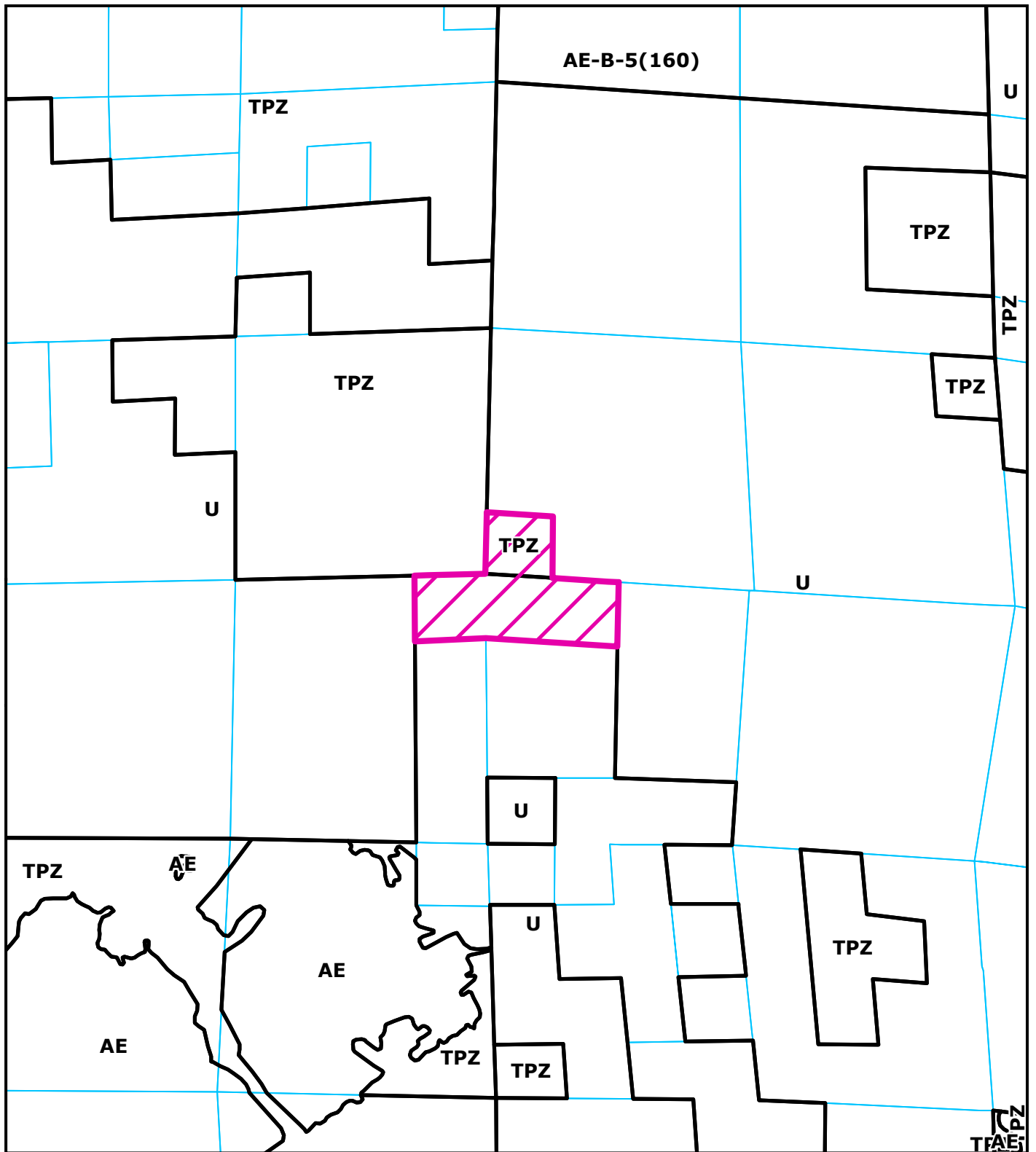
**TOPO MAP  
 PROPOSED JC CONSULTANTS LLC  
 PILOT RIDGE AREA  
 CUP-16-305  
 APN: 317-191-001**

**Project Area =**

**T04N R05E S31; T03N R04E S1; T03N R05E S6 HB&M (BOARD CAMP MTN)**

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



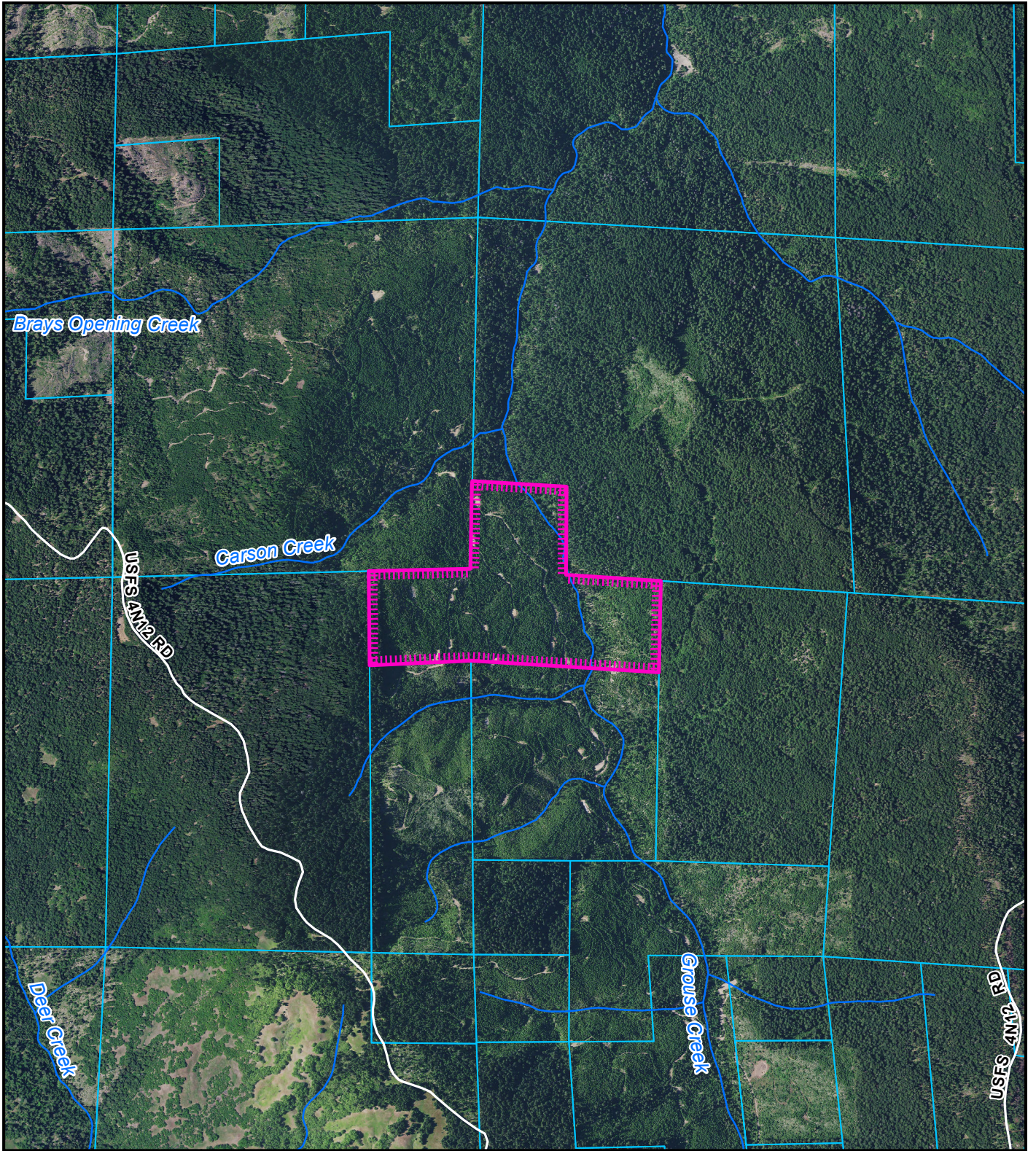


**ZONING MAP**  
**PROPOSED JC CONSULTANTS LLC**  
**PILOT RIDGE AREA**  
**CUP-16-305**  
**APN: 317-191-001**

**Project Area =**

**T04N R05E S31; T03N R04E S1; T03N R05E S6 HB&M (BOARD CAMP MTN)**

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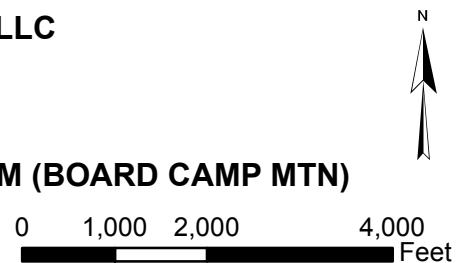


**AERIAL MAP**  
**PROPOSED JC CONSULTANTS LLC**  
**PILOT RIDGE AREA**  
**CUP-16-305**  
**APN: 317-191-001**

Project Area = 

**T04N R05E S31; T03N R04E S1; T03N R05E S6 HB&M (BOARD CAMP MTN)**

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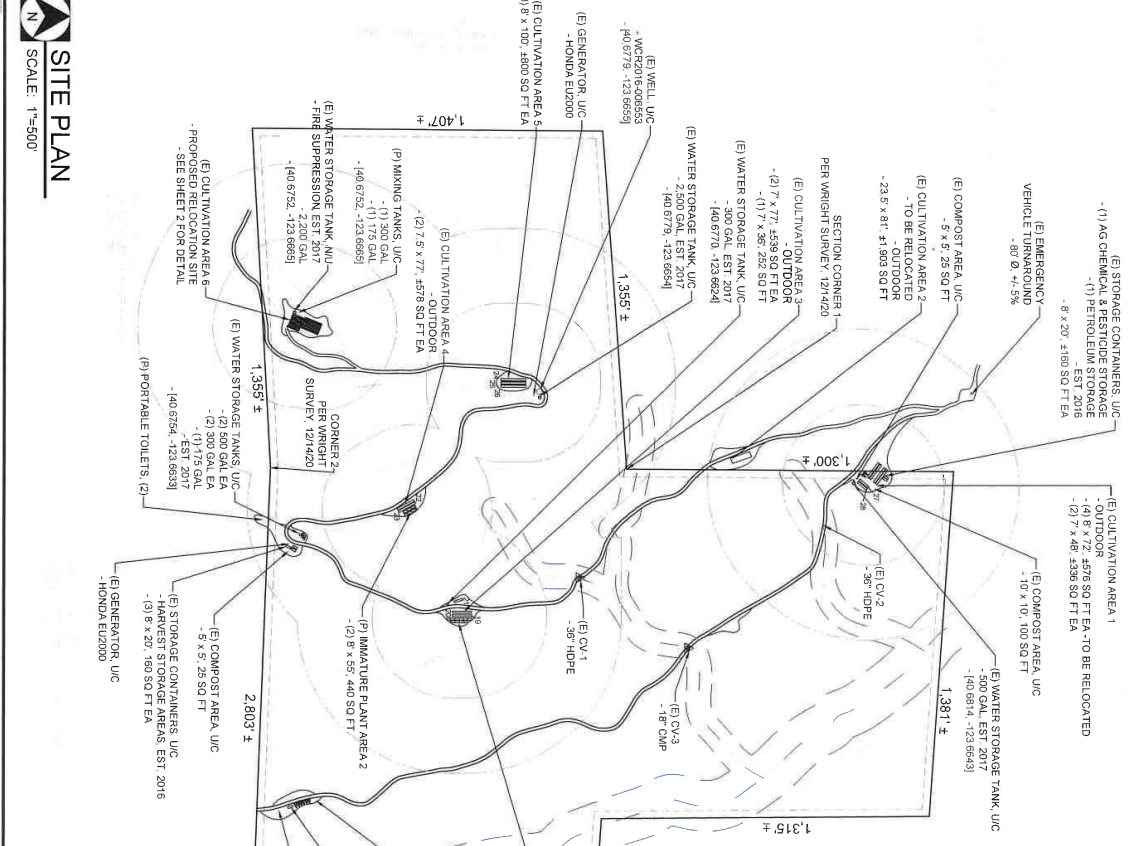




**PARCEL INFORMATION:**  
 APN: 317-191-001  
 ZONING: TPZ  
 LOT SIZE: 161.03 ACRES (ASSESSED)  
 177.22 ACRES (GIS)

**PROPERTY LINE NOTE:**  
 1. PROPERTY LINES ARE APPROXIMATE SURVEY COMPLETED BY WALLACE WRIGHT ON 12/15/20 AND 8/12/1920 ESTABLISHES SECTION CORNER 1 (SHOWN ON MAP) AND PROPERTY LINE TO THE NORTH OF SAID SECTION CORNER. SURVEY ESTABLISHES PROPERTY LINES TO THE EAST AND WEST OF SAID SECTION CORNER. OTHER PROPERTY LINES ARE FROM RECORDS OF SURVEY. ALL OTHER PROPERTY LINES ARE FROM RECORDS OF SURVEY.

**SITE PLAN**  
 SCALE: 1"=500'



**RELOCATION CANOPY AREA**

CANOPY AREA ID	CANOPY DIMENSIONS (FT)	CANOPY AREA (SQ FT)
1	4 x 72	288
2	4 x 72	288
3	4 x 72	288
4	4 x 72	288
5	4 x 72	288
6	4 x 72	288
7	4 x 72	288
8	4 x 72	288
9	4 x 47.5	190
10	4 x 47.5	190
11	4 x 47.5	190
12	4 x 47.5	190
13	4 x 47.5	190
14	4 x 47.5	190
15	4 x 47.5	190
16	4 x 47.5	190
17	4 x 47.5	190
18	4 x 47.5	190
TOTAL OUTDOOR RELOCATION AREA (SQ FT)		4284.0

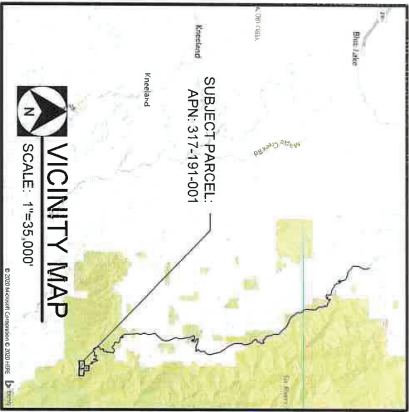
**EXISTING CANOPY AREA**

CANOPY AREA ID	CANOPY DIMENSIONS (FT)	CANOPY AREA (SQ FT)
19	7 x 77	539
20	7 x 77	539
21	7 x 96	672
22	7.5 x 77	578.5
23	7.5 x 77	578.5
24	8 x 100	800
25	8 x 100	800
26	8 x 100	800
27	7 x 48	336
28	7 x 48	336
EXISTING TOTAL CANOPY AREA (SQ FT)		5,559.0

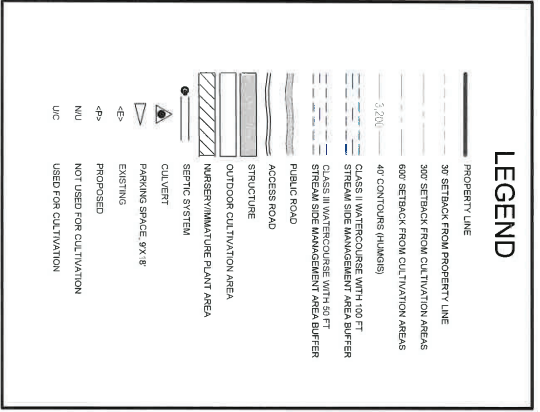


- GENERAL NOTES:**
- NO PROPOSED GRADING
  - NO KNOWN RESIDENCES ON ADJACENT PARCELS WITHIN 300 FEET OF CULTIVATION AREAS.
  - NO KNOWN SCHOOLS, SCHEDULED STORES, PLACES OF WORKSHIP, PUBLIC PARKS, OR TRAIL CULTURAL RESOURCES WITHIN 660 FEET OF CULTIVATION AREAS.
  - LOCATIONS OF PROPERTY LINES, ROADS, FEATURE LOCATIONS, STRUCTURES AND POINTS SHOWN ON THE MAP ARE APPROXIMATE UNLESS OTHERWISE NOTED.
  - ALL COORDINATES SHOWN REFERENCE THE WGS84 GEODETIC DATUM.
  - TOTAL WHERSEY AREA = 1,800 SQ FT

APN: 317-191-001



- DIRECTIONS TO SITE**
- FROM BLUE LAKE, CA:
- HEAD EAST ON CA HWY 298, 22.5 MILES.
  - TURN RIGHT ONTO TITUSON HILL RD, 10.1 MILES.
  - CONTINUE ONTO FRYDAY RIDGE ROAD, 2.5 MILES.
  - KEEP RIGHT, 0.4 MILES.
  - TURN LEFT, 2.0 MILES.
  - KEEP RIGHT, 4.2 MILES. ARRIVED AT PROPERTY.



**MOTHER EARTH ENGINEERING**  
 425 I STREET  
 ARCATA, CA 95521, 707-633-8321

**MEE JOB NO. 19038**

**REVISION SCHEDULE**

#	DATE	BY	DESCRIPTION
0	06/23/20	JL	DRAWN
1	08/28/20	JL	REVISIONS
2	01/18/21	JL	REVISIONS
3	01/28/21	JL	REVISIONS
4			
5			

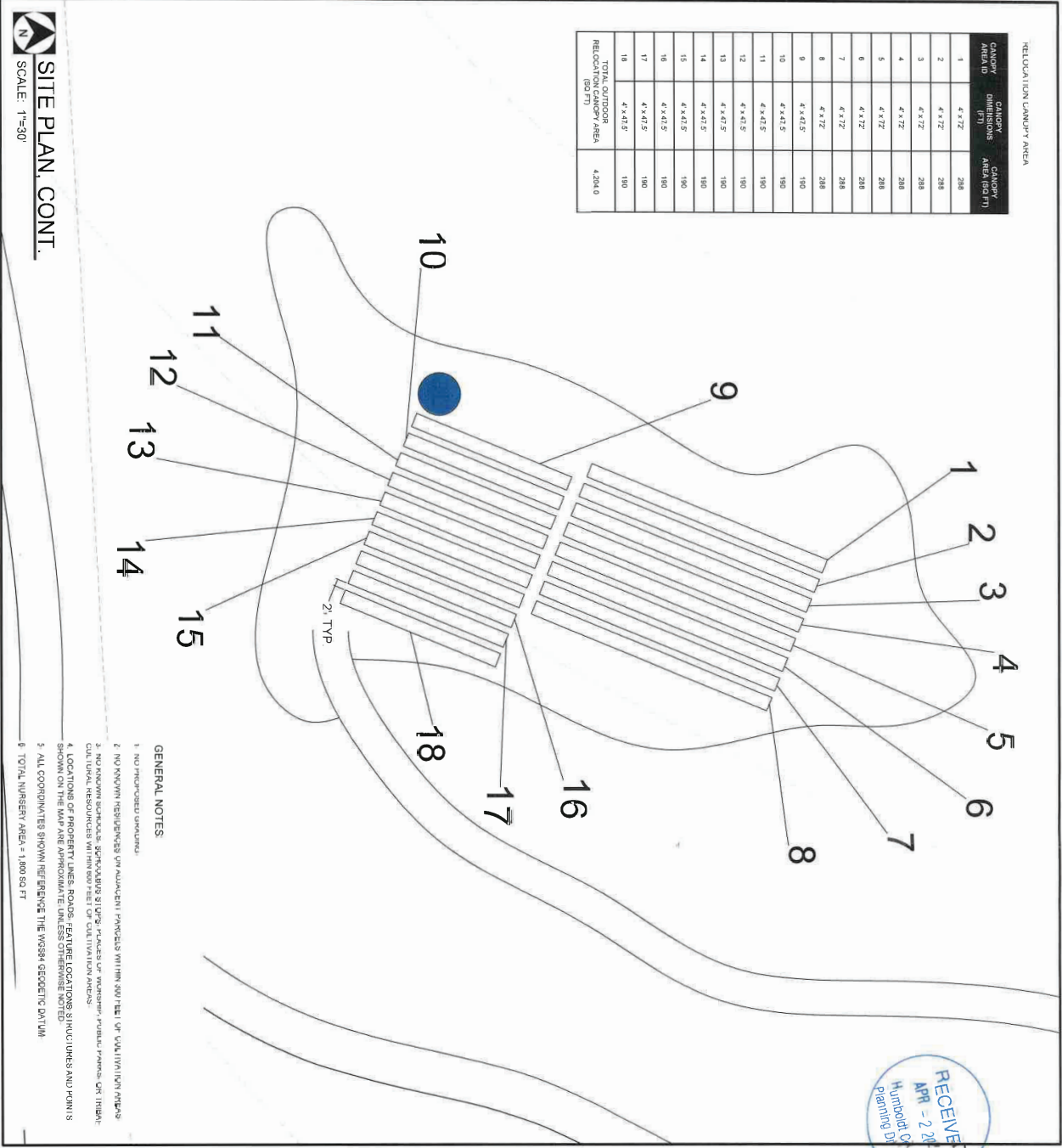
**PROPOSED RELOCATION SITE PLAN**  
 APN: 317-191-001  
 SITE ADDRESS: N/A

**COUNTY PERMITTING APPLICATION**  
 APPLICANT: JC CONSULTANTS, LLC  
 MAILING ADDRESS: 3464 ENCINAL CANYON, MALIBU CA, 90265  
 PHONE #: 424-544-4438

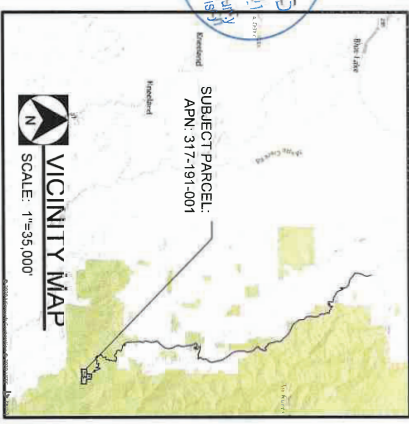
SHEET NO: **1**

OF 2

CANOPY AREA ID	DIMENSIONS (FT)	CANOPY AREA (SQ FT)
1	4 x 72	288
2	4 x 72	288
3	4 x 72	288
4	4 x 72	288
5	4 x 72	288
6	4 x 72	288
7	4 x 72	288
8	4 x 72	288
9	4 x 43.5	160
10	4 x 43.5	160
11	4 x 43.5	160
12	4 x 43.5	160
13	4 x 43.5	160
14	4 x 43.5	160
15	4 x 43.5	160
16	4 x 43.5	160
17	4 x 43.5	160
18	4 x 43.5	160
<b>TOTAL OUTDOOR RELOCATION AREA (SQ FT)</b>		<b>4200.0</b>



- GENERAL NOTES**
- NO PROPOSED UTILITIES.
  - NO INVENTORY REQUIRING OR ADJACENT PARCELS WITHIN 200 FEET OF CULTIVATION AREAS.
  - NO KNOWN SCHEDULED SCHEDULING STUDIES, INCLUDING STORM, FLOODING, OR WINDSTORM, PUBLIC, PRIVATE, OR FEDERAL CULTURAL RESOURCES WITHIN 500 FEET OF CULTIVATION AREAS.
  - LOCATIONS OF PROPERTY LINES, ROADS, FEATURE LOCATIONS, SIMULATIONS AND POINTS SHOWN ON THE MAP ARE APPROXIMATE UNLESS OTHERWISE NOTED.
  - ALL COORDINATES SHOWN REFERENCE THE WGS84 GEODETIC DATUM.
  - TOTAL INVENTORY AREA = 1,900 SQ FT.



**DIRECTIONS TO SITE**

FROM BLUE LAKE, CA:

- HEAD EAST ON CA HWY 299, 22.9 MILES
- TURN RIGHT ON TO HILLTOP HILL RD, 10.1 MILES
- CONTINUE ONTO RICHARD ROGGE ROAD, 2.5 MILES
- KEEP RIGHT, 6.4 MILES
- TURN LEFT, 2.0 MILES
- KEEP RIGHT, 4.2 MILES ARRIVED AT PROPERTY

**LEGEND**

- PROPERTY LINE
- 30' SET BACK FROM PROPERTY LINE
- 40' CURB CURBS (PARKING)
- ACCESS ROAD
- OUTDOOR CULTIVATION AREA
- EXISTING
- PROPOSED
- NOT USED FOR CULTIVATION
- USRN FOR CULTIVATION

**MOTHER EARTH ENGINEERING**  
425 I STREET  
ARCATA, CA 95521, 707-633-8321

**PROPOSED RELOCATION SITE PLAN**  
APN: 317-191-001  
SITE ADDRESS: N/A

**COUNTY PERMITTING APPLICATION**  
APPLICANT: JC CONSULTANTS LLC  
MAILING ADDRESS: 3404 ENCINAL CANYON, MALIBU CA 90265  
PHONE #: 424-644-4431

MEE JOB NO. - 16038

REVISION SCHEDULE

#	DATE	BY	DESCRIPTION
1	01/26/21	JL	DRAFTED
2			
3			
4			
5			

SHEET NO. **2**

OF 2

Mother Earth Engineering Inc. 2021

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

##### **A. General Conditions**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover 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 California Environmental Quality Act (CEQA) Guidelines. The Department will file the NOD and will charge this filing 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 #14. 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 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. No grading is currently proposed. However, the applicant shall submit a grading, erosion and sediment control plan shall be prepared by a qualified engineer if grading is proposed. 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.



8. The applicant shall implement all corrective actions detailed in the Site Management Plan (SMP) prepared for the site in June 2020 by Mother Earth Engineering. The applicant shall implement the recommended corrective measures detailed in Table 13 of the SMP. In addition, those recommendations developed under any future amended SMP to be developed for the parcel, pursuant to Tier 2-Low Risk enrollment under the State Water Resources Control Board (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.
9. The applicant shall complete the necessary measures to adjust the lot-line on the northwest of the property so that existing cultivation sites 1 and 2 are no longer located on the privately-held parcel on Hunter Ranch within 1-year. If this process is not completed within 1-year, the applicant shall abide by and implement all measures and monitoring procedures described in the Onsite Relocation: Environmental Superiority Analysis and Remediation Plan dated January 2021 prepared by Mother Earth Engineering, including the monitoring of revegetation progress on the two retired flats. All relocation shall be located within existing graded flats and not tree removal or new site development is allowed. A letter of approval from the Planning and Building Division will satisfy this condition.
10. The applicant shall obtain a Streambed Alteration Agreement from the California Department of Fish and Wildlife and install the culvert identified as CV-4 in the Site Management Plan developed for the property. .
11. 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.
12. 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.
13. The applicant shall implement the actions detailed in the referral response from Health and Human Services Department regarding proof that portable toilets are available for cultivation staff or that an onsite waste treatment system is installed prior to any processing activities taking place. Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.
14. The applicant shall incorporate the recommendations made by the California Department of Forestry and Fire Protection (Cal Fire) regarding Fire Safe Standards including incorporating recommended signage on building numbers and fuel modification standards.

**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 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 light source used in the nursery greenhouse shall comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary.
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. or 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. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials on outdoor full-sun cultivation that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife-proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. 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.
9. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. 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.
10. 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.
11. 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.
12. 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.

13. Confinement of the area of cannabis cultivation and processing 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).
14. Maintain enrollment in Tier 1 or 2 certification with State Water Quality Control Board Order No. R1-2019-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
15. Comply with the terms of any applicable Lake and Streambed Alteration (1600 or 1602) Permit obtained from CDFW (No. 1600-2016-0150-R1).
16. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by Cal Fire, if applicable.
17. 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).
18. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
19. Pay all applicable application, review for conformance with conditions, and annual inspection fees.
20. 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.
21. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
22. 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

23. 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."
24. 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).
25. 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.
26. 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.
27. 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
28. 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.
29. 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.

30. 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.
31. 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.
32. 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.
33. 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 onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

**ATTACHMENT 2**

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

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

**APN 317-191-001; 19265 USFS Route 1  
County of Humboldt**

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

**November 4, 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 Special Permit for an existing 9,800-square-foot (SF) cannabis cultivation project consisting of outdoor cultivation. One annual harvest is expected from the outdoor cultivation for a growing season that extends from April through October. A permitted well (15/16-0479) supplies all water onsite. Water storage included one 175-gallon tank, three 300-gallon tanks, three 500-gallon tanks, one 2,500-gallon tank, and one 2,200-gallon tank dedicated for fire use. Total storage is 7,275 gallons in nine tanks. Peak demand occurs June through October. Irrigation water for the property is sourced from a well that yields 4 gallons per minute; the well is more than 500 feet from the nearest watercourse, which is mapped as ephemeral. Bucking and drying will occur in an existing shed. Additional processing will occur offsite at a licensed processing or manufacturing facility. Three Honda EU2000i generators will be used onsite. Two generators are operated daily during the plant cultivation period from approximately 10 a.m. to 6 p.m. exclusively to pump water to tanks used to store water for irrigation; they are stored following the October harvest until spring of each year. The third generator is reserved as an emergency backup. The waste treatment system is in the form of two portable toilets to support two full-time and up to six seasonal staff. There will be no onsite housing of employees. A lot-line adjustment is proposed to bring two cultivation sites within the applicants revised parcel boundary within 1-year. Alternatively, these cultivation areas will be relocated to an existing graded flat.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO that were intended to mitigate impacts of existing cultivation. These include ensuring 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 9,800 SF of cultivation activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations would result 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:

- Cultivation and Operations Plan received 8/31/2020
- Onsite Relocation: Environmental Superiority Analysis and Remediation Plan prepared by Mother Earth Engineering; received 4/2/2021
- Site Management Plan dated June 2020 prepared by Mother Earth Engineering received 4/2/2021 as Appendix A. to the Onsite Relocation Plan
- Streambed Alteration Agreement (Notification No. 1600-2016-0150-R1) prepared by CDFW
- Notice of Applicability - Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ dated 8/5/2020 and issued by the North Coast Regional Water Quality Control Board
- Timber Conversion Evaluation letter dated 8/21/2018 and prepared by Timberland Resource Consultants
- Letter memo prepared by Mother Earth Engineering dated 8/31/2018 that provides a response regarding the occurrence of cannabis cultivation prior to January 1, 2016 and that no conversion of land for cultivation occurred since the purchase of the property in April 2016.
- Letter addendum memo to the letter memo dated 8/31/2018 prepared by Mother Earth Engineering
- Email correspondence between Humboldt County and Mother Earth Engineering dated 11/29/2018 regarding cannabis cultivation and timber conversion.
- Cal Fire referral response dated 8/29/2017
- Health and Human Services Environmental Health Division project referral received 1/16/2019.
- Planning and Building Department project referral received 2/20/2018

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

### **FINDINGS**

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

### **CONCLUSION**

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

### ATTACHMENT 3

#### Applicant's Evidence in Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning 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. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plan prepared by the applicant received 4/2/2021 - **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 8/31/2020 - **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable).
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan, item 4. above).
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, 2, or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Notice of Applicability - Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ -received 8/5/2020 - **Attached** ).
8. If any onsite or offsite component of the cultivation facility, including access roads, water supply, grading or terracing, affects the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2016-0150-R1 - **Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (15/16-0479 - **Attached**)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire

Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire (Letter prepared by Timberland Resource Consultants dated 8/21/2018 stating no timber conversion as a result of cannabis cultivation has occurred – **Attached**)

11. Timber Conversion Evaluation Report (Not applicable)
12. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
13. 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)
14. 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)
15. 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)
16. Site Management Plan date June 2020 and prepared by Mother Earth Engineering (**Attached**)
17. Onsite Relocation: Environmental Superiority Analysis and Remediation Plan prepared by Mother Earth Engineering (received 4/2/2021 – **Attached**)

# Cultivation and Operations Plan



## 1 WATER

**Water source + Storage:** A permitted well (WCR2016-006553) supplies all the water on-site. Water storage includes one (1) 175-gallon tank, three (3) 300-gallon tanks, three (3) 500-gallon tanks, one (1) 2,500-gallon tank, and one (1) 2,200-gallon tank dedicated for fire use only for a total of 7,275 gallons of water storage on site. The well yields 4 GPM, is sited over 500 ft. away from the nearest water course (an ephemeral stream), drilled to a depth 295 ft. deep trough shale acting as an aquiclude, and has a static water level of 196 ft. Given this information, it can be said that the well is a true ground water well and exempt from any diversion forbearance requirements. It is not necessary to have sufficient water storage to meet irrigation needs through the forbearance period.

**Irrigation Plan:** Irrigation water will be applied at agronomic rates to minimize over watering cannabis plants and reducing the risk of irrigation runoff. Applicant anticipates watering cannabis plants every other day during the growing season. Irrigation is applied through a traditional drip irrigation and by hand watering using a spray stick or wand. Applicant will water in the morning/early evening hours to reduce evaporative loss. Ground cover and weed barrier will be used to minimize weed growth, which reduces water loss during watering. Applicant will use natural soil amendments to aid in soil moisture retention as part of irrigation plan.

**Projected Water Usage:** An estimated use of up to 109,000 gallons per year for irrigation is expected. Water usage will be recorded monthly and reported annually to the Water Board pursuant to NCRWCQB Order No. R1-2015-0023 and records will be kept on-site. The following table indicates the estimated water usage in gallons per month throughout the year.

Table 1: Estimated water usage per month in gallons.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
0	0	0	0	0	10,000	27,000	27,000	27,000	18,000	0	0

## 2 SITE CHARACTERISTICS

**Drainage:** The site has well-draining soils and natural vegetation is maintained around all cultivation areas. Proposed work includes upgrading multiple stream crossings to promote site drainage and prevent erosion. All road and graded surfaces will have maintained spillways in good working order, so as to avoid any sediment transport to surface waters. All drainage issues will be corrected through the application of proper erosion control techniques and will be performed so as to minimize any sediment transport to surface waters.

**Runoff and Erosion Control Measures:** Cultivation operations are enclosed with well-built hoop-houses on stable flat land. Buffers of vegetation are maintained around all cultivation areas. Best management

practices such as straw waddle barriers and/or mulch-filled drainage ditches shall be employed where necessary to prevent runoff from leaving the immediate cultivation areas.

### 3 WATERSHED + HABITAT PROTECTION

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The applicant is enrolled in the Regional Water Board's Cannabis Discharge Waiver Program. The applicant will be provided with the development/implementation of Water Resources Protection Plan to ensure riparian watershed and habitat protection. As part of the plan, all watercourses are at least 150 ft from the nearest cultivation area.

The applicant is enrolled with North Coast Regional Water Board's Cannabis Discharge Waiver Program to ensure riparian watershed and habitat protection.

All trash, recycling, amendments, fertilizers, and other cultivation related materials shall be stored such that they are secured from wildlife and cannot be released into the natural environment.

### 4 STORAGE + HAZARDOUS MATERIALS

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**Amendments and Nutrients:** All fertilizers and nutrients are stored in shipping containers for dry storage. Soil used during cultivation operations is kept contained and tarped. Products are purchased on an as-needed basis with a nominal 50 lbs or less stored onsite. Fertilizers and soil amendments are applied per packaging instructions. Liquid fertilizers are stored in their original containers with secondary containment in the Ag Chemical and Pesticide storage shed. A listing of all Soil Amendments and Chemicals with their product Material and Safety Data Sheets are kept on-site.

**Pesticides and Herbicides:** Neem oil is used according to labeling instructions. No synthetic herbicides are used. Nominal use of other chemicals are used for cultivation. All products used on-site are consistent with product labelling and are placed, used, and stored in a shed where no products are released into surface waters.

**Fuel:** There are two 35 gallon gasoline mobile fuel tanks on-site as noted in the Site Plan. The fuel tanks are located in a shipping container with secondary containment.

### 5 SOLID WASTE/RECYCLING

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Refuse and garbage is stored in a location and manner that prevents its discharge to receiving water and discourages wildlife from interacting with waste materials.

**Storage Area:** Trash and recycling are stored in wildlife proof containers in a shipping container and are disposed of regularly.

**Removal Frequency:** Trash is removed from site once a month or more as needed.

**Disposal Facility:** Samoa transfer station.

**Waste Soil/ Growth Media:** All soil is amended, composted and reused on-site.

## 6 DESCRIPTION OF CULTIVATION ACTIVITIES

The site is an existing outdoor cultivation in a rural location of central Humboldt County. As seen in the Site Plan, the area is located off access road USFS 4N12 at the address 19265 USFS Route 1 in Willow Creek, 95573. The total cultivation area is approximately 9,766.5 sq ft. One harvest is expected each year of a full-sun outdoor crop. 1,960 sq. ft. of dedicated nursery space is shall also be used for propagation.

## 7 SCHEDULE OF ACTIVITIES

The operator shall comply with all energy use requirements set forth in the revised ordinance.

Month	Activities
January	No cultivation activity.
February	Begin site preparation.
March	Set up. Propagation activities.
April	Start Planting.
May	Farm operation and maintenance.
June	Prepare beds and water lines for transplanting. This includes tilling and amending the soil, as well as fixing any damage to the water lines.
July	Farm operation includes transplanting, cleaning, building trellis cages, and feeding plants.
August	Farm operation includes pest management, maintenance of plants and trellis, and preparing the plants for flowering.
September	Farm operation includes feeding, cleaning, and supporting the flowering plants.
October	Harvest.
November	Processing off site. Winterize property.
December	No cultivation activity.

**Generator use:** There are three (3) Honda EU2000i generators used on-site. Two (2) generators are running during the day from 10:00 AM – 6:00 PM daily to pump water to the tanks. The third generator is reserved as the emergency backup generator. Post-harvest, the generators are moved into the storage containers for use during the drying process.

## 8 PROCESSING PLAN

**Processing Practices:** All processing shall be processed off site at a third-party facility.

**Number of Employees:** Two full-time employees are on-site throughout the cultivation season. Six additional temporary employees are on-site during harvest time in October.

**Duration of employment:** April to November.

**Employee Safety Practices:** Cultivation and processing operations implement best practices to the highest degree feasible. The operation follows all safety protocols and provides all employees with adequate safety training pursuant to County and State regulations and guidance. Employee safety practices will be implemented in compliance with standards set forth by the County and State which may include the following and additional elements:

- Emergency action response planning as necessary; employee accident reporting and investigation policies; fire prevention; hazard communication policies; maintenance of material safety data sheets (MSDS); materials handling policies; job hazard analyses; and personal protective equipment policies, including respiratory protection.
- Visibly posted emergency contact list that includes operation manager, emergency responder contacts, and poison control contacts.

**Domestic/ Drinking Water:** Drinking water shall be brought on site for consumption.

**Toilet, Handwashing, and Onsite Wastewater Facilities:**

Handwashing is available and two portable toilets shall be installed adjacent to the harvest storage areas.

**Increased Road Use:** No significant noise or traffic impacts are anticipated on access roads or impacts to neighboring properties.

**Onsite Housing:** Not applicable.

## 9 SECURITY PLAN

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The security measures located on the premises will include the following:

- (1) The cultivation areas are located behind two locked gates with only on other vacant property on the road beyond.
- (2) Lighting and Surveillance- Motion sensor lighting and game cameras are installed around the facilities such that personnel and the video surveillance system can effectively monitor the space in and around the facility.
- (3) Alarm- There is an informal community watch in place in the neighborhood.
- (4) Access Control- All entrances to the facility are restricted by three locked gates. Full time occupancy of the parcel during the cultivation season is maintained.
- (5) Safety of Staff- working in concert together, the access control system, lighting, and alarm system, will provide a secure and protected facility for the staff to occupy.
- (6) All cultivation related items and products will be stored in locked locations. The security measures will secure the medical marijuana against diversion for non-medical purposes by



protecting against theft not only from intruders, but also from staff members and other parties onsite. This is done by limiting access into the facility as necessary and by surveillance monitoring of personnel and visitors at all times when in close proximity to the product. Strict inventory control measures will also be engaged to prevent and detect diversion.

## 10 NOISE SOURCE ASSESSMENT

The only sources of noise on the property are three (3) Honda EU2000i, plants are grown outdoors and do not require the use of fans or other noise sources. The Honda EU2000i generator models are small, quiet, and compact generators with a manufacturer's specifications of 53 dBA at ¼ load. During a 6/11/20 site visit, the active generator on site was measured to be 44.8 dBA at a 100 ft distance from the generator (Figure 1). Noise levels do not exceed 60 dBA at the property lines and does not exceed the noise level threshold for NSO harassment 50 decibels at 100 ft. Mapped NSO habitat is approximately 1,000 ft. away from the nearest generator location.

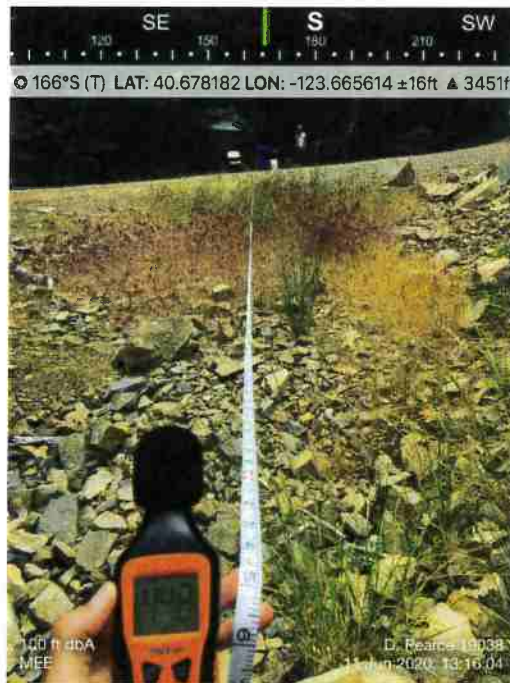


Figure 1. The active generator on site was measured to be 44.8 dBA at a 100 ft distance and did not exceed 50 dBA.



Hover over image to zoom in



## EU2200i

(EU2200ITA)

### FEATURES

- 2200 watts, 18.3A, 120V
- Ideal for TV, DVD, satellite, fridge, coffee pot, and more
- Super quiet - like a conversation
- Lightweight - less than 47 lbs!!
- Fuel efficient - up to 8.1 hrs on 0.95 gal of gas
- Inverter - stable power for computers & sensitive equipment

MSRP  
**\$1139\***

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\*Manufacturer's suggested retail price. Price excludes applicable taxes. Dealer sets actual selling price.

[For full warranty details click here.](#)

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Full model name	EU2200ITA
Engine	Honda GXR120
Displacement	121cc
AC Output	120V 2200W max. (18.3A), 1800W rated (15A)
Receptacles	20A 125V Duplex
DC Output	12V, 100W (8.3A)
Starting System	Recoil
Fuel Tank Capacity	.95 gal
Run Time per Tankful	3.2hr @ rated load 8.1 hrs @ 1/4 load
Dimensions (L x W x H)	20.0" x 11.4" x 16.7"
Noise Level	57 dB(A) @ rated load 48 dB(A) @ 1/4 load <a href="#">specLink.Display</a>
Dry Weight	46.5 lb.
Residential Warranty	3 Years
Commercial Warranty	3 Years
WARNING: California Prop 65 Information	

Figure 2. Generator specification sheet.



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**North Coast Regional Water Quality Control Board**

August 5, 2020  
REVISED

WDID:1\_12CC419290

JC CONSULTANTS, LLC  
ATTN: JEREMIAS CUARTAS  
2037 DELPHINE LANE  
CALABASAS, CA 91302

Subject: Notice of Applicability - Waste Discharge Requirements Water Quality  
Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov).

Sincerely,

Matthias St. John  
Executive Officer  
North Coast Regional Water Quality Control Board

200805\_2L\_1\_12CC419290\_JC\_Consultants\_LLC\_NOA\_Revised\_TW

**NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, JC CONSULTANTS, LLC, HUMBOLDT COUNTY APN 317-191-001-000**

Shawn Goff submitted information through the State Water Resources Control Board's (State Water Board's) online portal on June 28, 2019, for discharges of waste associated with cannabis cultivation related activities for APN 317-191-001-000. On July 6, 2020, a request was filed to transfer the responsibility for this enrollment JC Consultants, LLC (hereafter "Discharger"). Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1\_12CC419290**.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person or entity with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA. Please note that this NOA does not provide authorization to cultivate cannabis; such authorization is provided through a license from the California Department of Food and Agriculture (CalCannabis), required permits from your local jurisdiction (City or County), and an agreement from the California Department of Fish and Wildlife. General Requirement #1 of the Policy and General Order, and by reference this NOA, require that you obtain all appropriate permits from those other agencies prior to cultivating cannabis.

**1. FACILITY AND DISCHARGE DESCRIPTION**

The information submitted by the Discharger states the disturbed area is equal to or greater than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is greater than 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 2 Low Risk.

**2. SITE-SPECIFIC REQUIREMENTS**

The Policy and General Order are available on the Internet at:

[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_quality.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note

that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

Currently, the direct link to that application is as follows:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/200204/RB1\\_Cannabis\\_WQC\\_401\\_App.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf)

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/water\\_quality\\_certification/#401\\_calc](https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc)

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;

- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

### **3. TECHNICAL REPORT REQUIREMENTS**

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by September 25, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A Nitrogen Management Plan must be submitted by September 25, 2019, consistent with the requirements of General Order Provision C.1.d., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Nitrogen Management Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

### **4. MONITORING AND REPORTING PROGRAM**

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2019/wq2019\\_0001\\_dwq.pdf#page=32](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wq2019_0001_dwq.pdf#page=32).

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

[https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2019/19\\_0023\\_Regional%20Supplement%2013267%20Order.pdf](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf).

## **5. ANNUAL FEE**

According to the information submitted, the discharge is classified as Tier 2 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$1,000, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at [FeeBranch@waterboards.ca.gov](mailto:FeeBranch@waterboards.ca.gov) or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

## **6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION**

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov) so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board,  
[dwq.cannabis@waterboards.ca.gov](mailto:dwq.cannabis@waterboards.ca.gov)  
Cheri Sanville, California Department of Fish and Wildlife,  
[cheri.sanville@wildlife.ca.gov](mailto:cheri.sanville@wildlife.ca.gov)



Cliff Johnson, Humboldt County Planning and Building,  
cjohnson@co.humboldt.ca.us

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

RECEIVED

JUL 14 2016

CDFW - EUREKA



**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION NO. 1600-2016-0150-R1

Unnamed Tributary to Grouse Creek, Tributary to the South Fork Trinity River, Tributary to the Trinity River, Tributary to the Klamath River and the Pacific Ocean

Mr. Sean Goff  
Goff Stream Crossing Project  
1 Encroachment

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

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on April 11, 2016, 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 Grouse Creek watershed, approximately 11.8 miles northwest of the town of Hyampom, County of Humboldt, State of California. The project is located in Section 6, T3N, R5E, Humboldt Base and Meridian; in the Board Camp Mountain U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 317-041-01; latitude 40.6784 N and longitude 123.6628 W.

**PROJECT DESCRIPTION**

The project is limited to one encroachment to upgrade an undersized and failing culvert. The existing culvert will be replaced with a minimum 36" diameter culvert of a minimum

length of 60 feet. Work for the project will include excavation and replacement of the culvert and rock armoring to minimize erosion.

## **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*), 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 bed, channel, or bank and effects on habitat structure:**

soil compaction or other disturbance to soil layer;  
temporary increase in fine sediment transport;

### **Impacts to water quality:**

temporary increased turbidity;

### **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;

## **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 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious 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.

- 1.4 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.
- 1.5 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.

## **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 with fees paid in full on April 11, 2016, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.

### **General Conditions**

- 2.2 Work Period. All work shall be confined to the period June 1 through October 15 of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.3 Stream Diversion. When work in a flowing stream is unavoidable, Permittee shall divert the stream flow around or through the work area during construction operations.
- 2.4 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. Coffer dams shall be

constructed of a non-erodible material which does not contain soil or fine sediment. 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.

- 2.5 Vegetation Disturbance. Vegetation disturbance shall not exceed the minimum necessary to perform the work.
- 2.6 Excavated Fill. Excavated fill material shall be placed in an upland location 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.
- 2.7 Culvert Installation.
- 2.7.1 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.
- 2.7.2 Culvert shall be installed to grade, 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).
- 2.7.3 Culvert bed shall be composed of either compacted rock-free soil or 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.
- 2.7.4 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.
- 2.7.5 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e.  $\geq .5$  times the width of the active (bankfull) channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

## 2.8 Rock Armor Placement.

- 2.8.1 No heavy equipment shall enter the wetted stream channel.
- 2.8.2 No fill material, other than clean rock, shall be placed in the stream channel.
- 2.8.3 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.
- 2.8.4 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.

2.9 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.

2.10 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.

2.11 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.

2.12 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.

2.13 Project Inspection. The Project shall be inspected by Timber Resource Consulting or a licensed engineer to ensure that the crossing was built as proposed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

### 3. Reporting Measures

3.1 Project Inspection. The Permittees **shall submit the Project Inspection Report** to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.

### CONTACT INFORMATION

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

To Permittee:

Mr. Sean Goff  
P.O. Box 63  
Willow Creek, California 95573  
707-834-1426

To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2016-0150-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](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**

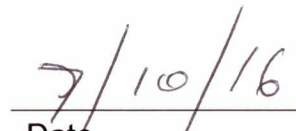
This Agreement authorizes only the project described herein. If the Permittee begins or completes a project different from the project the Agreement authorizes, the Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.

**CONCURRENCE**

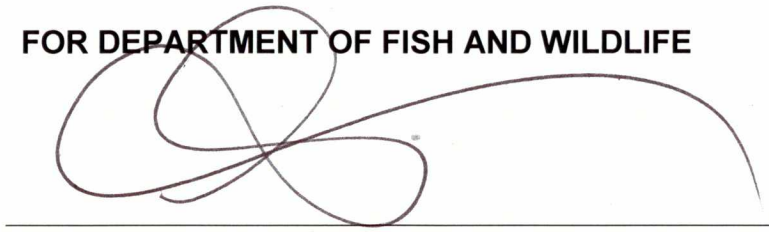
The undersigned accepts and agrees to comply with all provisions contained herein.


**FOR Mr. Sean Goff**

  
\_\_\_\_\_  
Sean Goff

  
\_\_\_\_\_  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

  
\_\_\_\_\_  
Gordon Leppig  
Senior Environmental Scientist Supervisor

  
\_\_\_\_\_  
Date

Prepared by: David Manthorne, Environmental Scientist, June 23, 2016

State of California  
**Well Completion Report**  
 Form DWR 188 Complete 9/21/2016  
 WCR2016-006553



Owner's Well Number 1 Date Work Began 09/12/2016 Date Work Ended 09/15/2016  
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program  
 Secondary Permit Agency \_\_\_\_\_ Permit Number 15/16-0479 Permit Date 03/04/2016

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

Name XXXXXXXXXXXXXXXXXXXX  
 Mailing Address XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
 City XXXXXXXXXXXXXXXXXXXX State XX Zip XXXXX

**Planned Use and Activity**

Activity New Well  
 Planned Use Water Supply Domestic

**Well Location**

Address 0 USFS 06N01 APN 317-191-01  
 City Willow Creek Zip 95573 County Humboldt Township 03 N  
 Latitude \_\_\_\_\_ N Longitude \_\_\_\_\_ W Range 04 E  
 Deg. Min. Sec. Deg. Min. Sec. Section 01  
 Dec. Lat. 40.6779500 Dec. Long. -123.6655000 Baseline Meridian Humboldt  
 Vertical Datum \_\_\_\_\_ Horizontal Datum WGS84 Ground Surface Elevation \_\_\_\_\_  
 Location Accuracy \_\_\_\_\_ Location Determination Method \_\_\_\_\_ Elevation Accuracy \_\_\_\_\_  
 Elevation Determination Method \_\_\_\_\_

**Borehole Information**

Orientation Vertical Specify \_\_\_\_\_  
 Drilling Method Direct Rotary Drilling Fluid Air  
 Total Depth of Boring 300 Feet  
 Total Depth of Completed Well 295 Feet

**Water Level and Yield of Completed Well**

Depth to first water 187 (Feet below surface)  
 Depth to Static \_\_\_\_\_  
 Water Level 196 (Feet) Date Measured 09/14/2016  
 Estimated Yield\* 4 (GPM) Test Type Air Lift  
 Test Length 4.0 (Hours) Total Drawdown 104 (feet)  
 \*May not be representative of a well's long term yield.

**Geologic Log - Free Form**

Depth from Surface Feet to Feet	Description
0   3	Top Soil
3   48	Brown Sandstone
48   153	Shale
153   176	Soft Shale
176   269	Hard Fractured Shale
269   300	Soft Shale





165 South Fortuna Boulevard, Fortuna, CA 95540  
707-725-1897 • fax 707-725-0972  
trc@timberlandresource.com

August 21, 2018

Sean Goff  
PO BOX 63  
Willow Creek, CA 95573

Dear Mr. Goff:

**SUBJECT: PERMIT APPLICATION NO. 11612, APN 317-191-001**

As per your request, I am providing this letter, memorializing my site visits to your property and advice I gave you regarding potential timberland conversion. Initially I was hired to prepare a Lake and Stream Alteration Agreement on this property for a culvert replacement on a Class II watercourse. I was also familiar with the ownership, as I had previously done work on the property for a Timber Harvest Plan and Joint Timber Management Plan between 2013 and 2015. When we walked the road system on the subject parcel in March of 2016, the roads and historic log landings were over grown with brush, however there was evidence of previous cannabis cultivation on almost every landing, in the form of water lines and remnant soil.

I was asked to specifically evaluate what would constitute a timberland conversion, and I advised you that brushing any of the existing landings would not be a conversion, insofar as no grading occurred that expanded the pre-existing features and that no permanent structures or facilities were installed on the landings (preventing their use as log landings in the future).

Later, after enrolling in TRC's Third Party for Water Board WDRs for Cannabis, we have subsequently returned to this site many times for monitoring. I did not see any timberland conversion on the property due to the brushing of landings.

I have attached a map showing imagery from the NAIP 1998 DOQ which shows the locations of previous log landings and their relative locations to the current cultivation sites.



Sincerely,




A handwritten signature in blue ink, appearing to read "Nick Robinson", with a long horizontal flourish extending to the right.

Nick Robinson for:  
Chris Carroll, RPF #2628  
Timberland Resource Consultants

**APN 317-191-001**  
**Historic Timber Harvest Map**

 Property Boundary

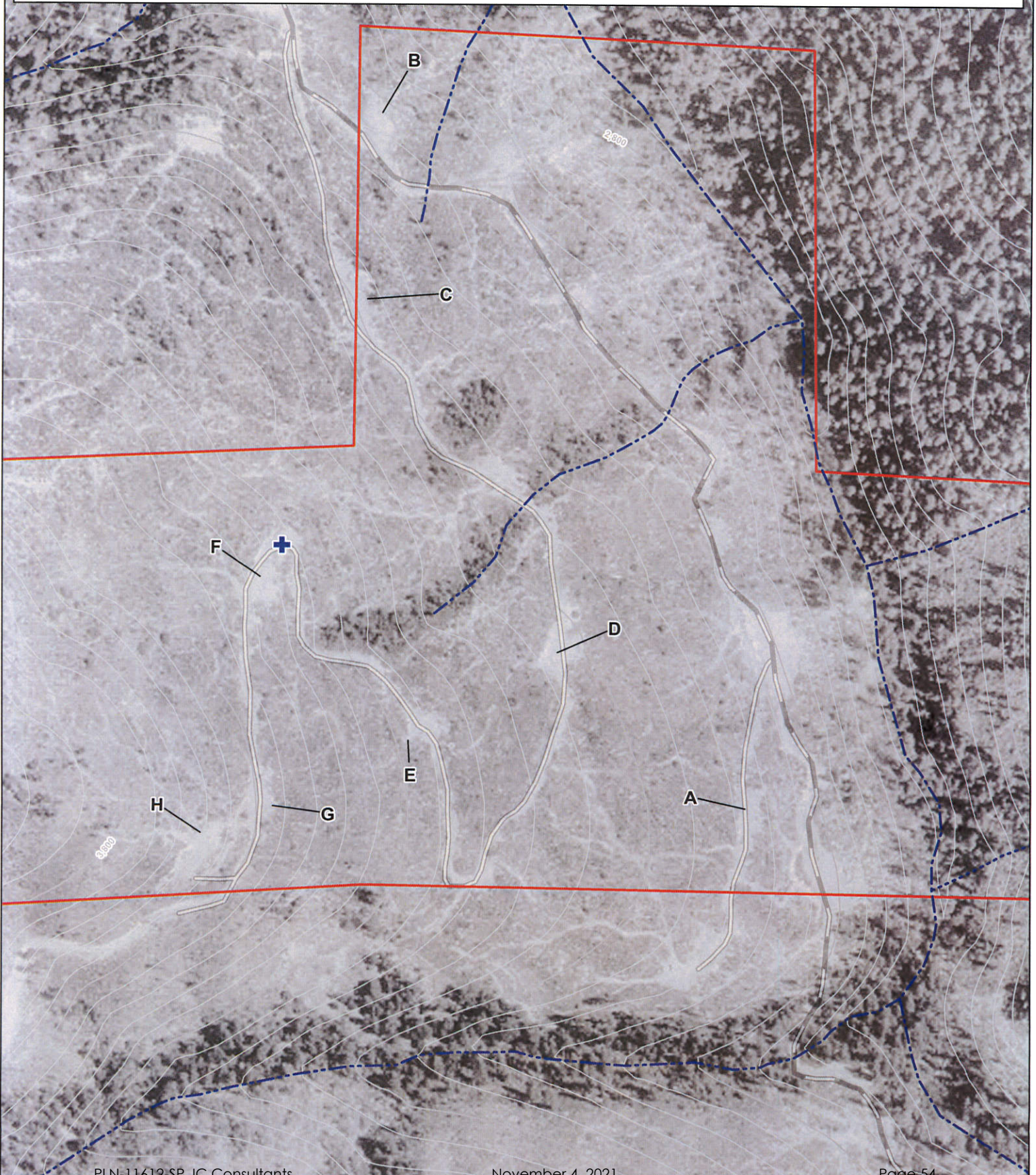
**Roads**  
 Primary  
 Seasonal

**Watercourses**  
 Class I  
 Class II  
 Class III

Scale: 1" = 400'



NAIP: 1998



**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Humboldt – Del Norte Unit  
118 Fortuna Blvd.  
Fortuna, CA 95540  
Website: [www.fire.ca.gov](http://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:** Humboldt-Trinity Collective  
**APN:** 317-191-001-000  
**Area:** Pilot Ridge  
**Case Numbers:** CUP16-305

**Humboldt County Application #:** 11612  
**Type of Application:** Conditional Use Permit  
**Date Received:** 8/29/2017  
**Due Date:** 9/12/2017

**Project Description:** An application for a Conditional Use Permit for 43,560 square feet of existing, outdoor, medical cannabis cultivation. Water for irrigation is sourced from an existing on-site well. Water is stored in eleven (11) tanks for a total of 24,690 gallons of available water storage. An estimated 235,000 gallons of water are needed annually for irrigation. Processing, including drying and trimming, occurs on-site in storage containers. The Applicant states that three (3) full-time employees are needed for operations, with an additional six (6) needed at peak operations. Electricity source is unknown.

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.

11612

# Site Management Plan

## Implementation of Best Practical Treatment or Control Measures

In Fulfillment of Water Quality Order 2017-0023-DWQ

State Water Resources Control Board

APN 317-191-001

June 2020



Prepared for:  
Jeremias Cuartas  
JC Consultants, LLC  
WDID No. 1\_12CC419290  
jeremiascuartas@gmail.com

Prepared by:  
Risa Okuyama  
Staff Biologist  
Project#19038  
[risa@motherearthengineering.com](mailto:risa@motherearthengineering.com)  
707-345-1798




425 I Street Arcata, California 95521  
707-633-8321 | [motherearthengineering.com](http://motherearthengineering.com)


As a condition of approval for enrollment into the Water Quality Order 2017-0023-DWQ for the cultivation, processing, manufacture, or distribution of cannabis, the owner or permittee shall indemnify and hold harmless Mother Earth Engineering, Inc. and its agents and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the commercial cultivation, processing, manufacture, or distribution of cannabis for medical use and for any claims brought by any person for problems, injuries, damages, or liabilities of any kind that may arise out of the commercial cultivation, processing, manufacture, or distribution of cannabis for medical use. As the preparer, Mother Earth Engineering, Inc. is not responsible for any water quality violations.

I/we agree to be responsible to the stated terms and conditions of the Order, and release Mother Earth Engineering, Inc., its employees, contractors, and consultants from any defense costs, including attorneys' fees or other loss connected with any legal challenge which may arise from implementation of said Order.

Landowner Printed Name: Jeremias Cuartas

Signature:  Date: 8/14/2020

Permittee Printed Name: Jeremias Cuartas

Signature:  Date: 8/14/2020

Prepared by: Mother Earth Engineering, Inc.  
425 I Street  
Arcata, CA 95521  
(707) 633-8321

Site Management Plan prepared on: 06/30/20

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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## General Information

**Owner:** JC Consultants, LLC  
22817 VENTURA BLVD # 420  
WOODLAND HILLS, CA 91364

**Site Address:** 19265 USFS Route 1  
Willow Creek, CA 95573  
Humboldt County

**Parcel:** APN: 317-191-001  
Parcel Centroid: 40.6777, -123.6620  
Zoning: (TPZ) – Timber Production Zone  
Parcel Size: 161.03 Acres  
Cannabis Cultivation Area: 0.22 Acres  
Disturbed Area: 1.5 Acres  
HUC-12: 180102120502 Grouse Creek

**SWB WDID:** 1\_12CC419290

**Facility Status:** Tier 2 – Low Risk

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## 1. INTRODUCTION

This Site Management Plan (Plan) was developed to report how the discharger is complying with the list of Best Practicable Treatment or Controls (BPTC's) listed in Attachment A, Section 2 of the State Water Resources Control Board (SWB) Order WQ 2019-0001-DWQ (Order). The purpose of this Order is to provide a regulatory structure to minimize adverse impacts to water quality due to cannabis cultivation. Cannabis cultivators that are enrolled under this Order and compliant with its regulations will receive a conditional waiver for the discharges associated with cannabis cultivation. Using data from on-site assessments and office analysis; this Plan takes an inventory of all cannabis cultivation activities, land and resource management, and land stewardship practices to ensure the discharger is in compliance with the Order.

## 2. SITE LOCATION

The site is located in the Lower South Fork Trinity River watershed in Central Humboldt approximately 63.2 miles from Eureka. The Lower South Fork Trinity River watershed is within the Trinity River Hydrologic Unit and the Grouse Creek subwatershed. To reach the site from Eureka, head towards Titlow Hill Road via CA-299 E for 37.3 miles. Turn right onto Titlow Hill Road and continue on USFS Rte 6N01 for 25.3 miles Turn left at mile marker 25.3 onto an unnamed private road for 2.64 miles to the site. The site is located in Section 16, Township 4 North, Range 2 East. The property is located on the Iaqua Buttes USGS 7.5-minute quadrangle map. The parcel centroid is located at latitude 40.6777 and longitude -123.6620.

### 3. SITE DESCRIPTION

The property is generally an east-facing, mountainous terrain ranging approximately from 2,800 to 4,000 feet above sea level. The property was historically used as timberland and is described as a mixed evergreen forest with species such as Douglas Fir, tanoak, California laurel, sword fern, poison oak, pacific blackberry, wood sorrel, etc. There are four (4) ephemeral watercourses (Class III) that are tributaries to one (1) intermittent watercourse (Class II), Grouse Creek, on the property. Grouse Creek is tributary to the South Fork Trinity River.

The climate can be generalized by a pattern of high-intensity rainfall in the late fall until the early spring and hot, dry summers. Mean annual precipitation is approximately 72.95 inches (Calwater). The soil complex of the primary project area on the property is composed of Melbourne-Holland complex, 35 to 70 percent slopes (252). This soil complex consists very deep, well-drained soils formed in residuum and colluvium weathered from siltstone, sandstone, and granitic rock. These soils typically occur on mountain slopes and associate with timber production. These soils are not considered to be hydric. Vegetation often associated with these soils include Douglas fir, western hemlock, bigleaf maple, Ponderosa pine, incense cedar, white fir, sugar pine (NRCS et. al. 1990).

### 4. FIELD AND ASSESSMENT METHODS

Office analysis and field inventory were used to determine the status of the property for enrollment in the Order. Pre-field inspection using aerial footage of the property was used to identify existing infrastructure, cultivation areas, watercourses, and the general layout of the property. The field inventory was conducted by Mother Earth Engineering staff on June 11, 2020. The inventory included GPS mapping of structures, water tanks, ponds, roads, cultivation sites, and other infrastructure.

### 5. SITE INVENTORY

#### 5.1. Site Map

Included with this report is an up to date site map showing all access roads, streams, stream crossings, cultivation sites, disturbed areas, and other relevant site features. See Attachment A.

#### 5.2. Road Conditions

The main access road is a private road that is approximately 2.64 miles long and is accessed from Berry Summit – Mad River road (USFS Route 1). An inventory of the private access road at the property are given below in Table 1.

Table 1: Inventory of access roads on site.

Roadway	Distance (mi.)	Type / Description	Condition
Private access road	2.64	Seasonal, Compacted Dirt	Fair

The main access road is used by residents/ operators only. On average the access road is used two (2) times a day during the growing season and two (2) times a day during the winter season.

#### 5.3. Drainage

Stormwater is drained from the access road by a series of drainage ditches, ditch relief culverts, rolling dips, and water bars. The property contains seven (7) ditch relief culverts. Proposed improvements include minor maintenance and removal of rocks and debris from the inlet from two (2) culverts, and a replacement of a ditch relief culvert (DRC-4). While this ditch relief culvert is outside the property's boundaries, the culvert is observed to be

clogged with sediment and debris. It is recommended to be replaced with permission from the landowner. An inventory of the ditch relief culverts on the access roads is given in Table 2.

In addition to improvements to ditch relief culverts, several water bars and rolling dips shall be installed on the private access road.

Table 2: Inventory of ditch relief culverts that are found on site.

Map ID	Diameter (in.)	Material	Lat, Long	Comments
DRC-1	18"	Corrugated Metal Pipe (CMP)	40.67713, -123.66500	Existing culvert in good condition. However, the inlet needs to be cleared of debris.
DRC-2	18"	CMP	40.67568, -123.66291	Existing culvert in good condition. However, the inlet needs to be cleared of rocky debris.
DRC-3	18"	CMP	40.67872, -123.66357	Existing culvert in good condition with signs of minor rust at the waterline. DRC also acts as a stream crossing for an unnamed Class III stream. Watercourse was altered to run into the ditch and through the DRC. It is recommended a new stream crossing is installed to disconnect road runoff from the watercourse.
DRC-4	18"	CMP	40.68229, -123.66544	Existing culvert is outside property boundary. However, the culvert is heavily clogged with sediment and debris. Recommended for replacement with a sediment basin before the inlet at this location.
DRC-5	18"	CMP	40.68083, -123.66303	Existing culvert is in good condition.
DRC-6	18"	CMP	40.67774, -123.66067	Existing culvert is in good condition.
DRC-7	18"	CMP	40.67641, -123.65989	Existing culvert in good condition with signs of minor rust at the waterline.



## 5.4. Watercourses and Stream Crossings

There are four (4) watercourses running through the site. An inventory of watercourses can be found in Table 3.

Table 3: Inventory of watercourses that run through the site.

Name	Type	Notes
Grouse Creek	Class II	A segment of Grouse Creek runs along the eastern side of the property.
Unnamed	Class III	Ephemeral watercourse tributary to Grouse Creek, running west to east on the north side of the property. This watercourse is conveyed through road via stream crossing CV-2.
Unnamed	Class III	Ephemeral watercourse tributary to Grouse Creek that is formed by the convergence of the two (2) unnamed Class III waterways in the center of the property. This watercourse is conveyed through road via stream crossing CV-3.
Unnamed	Class III	Ephemeral watercourse that converges with another Class III watercourse. This water course is conveyed through road via stream crossing CV-1.
Unnamed	Class III	Ephemeral watercourse that converges with another Class III watercourse.

There are three (3) stream crossings on site and one (1). An inventory of all stream crossings can be found in Table 4.

Table 4: Inventory of watercourses that run through the site.

Name	Type	Size	Material	Lat, Long	100 year size	Notes
CV-1	Culvert	36"	High-density polyethylene (HDPE)	40.67838, -123.66279	36"	Culvert is in good condition with a well armored inlet. No signs of erosion.
CV-2	Culvert	36"	HDPE	40.68107, -123.66373	36"	Culvert is in good condition. Inlet and outlet are clear of debris. Culvert is hydrologically connected to a receiving inside ditch.
CV-3	Culvert	18"	CMP	40.67957, -123.66191	36"	Culvert has moderate corrosion at the waterline, a crushed outlet and associated channel incision downstream. The inlet is

						also receiving water from inside ditch. Existing pipe needs to be replaced with a 36" diameter culvert.
CV-4 (proposed)	Culvert	N/A	N/A	40.67872, -123.66357	24"	DRC 3 currently acts as a conveyance for an unnamed Class III watercourse. The watercourse currently intersects the inside ditch and flows through the DRC. A minimum 24" diameter culvert should be installed to restore the natural watercourse prevent sediment discharge from the road into the stream.

† Reference photos are located in Appendix A.

\* Discharger shall obtain a Lake and Streambed Alteration Agreement from CDFW and a 401 Permit from the SWRCB prior to culvert installation/ replacement.

## 5.5. Water Resources

Cannabis irrigation water is sourced from a permitted ground water well (WCR2016-006553). The irrigation shall occur at agronomic rates during morning and late evenings during the growing season. Irrigation methods shall consist of drip systems, as well as hand watering as applicable.

## 5.6. Cultivation Areas

There are five (5) distinct cultivation areas located on site. The cultivation areas are inventoried in Table 5.

Table 5: Inventory of cultivation areas and associated characteristics.

Map ID	Cultivation Area (ft <sup>2</sup> )	Area Description	Cultivation Area Slope (%)	Distance to Water Body (ft)	Water Body Classification
Cultivation Area 1	2,976	Outdoor Bed	<15%	>200 ft	Class III
Cultivation Area 2	1,903.5	Outdoor Bed	<15%	>200 ft	Class III
Cultivation Area 3	1,330	Outdoor Bed	<15%	>200 ft	Class III
Cultivation Area 4	1,157	Outdoor Bed	<15%	>200 ft	Class III
Cultivation Area 5	2,400	Outdoor Bed	<15%	>200 ft	Class III

## 5.7. Storage Areas

Areas used for storing fuel, agricultural chemicals, and other cultivation related materials are listed below in Table 6.

Table 6: Inventory of all storage areas on site.

Map ID	Lat	Long	Type	Materials Stored	Comments
Ag Chemical and Pesticide Storage Shed	40.67998	-123.66473	Ag Chemicals	Fertilizer, Pesticides	8' x 20 ' Established in 2016
Petroleum Storage Shed	40.67996	-123.66478	Fuel	Petroleum	8' x 20 ' Established in 2016
Harvest Storage Container	40.67530	-123.66315	Harvest	Harvest	8' x 20 ' Established in 2016

## 5.8. Land Disturbance

Land areas where natural conditions have been altered in any way that causes an increase in sediment discharging from the property are considered disturbed land. Disturbed area includes cultivation areas, cultivation materials storage, buildings, water storage, and roadways that are not maintained consistent with the Handbook for Forest, Ranch, and Rural Roads. The total disturbed land according to on site and aerial survey is 1.5 acres.

## 5.9. Legacy Waste Discharge Issues

Due to being located in Regional Water Quality Control Board Region 1, legacy waste discharge issues must be identified and discussed in the Site Management Plan. There are no legacy waste discharge issues on site.

## 6. EROSION PREVENTION AND SEDIMENT CONTROL BPTC MEASURES

Erosion prevention controls around cultivation areas shall be straw mulch as needed and reseeding with native seed mixtures used in areas with exposed soil. All erosion control measures shall be put in place and upgraded as needed.

### 6.1. Erosion Prevention BPTC Measures

Erosion prevention controls such as straw mulch, plastic covers, slope stabilization, soil binders, culvert outlet armoring, and revegetation efforts shall be inventoried and monitored to ensure their effectiveness (Table 7). Straw mulch and reseeding with native seed mixtures shall be used in areas with exposed soils.

Table 7: Inventory of all existing and pending sediment controls on site.

Map ID	Control Measure	Existing or Date to be Installed	Comments
Mixing tank	Fix leak from mixing tank and install a float valve.	Before Winter 2020	Mixing tank was observed to be leaking. The applicant shall fix the leaking tank and install a float valve.
DRC-3 (CV-4) and DRC-4	Rock armoring at the culvert inlet and outlets	Before Winter 2020.	Inlet and outlets of culverts need rock armoring to prevent erosion control.
Cultivation Areas	Mulch areas of exposed earth	Before Winter 2020	Areas of exposed earth around cultivation areas shall be mulched.

Access Road	Rolling Dips	Existing	Some road segments rolling dips installed (see Site Map)
Access Road	Rolling Dips and Water Bars	Before Winter 2020	Some segments of the road need additional rolling dips and water bars to be installed (see Site Map).

## 6.2. Sediment Control BPTC Measures

Sediment controls such as silt fences, fiber rolls, settling basins, vegetated outfalls, and hydroseeding shall be inventoried and monitored to ensure their effectiveness. The discharger shall mulch around all areas of exposed earth in cultivation areas and other areas of disturbance. Water is applied at agronomic rates to prevent sediment runoff.

A complete inventory of existing and pending erosion prevention controls is listed in Table 8.

Table 8: Inventory of all existing and pending sediment controls on site.

Map ID	Control Measure	Existing or Date to be Installed	Comments
DRC-4	Replace DRC-4 and construct sediment basin before inlet	Before Winter 2020	Inlet and outlet of DRC-4 were observed to be clogged with sediment. With permission of the landowner, it is recommended to replace the culvert and install a sediment basin before the inlet.
Cultivation Beds in Cultivation Areas	Replace failing cultivation beds	Before Winter 2020.	Some failing cultivation beds were observed to have soil spilling out.
Cultivation Areas	Revegetation	Existing	Flats where cultivation areas are sited have generally well-established vegetation outside of beds.
Uncovered soil pile	Consolidated and covered until used	Before Winter 2020	One uncovered soil pile adjacent to garden beds in CA-1 was observed.
CV-4	Install culvert to facilitate stream crossing	Before Winter 2021	DRC 3 currently acts as a conveyance for an unnamed Class III watercourse. The watercourse currently intersects the inside ditch and flows through the DRC. A new 24" culvert should be installed to restore the natural watercourse prevent sediment discharge from the road into the stream.

## 6.3. Maintenance Activities

The discharger shall maintain a Road and Drainage Feature Maintenance Log. A page of this log is included with this report. Storms that produce 0.5 inches of precipitation within 24 hours or over 1 inch over the course of 7 days shall trigger an inspection of all roads, ditches, culverts and their outfalls, and any other drainage features. This same inspection shall occur prior to the onset of the wet season (e.g. September before regular rain events begin). Dischargers shall inspect the condition of the roads and drainage features. Any woody debris that is found at

drainage inlets should be removed to prevent any blockages. Any sediment buildup that impacts access road or drainage feature performance shall be removed and stabilized outside of the riparian setbacks. Stabilization of sediment will be achieved by one of the following methods:

- Reused in contained vegetable or ornamental gardening beds that are located outside of the riparian setbacks.
- In contained stockpiles that are covered when not in use. These stockpiles can then be used when amending/reusing cultivation medium.
- Transported contained and covered to the closest transfer station to be green wasted.

## 7. AGRICULTURAL CHEMICAL BPTC MEASURES

### 7.1. Inventory of Agricultural Chemicals

Table 9 lists all off the agricultural chemicals in use on site. All agricultural chemicals shall be used and stored in a manner that prevents those chemicals from entering the riparian setbacks or waters of the State. Storage areas are fully contained and equipped with secondary containment facilities. All chemical usage is in accordance with the label instructions. Agricultural chemicals are applied at agronomic rates. No restricted pesticides are allowed on the site.

Table 9: Inventory of all agricultural chemicals in use on site.

Agricultural Chemical Name	Agricultural Chemical Type	Method of Storage	Storage Location	Description of Use
Alfalfa meal	Organic Fertilizer	Secondary Containment	Ag Storage Shed	Applied as per label application instructions as needed
Azomite humic shale	Soil amendment	Secondary Containment	Ag Storage Shed	50 lbs used per year.
Bat guano	Organic Fertilizer	Secondary Containment	Ag Storage Shed	Applied as per label application instructions as needed
Bone meal	Organic Fertilizer	Secondary Containment	Ag Storage Shed	6 lbs per 100 ft <sup>2</sup> of soil
Chicken manure	Organic fertilizer	Secondary Containment	Ag Storage Shed	4 yards used per year.
Green Sand	Organic Fertilizer	Secondary Containment	Ag Storage Shed	Applied as per label application instructions as needed
Gypsum	Powder Calcium Sulfate Fertilizer	Secondary Containment	Ag Storage Shed	5-10 lbs per 100 ft <sup>2</sup> of soil
Kelp meal	Organic Fertilizer	Secondary Containment	Ag Storage Shed	Applied as per label application instructions as needed
K-mag	Sulfate of Potash Magnesia	Secondary Containment	Ag Storage Shed	1-2 lbs per 100 ft <sup>2</sup> of soil or 1-2 teaspoons per gallon of soil
Leonardite	Concentrated water-soluble humic acid Fertilizer	Secondary Containment	Ag Storage Shed	When used as liquid solution, 75-150 lbs per acre
Lignite	Organic Fertilizer	Secondary Containment	Ag Storage Shed	When used as liquid solution, 75-150 lbs per acre
Oyster Shell	Organic soil conditioner and pesticide	Secondary Containment	Ag Storage Shed	200 yards used per year.

Perlite	Organic Fertilize and soil amendment	Secondary Containment	Ag Storage Shed	Add 3" to 6" of perlite to soil as needed for drainage and aeration.
Peters Professional 10-30-20	Water-Soluble Fertilizer	Secondary Containment	Ag Storage Shed	Drip or foliar feed per label application instructions as needed
Peters Professional 20-20-20	Water-Soluble Fertilizer	Secondary Containment	Ag Storage Shed	Drip or foliar feed per label application instructions as needed
Soybean meal	Organic Fertilizer	Secondary Containment	Ag Storage Shed	3-5 lbs per 100 ft <sup>2</sup> of soil
Worm castings	Organic fertilizer	Secondary Containment	Ag Storage Shed	4 yards used per year.

## 7.2. Agricultural Chemical Storage and Container Disposal

Agricultural chemical products are currently being stored in the Ag storage shed container with metal floors acting as secondary containment. Empty agricultural chemical containers are disposed as per their label instruction. If the discharger is unsure of proper disposal method, they shall contact their local Waste Management or Transfer Center Facility for instruction. Until proper disposal, empty containers shall be kept in heavy duty plastic totes or heavy duty contractor bags stored in weatherproof shelter.

## 8. PETROLEUM PRODUCT BPTC MEASURES

### 8.1. Inventory of Petroleum Products

Table 10 lists all of the petroleum products in use on site.

Table 10: Inventory of all petroleum products used on site.

Petroleum Product	Associated Equipment	Method of Storage	Storage Location	Description of Use
Gasoline	generator	Jerrican	Fuel storage shed	Powering generators during cultivation season

### 8.2 Petroleum Product Storage and Container Disposal

Empty petroleum product containers shall be used and disposed of per label instruction. If the discharger is unsure of proper disposal method, they will contact their local Waste Management or Transfer Center Facility for instruction. Until proper disposal, empty containers will be kept in heavy duty plastic totes or contractor bags stored in weatherproof shelter.

Petroleum products are currently being stored in a fuel storage container with metal floors acting as secondary containment. The active generator on site lacked proper secondary containment and protection from rainfall. All generators shall have proper secondary containment and protection from rainfall.

## 9. SPILL PREVENTION AND CLEANUP

Spill kits shall be located in the Ag Chemical Shed and Propane Shed for immediate use to clean up any agricultural chemical or petroleum product spills. Discharger shall maintain spill kits by restocking whenever any materials are used.

The following procedure is to be used in the event of a hazardous material spill:

- I. **Risk Assessment:** The moment a spill occurs and throughout the response, risks will be determined that may affect human health, the environment, and property. The spilled material and quantity released will be and determined.
- II. **Selection of Personal Protective Equipment:** The appropriate Personal Protective Equipment (PPE) is selected to safely respond to the spill will be determined. MSDS and literature from Chemical and PPE manufacturers will be used to make this determination. If there is uncertainty of the danger and the spilled material is unknown, the worst will be assumed, and the highest level of protection will be implemented.
- III. **Spill Confinement:** As quickly as possible the spill area will be confined. Use of contained absorbents such as socks and booms will be implemented. Priority will be given to stop the flow of the liquid before it has a chance to contaminate a water source. Spill kits will be used to facilitate a quick, effective response.
- IV. **Stopping the Source:** After the spill has been confined, the source of the spill will be stopped. This may simply involve turning a container upright or plugging a leak from a damaged drum or container. Putty, barrel patches, and cone plugs will be used to stop leaks. Material will be transferred from the damaged container to a new one.
- V. **Incident evaluation and cleanup implementation:** Once the spill has been confined and the leak has been stopped, the incident will be assessed and a plan of action for implementing the spill clean-up will be developed. Pillows and mat pads will be used to absorb the remainder of the spill. Once the absorbents are saturated, they will be considered hazardous waste and disposed of accordingly.
- VI. **Decontamination:** Site, personnel and equipment will be decontaminated by removing or neutralizing the hazardous materials that have accumulated during the spill. This may involve removing and disposing of contaminated media such as soil that was exposed during the spill incident.

## 10. TRASH/REFUSE AND DOMESTIC WASTEWATER BPTC MEASURES

### 10.1. Inventory of Refuse Sources on Site

Table 11: Inventory of all refuse sources on site.

Refuse Source	Type	Storage Location	Disposal Process
Cultivation	Agricultural Waste	Cultivation Area 1 and Harvest Storage Area.	Composted on site.
Employee/domestic	Food waste/ Domestic waste	Self-haul waste area	Bagged and delivered by employees to transfer station weekly or composted in designated waste areas.

### 10.2. Inventory of Wastewater Sources on Site

Table 12: Inventory of all wastewater sources used on site.

Wastewater Source	Treatment Type	Treatment System Location	Additional Notes
Employee/domestic	Portable toilets	Adjacent to the harvest storage areas.	Discharger has proposed to install two (2) portable toilets.

## 11. WINTERIZATION BPTC MEASURES

All applicable erosion control and sediment prevention measures prior to the onset of the winter period. All soil stockpiles and spoils must either be properly disposed of or fully contained and weatherproofed during this period. If soil is left in beds over winter, beds shall be cover cropped or tarped. All areas of exposed earth shall be mulched at a rate of two tons per acre. Any seasonal roads shall be blocked off during this period. Waterbars shall be inspected and maintained as needed. No heavy equipment shall be used during the winter period.

## 12. SUMMARY OF BPTC MEASURES

Table 13 is a summary of the BPTC measures that are either underway or yet to be completed. These measures must be completed prior to the start of the winter period, November 15 unless specified as a year-round activity (e.g. No 54).

Table 13: Table of corrective actions

Location (Map ID or General Area)	BPTC Measure and Directive
DRC-1	Remove sediment and debris that impacts access road or drainage feature performance. Place any removed debris in a location outside the riparian setbacks and stabilize the sediment. Establish native vegetation in ditch. Discharger shall maintain seasonal road and drainage feature Maintenance Log.
DRC-2	Remove sediment and debris that impacts access road or drainage feature performance. Place any removed debris in a location outside the riparian setbacks and stabilize the sediment. Establish native vegetation in ditch. Discharger shall maintain seasonal road and drainage feature Maintenance Log.
DRC-4	With permission from landowner, the culvert needs to be replaced with a sediment basin constructed before the inlet of the culvert. Road structure at this area is conducive to sediment transport and requires additional maintenance and inspection after each rain event.
CV-3	Culvert has moderate corrosion at the waterline, a crushed outlet, and associated channel incision downstream. The inlet is also receiving water from inside ditch. Existing pipe needs to be replaced with a 36" diameter culvert.
CV-4	DRC 3 currently acts as a conveyance for an unnamed Class III watercourse. The watercourse currently intersects the inside ditch and flows through the DRC. A minimum 24" diameter culvert should be installed to restore the natural watercourse prevent sediment discharge from the road into the stream.
Access Road	Installation of waterbars and rolling dips as shown on site map.
Generators	All generators shall have proper secondary containment and protection from rainfall.





All Water and Nutrient Storage Tanks	Cover all water and nutrient storage tanks with a fitted lid to prevent contamination and wildlife entrapment.
Mixing tank	Fix leak from mixing tank and install a float valve.
Cultivation beds	Some of the cultivation beds were observed to be failing, resulting in soil spillage and potential excess sediment and nutrient transport to surrounding environment and waterways.
All cultivation areas	Use cover crop or tarping to cover cultivation beds during winter period.
Ag chemical storage shed	Agricultural chemicals should be moved to a fully enclosed location with adequate secondary containment and separated from petroleum products.
Hazardous Material Spill Kit	Keep a hazardous material spill kit equipped with absorbent materials in agricultural

### 13. REFERENCES

- NRCS, UC Davis. (1990). SoilWeb. <<https://casoilresource.lawr.ucdavis.edu/gmap/>> (June 2020).
- PCG (PRISM Climate Group). (1998-2018). Time Series Values for Individual Locations. <<http://www.prism.oregonstate.edu/explorer>> (June 2020).
- SWRCB (State Water Resources Control Board). (2019). Order WQ 2019-0001-DWQ. General Waste Discharge Requirements for Discharges of Waste Associated With Cannabis Cultivation Activities.
- SWRCB (State Water Resources Control Board). (2019). Cannabis Cultivation Policy Attachment A.
- U.S. Army Corps of Engineers. (1978). "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-78-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.



# Onsite Relocation: Environmental Superiority Analysis and Remediation Plan

APN: 317-191-001

January 2021

Prepared for:  
JC Consultants, LLC  
Apps No. 11612  
Case No. SP-18-078  
(424) 644-4439

Prepared by:  
Trillian Schroeder  
Senior Project Manager  
trill@mothereathengineering.com  
MEE Project#19031



425 I Street Arcata, California 95521  
707-633-8321 | [mothereathengineering.com](http://mothereathengineering.com)

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## 1 PROJECT LOCATION

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APN: 317-191-001

Address: 19265 USFS Route 1, Willow Creek, CA 95550

Section 6, Township 3 North, Range 5 East

USGS 7.5 Minute Quad: Board Camp Mountain

HUC-12: 180102120502 – Grouse Creek – Lower South Fork Trinity River

## 2 PROJECT DESCRIPTION

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JC Consultants, LLC is currently applying for 9,800 square feet of existing outdoor cultivation at subject parcel 317-191-001 in the Dinsmores area of Humboldt County, CA (Appendix A). Based on a property line survey conducted on 12/15/20 by licensed land surveyor Wallace Wright, canopy areas 1,2,3,4 and 7 and accessory storage containers are outside property boundaries on APN 315-164-001 and will need to be relocated (Appendix C). A total of 4,207.5 square feet (0.09 acres) will be remediated and cultivation shall be relocated to a pre-existing flat, the proposed nursery site, on the southwestern corner of the property. The accessory storage containers are proposed to be relocated to the portion of Cultivation Area 1 that is not on the neighboring property. The canopy areas shall be remediated by the removal of cultivation infrastructure and reseeding the area with native seed mix with monitoring until establishment.

## 3 EXISTING CONDITIONS

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Mother Earth Engineering staff conducted an initial field visit on 6/11/20 to inspect existing conditions, and assess the parcel for overall compliance with Water Board, Humboldt County and California Department of Fish and Wildlife (CDFW) regulations.

### 3.1 CULTIVATION AREA 1 (CANOPY AREA 1-4, ~2,304 FT<sup>2</sup>)

Cultivation Area 1 is a pre-existing flat near the northwestern tip of the parcel at approximately 3,025 feet in elevation. This site is flat with slopes less than 15%, rocky, with no watercourses or drainages observed. The vegetation at this site was representative of upland species with a mix of native and nonnative species such as deer brush (*Ceanothus integerrimus*), white stemmed raspberry (*Rubus leucodermis*), downy brome (*Bromus tectorum*), dog tail drass (*Cynosurus echinatus*), vetch (*Vicia ssp.*) and sheep sorrel (*Rumex acetosella*). This site currently has six (6) outdoor canopy areas in self-contained beds. However, based on the property line survey, canopy areas 1-4 are found to be outside the property's boundaries and are subject to an onsite relocation to the proposed nursery site.

### 3.2 CULTIVATION AREA 2 (CANOPY AREA 7, ~1,903.5 FT<sup>2</sup>)

Cultivation Area 2 is a pre-existing flat near the center of the parcel at approximately 3,175 feet in elevation. This site is similar to Cultivation Area 1 in slopes and habitat. This site currently has one (1) canopy area of 1,903 square feet of outdoor cultivation. There are two (2) 160 square foot storage containers at this site. These storage containers were established in 2016 and were used as the agricultural chemical and pesticide storage and petroleum storage. Based on the property line survey, this site was found to be outside the property boundaries and are also subject to an onsite relocation to the proposed nursery site. JC Consultants, LLC proposes to relocate the two (2) accessory storage containers to the portion of Cultivation Area 1 that is not on the neighboring property.



## 4 RELOCATION SITE

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The proposed relocation site is a pre-existing flat at the southwestern corner of the property where the proposed nursery is. The flat is approximately 13,770 square feet, slightly east-facing at roughly 3,670 ft in elevation. There are no watercourses or wetland features observed at or near this site. The flat was once used for cultivation by previous landowners. Currently, there is no active cultivation at this site. However, there are remains of unused, remnant smart pots and a 2,200-gallon water tank. JC Consultants, LLC proposes to relocate 4,204 square feet of outdoor cultivation at this new site.

## 5 REMEDIATION AND MONITORING PROTOCOL

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### 5.1 BEST MANAGEMENT PRACTICES (BMPs)

Best Management Practices for operations, work, construction, erosion control and other elements will be followed at all times as stipulated by:

1. State Water Resources Control Board – Order WQ 2019-0001-DWQ, Appendix A
2. California Department of Fish and Wildlife

### 5.2 REMEDIATION

Remediation efforts include the removal of all cultivation infrastructure including; plant pots, soil stockpiles, greenhouses, fertilizers, soil amendments, water lines, and any other associated cultivation materials and either reused, stored away, or properly disposed of and delivered to the nearest transfer station. Riparian habitat restoration will not be needed as there are no streams, wetlands, and riparian areas near the cultivation areas.

### 5.3 REVEGETATION

Based on the last site visit on 6/11/20, existing habitat at the remediation sites are of disturbance species composed of annual grasses and nonnative forbs. The site shall be removed of unwanted, nonnative and competing vegetation and the soil prepared to promote growth and survival of saplings.

1. If necessary, it is recommended to use subsoiling techniques such as to increase aeration in the soil and break up compact soils and restricting hardpans. Heavy equipment may be needed.
2. It is recommended to reseed the primary succession of the area with native seed mix and covered with unseeded straw in the fall (late October) before the first good rain, and after last frost (March). A grass mix containing lightly competitive annual grasses for initial stabilization and native perennials for long term establishment such as six weeks fescue (*Vulpia microstachys*), annual hairgrass (*Deschampsia danthonioides*), California brome (*Bromus carinatus*), and blue wildrye (*Elymus glaucus*) is recommended. Approximately 3-5 pounds of the King Range Grasslands mix from Native Ecosystems, Inc. is recommended to be raked in the remediated area.
3. It is recommended to mulch the seeded area with unseeded straw mulch. The area of remediation should be covered in 2-3 inches of mulch at a rate of 2 tons per acre (one 74-lb bale per 800 square feet) which results in 5-6 bales of mulch required (NRCS, 2002).



## 5.4 MONITORING AND CRITERIA FOR SUCCESS

In addition to routine monitoring required by the Water Board, the following ongoing monitoring protocol shall continue for a minimum of three (3) years. Both Cultivation Area 1 and 2 sites shall be monitored.

To ensure restoration success and survival rates, post-reforestation monitoring will occur annually until the performance standards are achieved. Areas that meet the final standards prior to the three-year monitoring period will be considered restored and will no longer be monitored. Monitoring must occur during the appropriate growing season (generally late spring). The applicant shall provide annual reports summarizing revegetation and restoration efforts at the impact area and detail any corrective actions necessary to maintain restorative efforts. Remediated areas should be photographed when any of the following events occur:

- Before and after any alteration to the cultivation site, i.e. when the remediation work is implemented.
- Prior to October 15<sup>th</sup> to evaluate preparedness for storm events and surface runoff.
- By April 1<sup>st</sup> to show how established vegetation has become.
- Following any rainfall event with an intensity of 3 inches of rain within 24 hours.

**Final Performance Standard:** A minimum of 85 percent vegetation cover relative to baseline conditions, consisting of a native species composition consistent with the pre-removal vegetation conditions.

**Annual Performance Standard:** Using the same metric defined above, a minimum of 30 percent vegetation cover will be expected during year one annual monitoring, and a minimum of 60 percent vegetation cover will be expected during year two annual monitoring. Causal factors contributing to mortality, slow growth or poor recruitment such as drought, and deer predation will be considered in the reporting. No evidence of significant sediment transport during post wet-weather event monitoring.

If revegetated areas do not meet the annual performance standards, the applicant will attempt to ascertain and address the source of the problem in a timely manner. Corrective actions shall be implemented to meet annual performance standards. Corrective actions may include additional re-seeding and removal of invasive and nonnative plant species.

## 6 LIST OF APPENDICES

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- Appendix A: Existing and Proposed Plot Plan
- Appendix B: Picture Log
- Appendix C: Property Line Survey



# Appendix A

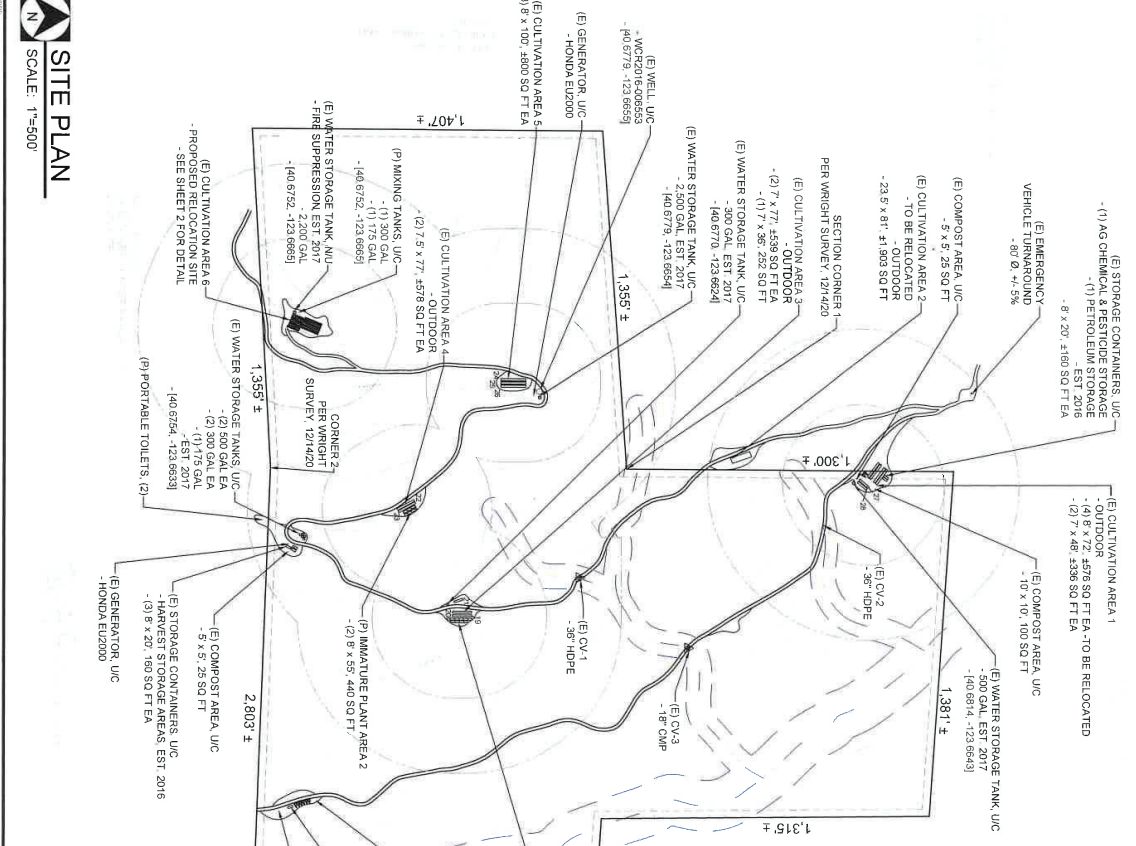


Plot Plan

**PARCEL INFORMATION:**  
 APN: 317-191-001  
 ZONING: TPZ  
 LOT SIZE: 161.03 ACRES (ASSESSED)  
 177.22 ACRES (GIS)

**PROPERTY LINE NOTE:**  
 1. PROPERTY LINES ARE APPROXIMATE SURVEY COMPLETED BY WALLACE WRIGHT ON 12/15/20 AND 8/12/1920 ESTABLISHES SECTION CORNER 1 (SHOWN ON MAP) AND PROPERTY LINE TO THE NORTH OF SAID SECTION CORNER. SURVEY ESTABLISHES PROPERTY LINES TO THE EAST AND WEST OF SAID SECTION CORNER. OTHER PROPERTY LINES ARE FROM RECORDS OF SURVEY.

**SITE PLAN**  
 SCALE: 1"=500'

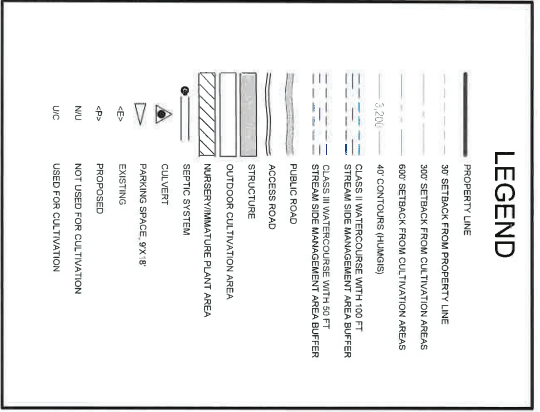


CANOPY AREA ID	CANOPY DIMENSIONS (FT)	CANOPY AREA (SQ FT)
1	4 x 7'2"	288
2	4 x 7'2"	288
3	4 x 7'2"	288
4	4 x 7'2"	288
5	4 x 7'2"	288
6	4 x 7'2"	288
7	4 x 7'2"	288
8	4 x 7'2"	288
9	4 x 4'5"	190
10	4 x 4'5"	190
11	4 x 4'5"	190
12	4 x 4'5"	190
13	4 x 4'5"	190
14	4 x 4'5"	190
15	4 x 4'5"	190
16	4 x 4'5"	190
17	4 x 4'5"	190
18	4 x 4'5"	190
TOTAL OUTDOOR RELOCATION AREA (SQ FT)		4284.0

CANOPY AREA ID	CANOPY DIMENSIONS (FT)	CANOPY AREA (SQ FT)
19	7 x 7'7"	539
20	7 x 7'7"	539
21	7 x 9'6"	632
22	7.5 x 7'7"	578.5
23	7.5 x 7'7"	578.5
24	8 x 10'0"	800
25	8 x 10'0"	800
26	8 x 10'0"	800
27	7 x 4'8"	336
28	7 x 4'8"	336
EXISTING TOTAL CANOPY AREA (SQ FT)		5,559.0



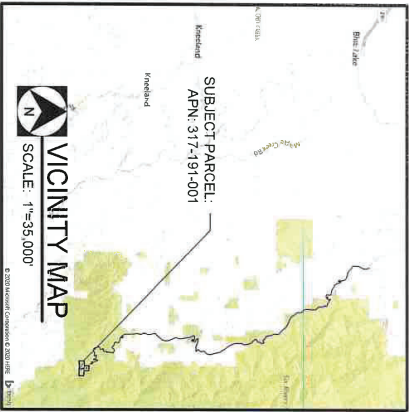
- GENERAL NOTES:**
- NO PROPOSED GRADING
  - NO KNOWN RESIDENCES ON ADJACENT PARCELS WITHIN 300 FEET OF CULTIVATION AREAS
  - NO KNOWN SCHOOLS, SCHEDULED STORES, PLACES OF WORKSHIP, PUBLIC PARKS, OR TRAIL CULTURAL RESOURCES WITHIN 660 FEET OF CULTIVATION AREAS
  - LOCATIONS OF PROPERTY LINES, ROADS, FEATURE LOCATIONS, STRUCTURES AND POINTS SHOWN ON THE MAP ARE APPROXIMATE UNLESS OTHERWISE NOTED
  - ALL COORDINATES SHOWN REFERENCE THE WGS84 GEODETIC DATUM
  - TOTAL WHERSEY AREA = 1,800 SQ FT



**DIRECTIONS TO SITE**

FROM BLUE LAKE, CA:

- HEAD EAST ON CA HWY 298, 22.5 MILES
- TURN RIGHT ONTO TITUSON HILL RD, 10.1 MILES
- CONTINUE ONTO FRYDAY RIDGE ROAD, 2.5 MILES
- KEEP RIGHT, 0.4 MILES
- TURN LEFT, 2.0 MILES
- KEEP RIGHT, 4.2 MILES ARRIVED AT PROPERTY.



**PROPOSED RELOCATION SITE PLAN**  
 APN: 317-191-001  
 SITE ADDRESS: 555 N/A

**COUNTY PERMITTING APPLICATION**  
 APPLICANT: JC CONSULTANTS, LLC  
 MAILING ADDRESS: 3464 ENCINAL CANYON, MALIBU CA, 90265  
 PHONE #: 424-544-4438

SHEET NO: **1**

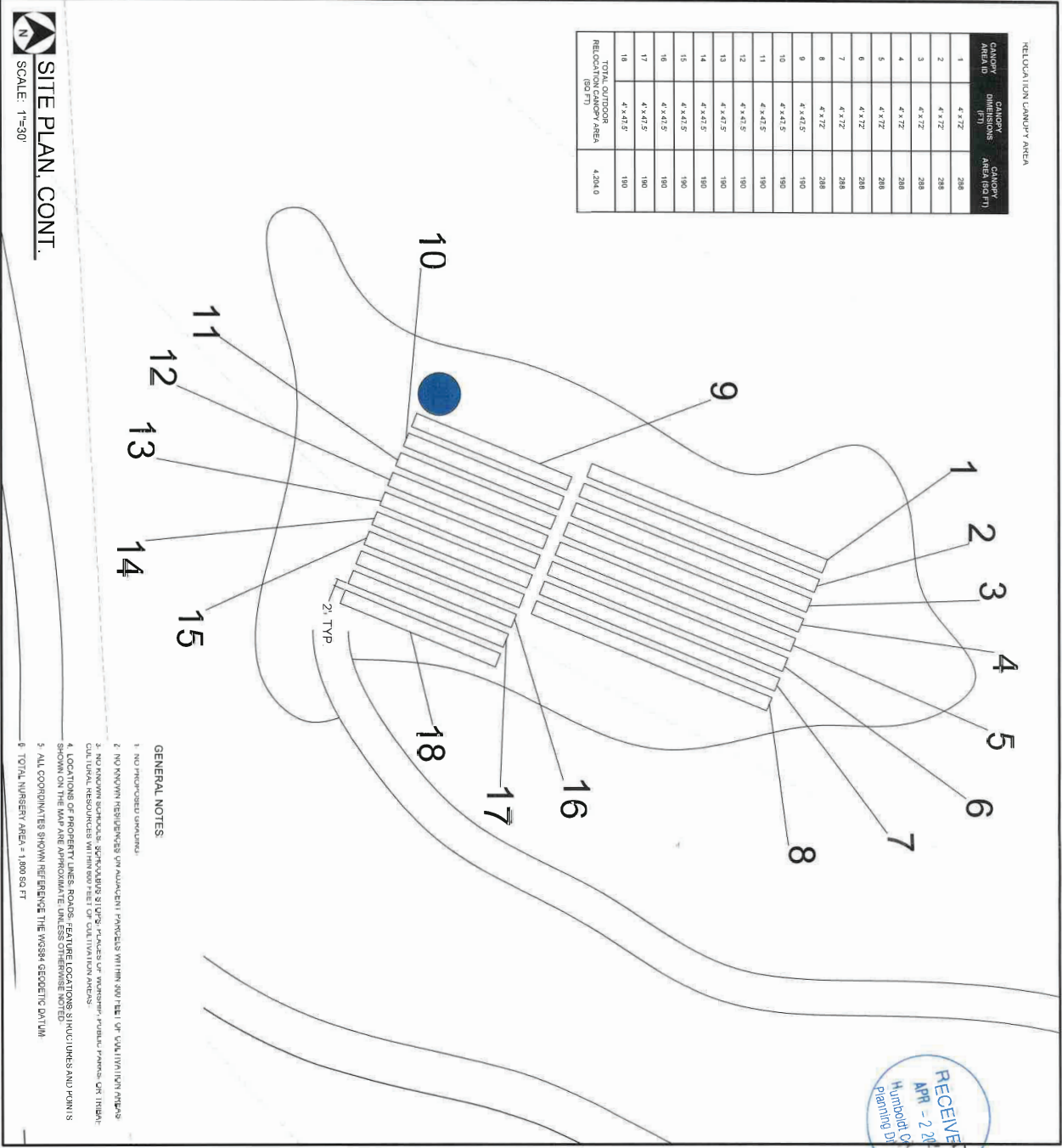
**MEET JOB NO. 19038**

#	DATE	BY	DESCRIPTION
0	06/23/20	JJ	DRAWN
1	06/29/20	JJ	REVISIONS
2	07/16/21	JJ	REVISIONS
3	07/28/21	JJ	REVISIONS
4			
5			

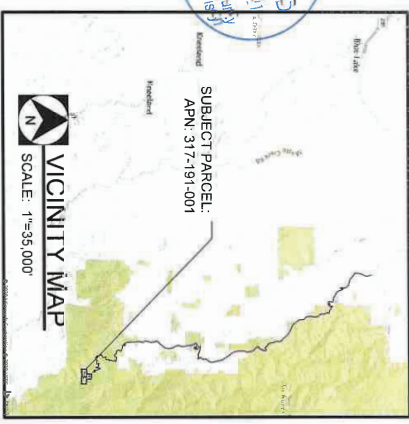
**MOTHER EARTH ENGINEERING**  
 425 I STREET  
 ARCATA, CA 95521, 707-633-8321



CANOPY AREA ID	DIMENSIONS (FT)	CANOPY AREA (SQ FT)
1	4 x 72	288
2	4 x 72	288
3	4 x 72	288
4	4 x 72	288
5	4 x 72	288
6	4 x 72	288
7	4 x 72	288
8	4 x 72	288
9	4 x 43.5	160
10	4 x 43.5	160
11	4 x 43.5	160
12	4 x 43.5	160
13	4 x 43.5	160
14	4 x 43.5	160
15	4 x 43.5	160
16	4 x 43.5	160
17	4 x 43.5	160
18	4 x 43.5	160
<b>TOTAL OUTDOOR RELOCATION AREA (SQ FT)</b>		<b>4200.0</b>



- GENERAL NOTES**
- NO PROPOSED UTILITIES.
  - NO KNOWN RESOURCES OR ADJACENT PROPERTIES WITHIN 200 FEET OF CULTIVATION AREAS.
  - NO KNOWN SCHEDULED SCHEDULING STUDIES, INCLUDING STUDIES OF WATERSHED, PUBLIC PROPERTIES OR HISTORIC CULTURAL RESOURCES WITHIN 500 FEET OF CULTIVATION AREAS.
  - LOCATIONS OF PROPERTY LINES, ROADS, FEATURE LOCATIONS SIMILARITIES AND POINTS SHOWN ON THE MAP ARE APPROXIMATE UNLESS OTHERWISE NOTED.
  - ALL COORDINATES SHOWN REFERENCE THE WGS84 GEODETIC DATUM.
  - TOTAL WATERSHED AREA = 1,900 SQ FT.



**DIRECTIONS TO SITE**

FROM BLUE LAKE, CA:

- HEAD EAST ON CA HWY 299, 22.9 MILES
- TURN RIGHT ON TO HILLTOP HILL RD, 10.1 MILES
- CONTINUE ONTO RICHARD ROGGE ROAD, 2.5 MILES
- KEEP RIGHT, 6.4 MILES
- TURN LEFT, 2.0 MILES
- KEEP RIGHT, 4.2 MILES ARRIVED AT PROPERTY

**LEGEND**

- PROPERTY LINE
- 30' SET BACK FROM PROPERTY LINE
- 3' SIDE 40' CURB CURBS (PARKING)
- ACCESS ROAD
- OUTDOOR CULTIVATION AREA
- EXISTING
- PROPOSED
- NOT USED FOR CULTIVATION
- USRN FOR CULTIVATION

**MOTHER EARTH ENGINEERING**  
425 I STREET  
ARCATA, CA 95521, 707-633-8321

**PROPOSED RELOCATION SITE PLAN**  
APN: 317-191-001  
SITE ADDRESS: N/A

**COUNTY PERMITTING APPLICATION**  
APPLICANT: JC CONSULTANTS LLC  
MAILING ADDRESS: 3404 ENCINAL CANYON, MALIBU CA 90265  
PHONE #: 424-644-4431

MEE JOB NO. - 19038

REVISION SCHEDULE

#	DATE	BY	DESCRIPTION
1	01/26/21	JL	DRAFTED
2			
3			
4			
5			

SHEET NO. **2**

OF 2

Mother Earth Engineering Inc. 2021

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# Appendix B



## Picture Log

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Picture 1: View of the existing conditions at Cultivation Area 1, Canopy Area 1 and 2. Picture taken June 11, 2020.



Picture 2: Another view of the existing conditions at Cultivation Area 1. Picture taken June 11, 2020.



Picture 3: View of existing conditions at Cultivation Area 2, Canopy Area 7. Picture taken June 11, 2020.



Picture 4: View of the associated storage containers at Cultivation Area 2 that will be removed. Picture taken June 11, 2020.



Picture 5: View of the proposed relocation site. The site is a previously developed flat with slopes less than 15% and is currently not in use. Picture taken June 11, 2020.



Picture 5: Another view of the proposed relocation site. The site is a previously developed flat with slopes less than 15% and is currently not in use. Picture taken June 11, 2020.

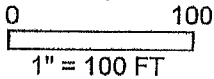
# Appendix C



## Property Line Survey



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### LEGEND

- FOUND CORNER SHOWN ON RECORDED SURVEY AS NOTED.
- △ LOCATION OF 60D SPIKE IN THE GROUND FROM THIS SURVEY.

FOUND ALUMINUM CAPPED PIPE SET PER BK 38 R/S 75,76 SET FOR A USFS SURVEY PROJECT IN 1980.

Sec 31  
T4N, R5E

Sec 36  
T4N, R4E

Sec 6  
T3N, R5E

Sec 1  
T3N, R4E

N1°08'47"W 1431.63

304'

S87°51'07"E 2803.45

40.674944  
-123.664333

THIS PLAN IS BASED UPON A FIELD SURVEY MADE ON 12/14/20 AND 12/15/20 BY ME.

*Wallace E. Wright*  
WALLACE E. WRIGHT, PLS 4851



482'

N86°49'32"E 1355.18

○ SOUTH SIDE GROW BAG

SKID ROAD WITH GROW BAGS

APPROX ROAD

○ SOUTH SIDE LAST GROW BAG

40.675222  
-123.666417

○ SOUTH SIDE GROW BAG

126'

102'

○ SOUTH SIDE GREEN WATER TANK

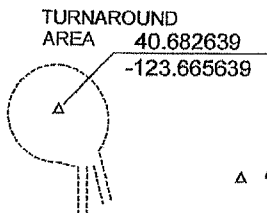
128'

40.675167  
-123.666611

△ STEEL TANK

97'

PLOT PLAN FOR CULTIVATION AREAS  
IN SEC 1, TWN 3 N, RGN 4 E and  
IN SEC 6, TWN 3 N, RGN 5 E  
APN: 317-191-001



FOUND 3" BRASS CAP ON PIPE SET BY THE BLM IN 1980 AND SHOWN ON THE SURVEY, BK 45 OF SURVEYS, PAGE 123, RECORDED IN 1986, FOR CHAMPION INTERNATIONAL CORP.

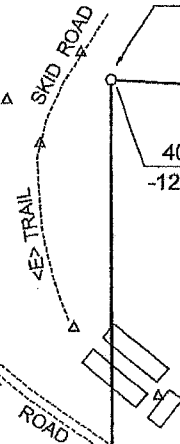


0 100 200  
1" = 200 FT

**LEGEND**

- CORNERS SHOWN ON RECORDED SURVEYS AS NOTED.
- △ LOCATION OF 60D SPIKE IN THE GROUND FROM THIS SURVEY.

CORNER DESCRIBED IN BK 45 R/S 123, NOT FOUND IN THE TIME ALLOTTED FOR THIS VISIT. POSITION CALCULATED FROM TIES MADE TO A CORNER 1/4 MILE SOUTH PER BK 38 R/S 75,76 MADE IN 1980.

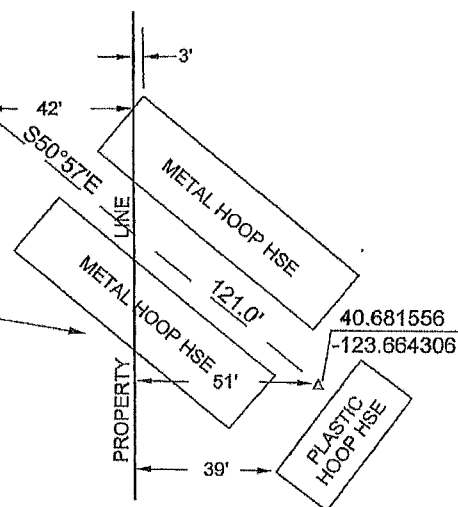


(S87°16'12"E 1381.22)

Bk 45 R/S 123

40.682556  
-123.664639

40.681750  
-123.664639



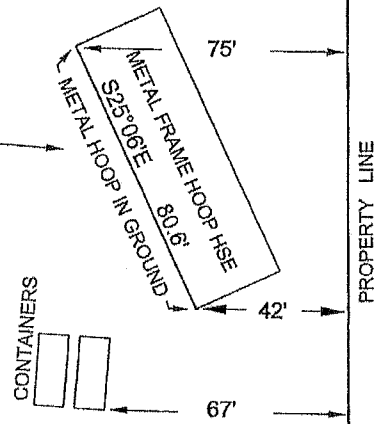
**DETAIL 'A'**

1" = 50 FT

(S1°06'45"E 1316.89)  
BK 45 R/S 123

40.680250  
-123.664722

40.680028  
-123.664611



**DETAIL 'B'**

1" = 50 FT

Sec 36  
T4N, R4E

Sec 31  
T4N, R5E

Sec 1  
T3N, R4E

Sec 6  
T3N, R5E

40.678972  
-123.664556

THIS PLAN IS BASED UPON A FIELD SURVEY MADE ON 12/14/20 AND 12/15/20 BY ME.

*Wallace E. Wright* 12-17-20

WALLACE E. WRIGHT, PLS 4851

PLOT PLAN FOR CULTIVATION AREAS IN SEC 36, T4N, R4E and IN SEC 31, T4N, R5E  
APN: 317-191-001

## 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.

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Comments	<b>Attached</b>
Division Environmental Health	✓	Conditional Approval	<b>Attached</b>
Public Works, Land Use Division	✓	Conditional Approval	<b>Attached</b>
Cal Fire	✓	Comments	<b>Attached</b>
California Department of Fish & Wildlife		No Response	
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On file and confidential
United States Forest Service – Six Rivers National Forest		No Response	
Humboldt County Sheriff Office		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Regional Water Quality Control Board		No Response	
Fortuna Union HSD School District		No Response	
Bridgeville Elementary School District		No Response	



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

8/28/2017

**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, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt Sheriff, Bridgeville Elementary School District, Fortuna Union HSD School District

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**Applicant Name** Humboldt-Trinity Collective **Key Parcel Number** 317-191-001-000  
**Application (APPS#)** 11612 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-305

---

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: 5/30/18 PRINT NAME: Rudy Manenghi

317-191-001



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.: 45198/11612  
Parcel No.: 317-191-001  
Case No.: CUP16-305

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 all connex storage containers, all streams with SMA, correct orientation of GH's at site 1, small GH's as 14x55 and 80x12 at site 1, all grading, correct orientation of GH's at site 2, all water tanks at site 2, (2) 300 gal tanks and no 2.6K gal tank between site 2 and 3, 95x26 and 95x8 at site 3, GH's as proposed, no portable toilet at site 3, CA 4 as 35x85 and CA 5 as 85x40.

Name: Rudy Marenghi

Date: 5/30/18

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



DEH received  
8-28-17

**PROJECT REFERRAL TO: Health and Human Services Environmental Health Division**

**Project Referred To The Following Agencies:**

17/18-0466

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, Humboldt Sheriff, Bridgeville Elementary School District, Fortuna Union HSD School District

**Applicant Name** Humboldt-Trinity Collective **Key Parcel Number** 317-191-001-000

**Application (APPS#)** 11612 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-305

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

**DISTRIBUTED**

1-12-18

**Comments:**

DEH recommends approval with the following conditions:

- (1) **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.
- (2) **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

\*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.



2746



**HUMBOLDT COUNTY  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION**

3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541



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, Humboldt Sheriff, Bridgeville Elementary School District, Fortuna Union HSD School District

**Applicant Name** Humboldt-Trinity Collective **Key Parcel Number** 317-191-001-000

**Application (APPS#)** 11612 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-305

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 *KMF*

DATE: 2-14-18

RE:

Applicant Name	HUMBOLDT-TRINITY COLLECTIVE
APN	317-191-001
APPS#	11612

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 # 11612

**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 takes 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 takes 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:
  - o 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.
  - o 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.
  - o 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.
  - o 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 //

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Humboldt – Del Norte Unit  
118 Fortuna Blvd.  
Fortuna, CA 95540  
Website: [www.fire.ca.gov](http://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:** Humboldt-Trinity Collective  
**APN:** 317-191-001-000  
**Area:** Pilot Ridge  
**Case Numbers:** CUP16-305

**Humboldt County Application #:** 11612  
**Type of Application:** Conditional Use Permit  
**Date Received:** 8/29/2017  
**Due Date:** 9/12/2017

**Project Description:** An application for a Conditional Use Permit for 43,560 square feet of existing, outdoor, medical cannabis cultivation. Water for irrigation is sourced from an existing on-site well. Water is stored in eleven (11) tanks for a total of 24,690 gallons of available water storage. An estimated 235,000 gallons of water are needed annually for irrigation. Processing, including drying and trimming, occurs on-site in storage containers. The Applicant states that three (3) full-time employees are needed for operations, with an additional six (6) needed at peak operations. Electricity source is unknown.

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.