



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: May 5, 2022

To: Humboldt County Planning Commission

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

Subject: **Nikolai Erickson Conditional Use Permit**
Record Number: PLN-11219-CUP
Assessor's Parcel Numbers (APNs): 208-201-020
Dinsmore Area

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Please contact Megan Acevedo, Planner, at 707-441-2634 or by email at macevedo@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

| | | |
|------------------------------------|--|---------------------------------|
| Hearing Date May 5, 2022 | Subject Conditional Use Permit | Contact Megan Acevedo |
|------------------------------------|--|---------------------------------|

Project Description: Nikolai Erickson seeks a Conditional Use Permit for 22,649 square feet (sq. ft.) of pre-existing outdoor cannabis cultivation, and 2,200 sq. ft. of ancillary propagation. Of the outdoor cultivation 3,612 sq. ft. will be in light-deprivation greenhouses without the use of supplemental lights, and 19,037 sq. ft. will be full-sun outdoor. Water for irrigation is sourced by rain catchment from rooftops. Annual water usage is estimated at 100,000 gallons (4.02 gal/sq. ft./year) and the applicant utilizes several water conservation methods on-site. A total of 160,000 gallons of water storage exists on-site in thirty-six hard sided tanks. Processing at the site includes drying and curing, and trimming will occur off-site at a licensed processing facility. There will be two (2) employees used on-site for cultivation activities. Power is provided by two portable generators and will transition to full renewable energy sources by 2026.

Project Location: The project is located in Humboldt County, in the Dinsmore area, on the East side of Bear Creek Road, approximately 3 miles North from the intersection of Dinsmore Road and Bear Creek Road, on the property known to be in Section 29 of Township 02 North, Range 05 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Residential Agriculture (RA40), 2017 General Plan, Density: 40 acres per unit, Slope Stability: High Instability (3)

Present Zoning: Forestry Recreation (FR), Special Building Site [B-5(40)]

Record Number: PLN-11219-CUP

Assessor's Parcel Number: 208-201-020

Applicant

Nikolai Erickson
1065 Riverside Dr.
Rio Dell, CA 95562

Owner

Nikolai Erickson
1065 Riverside Dr.
Rio Dell, CA 95562

Agents

Green Road Consulting
1650 Central Ave. Suite C
McKinleyville, CA 95519

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

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

Major Issues: None

Recommended Commission Action

1. Describe the application as 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 Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the Nikolai Erickson Conditional Use Permit as recommended by staff subject to the recommended conditions.

Executive Summary: Nikolai Erickson seeks a Conditional Use Permit for 22,649 square feet (sq. ft.) of pre-existing outdoor cannabis cultivation, and 2,200 sq. ft. of ancillary propagation. Of the outdoor cultivation 3,612 sq. ft. will be in light-deprivation greenhouses without the use of supplemental lights, and 19,037 sq. ft. will be full-sun outdoor. Water for irrigation is sourced by rain catchment from rooftops. Annual water usage is estimated at 100,000 gallons (4.02 gal/sq. ft./year) and the applicant utilizes several water conservation methods on-site. A total of 160,000 gallons of water storage exists on-site in thirty-six hard sided tanks. Power is provided by two portable generators and will transition to full renewable energy sources by 2026.

There will be two (2) employees used on-site for cultivation activities, and the applicant will have portable toilets and hand washing stations available at the cultivation areas. The project was referred to the Department of Environmental Health (DEH) on July 10, 2017, and comments were received on November 6, 2017. DEH recommended conditional approval for the project on the condition that prior to renewal of a permit the operator shall submit receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for duration of first year, or provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing onsite wastewater treatment system serving the dwelling (**Ongoing Condition B.1**).

The project will consist of 3,612 sq. ft. of outdoor light-deprivation cultivation in two (2) hoop houses, and 19,037 sq. ft. of full-sun outdoor cultivation in nine (9) designated areas. The site will also provide additional drying and harvest storage area, and will provide clones for the adjacent properties (APN's: 208-271-004 & 208-201-026), which have approved permits (PLN-11220-CUP & PLN-11241-CUP) and are operated by the applicant. In the event that one of the subject permits is transferred to a different applicant, the shared uses shall cease on the subject parcel, and the project will no longer provide storage space or clones to the adjacent properties (APN's: 208-271-004 & 208-201-026) (**Ongoing Condition B.2**). Two (2) harvests are anticipated for light-deprivation cultivation, and one harvest for full-sun outdoor. Processing at the site includes drying curing & packaging, and trimming will occur off-site at a licensed processing facility. The applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility to be furnished during an annual inspection (**Ongoing Condition B.3**).

Other buildings with a nexus to cannabis include one (1) 30' x 80' Multi-Use Building (used for drying & harvest storage, and processing), two (2) 20' x 40' Harvest Storage Sheds, and two (2) 8' x 20' Cargo Containers (used for agricultural chemicals and fuel storage). There are two (2) generators used for project activities on-site, which are required to be housed in permanent locations within secondary containment. The applicant shall submit an updated Site Plan to show generator shed locations, and shall permit with the Building Division (**Condition A.5 & A7**). Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams (**Condition A.7**). The project also includes

the use of two (2) ponds on-site for fire suppression needs. The project is conditioned to obtain the appropriate building permits for all structures related to cannabis (**Condition A.7**), and for any historic grading done for cannabis in excess of 50 cubic yards (**Condition A.8**).

Energy

The project currently utilizes two (2) portable generators, which are required to be housed within secondary containment, and the applicant plans to transition to solar power. The applicant is conditioned to transition to 100% renewable energy source for the project by the 2026 cultivation season, and after transition shall be allowed to keep one generator on-site for emergency backup purposes only (**Condition A.9**). The applicant shall provide an Energy Plan to the Planning Division to show how all power required by the project will be sourced by 100% renewable energy sources (**Condition A.10**).

Fire Safety & Timber Conversion

The project is in an area known to have a Very High Fire Hazard Severity, and is within the Ruth Lake Community Services District (RLCSD) for fire response. The project was referred to the RLCSD on July 10, 2017, and no comments were received by the agency. The project is also in the State Responsibility Area for CalFire. There was approximately 5.3 acres of oak woodlands that were cleared on the site between 2004 and 2012, in association with adding a home site, two (2) cannabis cultivation areas, and two (2) ponds. The two (2) ponds have a total storage capacity of approximately 548,000 gallons and are designated for fire protection, and there is an SRA firetruck turnaround designated on the Site Plan.

The project was referred to CalFire on July 12, 2017, and comments were received on May 22, 2018. Comments from CalFire stated that there were several existing timber conversion violations on the subject parcel, and submitted a Notice of Violation of Forest Practice Laws Letter, dated September 19, 2017. Violations included timber operations conducted without a Timber Harvesting Plan by removing timber for the purpose of converting the land to uses other than the growing of timber, approximately 5.3 acres of converted timberland for uses other than the growing of timber without filing an application for conversion, conducting commercial timber operations without a valid timber operator's license, and constructing slash piles adjacent to a Class III watercourse, placed rock in a Class II spring, and allowing the overflow channel of a pond to erode resulting in soil discharging into a Class III watercourse. Many of the violations could not be mitigated, and the only mitigation required was to remove the slash piles from the WLPZ and rock armoring the overflow channel and the applicant paid a settlement with CalFire. A subsequent letter from CalFire, dated September 7, 2018, was sent to the applicant for "Compliant and Proposed Order for Administrative Penalties".

The applicant obtained a Timber Conversion Report (TCR) prepared by Registered Professional Forester Chris Carroll, with Timberland Resource Consultants, dated June 20, 2020. The TCR was sent to CalFire for review, and re-referral of the project was requested on February 22, 2022. Comments were received by the agency on February 28, 2022 stating that the landowner has mitigated all issues that were outstanding with CalFire, and they had no comments at that time. The TCR that was prepared for the project states that tree removal consisted of the Sanitation-Salvage silvicultural prescription per 14CCR 913.3(b) of the Forest Practice Rules, and included the following recommendations that the applicant shall abide (**Ongoing Condition B.4**):

1. Dead, dying and diseased trees may be removed within striking distance (~100 feet) of Greenhouse #1, Cultivation Area #1, Cultivation Area #2, Cultivation Area #3, and the Rain Catchment Site. The stumps of the trees shall not be removed, nor shall there be any disturbance or grading that could result in timberland conversion.
2. The RPF observed scattered dead, dying, and diseased trees located throughout the property, which are greater than 100 feet from the cultivation site. To improve forest health and timberland productivity; the RPF recommends that all dead, dying, and diseased trees be removed and treated as feasible for hazard reduction.
3. No dead, dying, and diseased trees shall be harvested within a Stream Management Area and Water Board Riparian Setback. These trees shall be left standing for the beneficial uses of wildlife.
4. To eliminate fire hazard, all slash and woody debris created by the removal of dead, dying, and diseased trees shall be treated per 14CCR 914.5(b). (See page 16 of the TCR)

5. No California black oak or Oregon white oak shall be removed or damaged.
6. The tree removal project shall comply with State Water Resources Control Board Order WQ 2019-0001-DWQ. In particular, the project shall ensure compliance with the following: (1) Cannabis cultivators shall avoid damage to oak woodlands and (2) Cannabis cultivators shall apply erosion repair and control measures to the bare ground to prevent discharge of sediment to waters of the state.

The applicant has obtained an Oak Woodland Management Permit (No. 1-21EX-01321-HUM) and a Forest Fire Prevention Permit (No. 1-21EX-01319-HUM) allowing the work recommended by the RPF in the TCR.

Geologic & Seismic Safety

The project site is in an area designated to have a High Instability for Seismic Safety and Slope Stability rating. The applicant did obtain a report for Engineering Geologic Assessment of Pond Stability (EGAPS) prepared by Gary Simpson, Certified Engineering Geologist with SHN Engineers & Geologists, dated October 2, 2018. A site visit was conducted on August 17, 2018, and a previous investigation had been completed by SHN in 2013 which included subsurface investigation of the pond embankments. The EGAPS report states that there are three ponds at the project site. A stock pond ("upper" pond shown in Figure 2 of the EGAPS) was installed in 1993, prior to the applicant's ownership. The middle pond construction was initiated in 2007, and the lower pond construction began in 2011, both after the applicant obtained ownership of the property. Each of the three ponds is associated with an embankment structure, and a berm initially developed between the middle and lower ponds was breached at some point, such that the two ponds are now contiguous. The EGAPS report concluded that from a geologic standpoint the site is favorable for development of water retention structures, the existing ponds and their respective embankments are suitable for continued use as water retention structures, and it appears that the subject embankments are associated with a sufficiently low potential for failure that would impact downstream environmental resources. The applicant has had ongoing discussion with the State Water Board and the California Department of Fish & Wildlife (CDFW) regarding the final designs and requirements for the ponds. The applicant shall adhere to the final requirements determined by the State Water Board & CDFW for the on-stream ponds, and shall permit with the Building Division, in order to ensure the structural integrity of the water retention structures (**Condition A.11**).

Water Resources

Water for irrigation is provided by rain catchment utilizing gutters from the Multi-Use Building and two (2) Cabins on-site. According to the applicant's Addendum to Cultivation & Operations Plan, the buildings have the capacity to catch up to 198,497 gallons of water per year, using data of average rain fall in the area. There are fifteen (15) 5,000-gallon rain catchment tanks, thirteen (13) 5,000-gallon water tanks, and eight (8) 2,500-gallon water tanks, for a total of 160,000 gallons of existing water storage on-site. The applicant has not designated domestic tanks on the Site Plan, and shall submit an updated Site Plan to show water tanks designated for domestic separately from water tanks designated for cannabis irrigation (**Condition A.5**). The applicant utilizes water conservation methods, which lowers the total amount of water needed for the project annually to approximately 100,000 gallons (4.02 gall/sq. ft./year). The applicant plants later in the season, uses smaller plant strains that have earlier harvests, and utilizes coco fiber on plant beds for water retention.

The project originally proposed the use of two (2) "rain catchment ponds" for irrigation needs. After review with the State Water Board and the California Department of Fish & Wildlife (CDFW) it was determined that the ponds were in fact on stream ponds, and the applicant decided to transition to rain catchment from roof tops for water source. The ponds are now used for domestic, aesthetic, fire protection, and wildlife preservation and enhancement under water source under Right to Divert and Use Water Certificate D1160. As the ponds were originally used for irrigation needs, and are used for fire suppression needs associated with the proposed project, the applicant is conditioned to permit the ponds with the Building Division. As well, the applicant shall not utilize the on-stream ponds for water source of cannabis irrigation without an approved Water Right with the Division of Water Rights, and an approved permit with CDFW (**Ongoing Condition B.5**).

The site was historically enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R-1-2015-0023, under WDID 1B16188CHUM. The site has also been enrolled in the State Water Board's General Order 2019-0001-DWQ under WDID 1_12CC417902, as a Tier 2 Moderate Risk site. The applicant has a Notice of Applicability letter from the Water Board dated July 31, 2019, as proof of enrollment in the General Order, and shows that a Site Management Plan (SMP) and a Site Erosion and Sediment Control Plan (SESCP) are required for the project. The applicant has had an SMP prepared by Green Road Consulting, dated August 5, 2019, and the applicant shall submit the SESCO to the Planning Division, and shall adhere to the recommendations within the report (**Condition A.12**). The SMP details measures required to meet compliance with the General Order, shows that all cultivation areas are located outside of any Streamside Management Areas on-site, includes road improvements required on-site, lists a total of six (6) stream crossings that require upgrades, and includes yearly winterization and site monitoring requirements. The applicant shall comply with the recommendations in Table 10. Remediation Summary Table (items MP4 & MP5 shall be completed in accordance with approval of CDFW & the State Water Board), the ongoing Monitoring Requirements listed in Table 7, and the ongoing winterization measures outlined in the SMP (**Condition A.13 & Ongoing Condition B.6**).

The project is within the Mad River Planning Watershed, and the application was sent out for referral to the Humboldt Bay Municipal Water District (HBMWD) on November 20, 2018. Comments were received by the agency in a letter dated December 5, 2018. The HBMWD letter states concerns regarding the ponds being a potential species problem, requested that the County verify that the applicant has a water right for the potential diversion, and stated that the project may be subject to full environmental CEQA review. The applicant is required to continue working with and adhere to the final requirements determined by the State Water Board & CDFW for the on-stream ponds, and is conditioned to obtain a biological assessment to address the potential presence of invasive catfish, as well as adhere to any bullfrog management plan required by CDFW. The project will no longer use the ponds for cannabis irrigation, and the applicant only uses the ponds for domestic and fire suppression needs under domestic Right to Divert and Use Water Certificate D1160. Lastly, after continued review and analysis of the project, it has been determined that the project falls under the Mitigative Negative Declaration that was prepared for the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO), and no Initial Study was requested specific to the proposed project.

Biological Resources

The project site does contain habitat for Oregon goldthread, according to the California Natural Diversity Database (CNDDDB) Resource Map, and the nearest Northern Spotted Owl (NSO) activity center is located approximately 1.86 miles from the nearest cultivation site. As the site is for pre-existing activities and no new development is proposed, no Biological Assessment was required for the proposed project. The project was referred to CDFW on July 10, 2017, and comments were received on August 21, 2017. Comments from CDFW included: a request to put the project on hold until a Final Lake or Streambed Alteration Agreement for the project was obtained, stated that on-site review confirmed that the ponds are hydrologically connected to surface waters and are jurisdictional with CDFW, requested a biological assessment of the parcel with specific attention to the potential presence of invasive catfish in the ponds, requested condition of approval in regards to noise pollution.

The applicant has obtained a Streambed Alteration Agreement (SAA 1600-2019-0559-R1) with CDFW for the instream work required to upgrade five (5) stream crossings on-site (STX1-STX4, STX6). The applicant shall complete all the work described in, and shall adhere to the conditions outlined in the SAA 1600-2019-0559-R1, for work association with STX1-STX4 & STX6 (**Condition A.14**). Additional work outlined in SAA 1600-2019-0559-R1 include remediation work associated with the on-stream ponds (Reservoir outlet 1, Reservoir outlet 2, STX5, and Bypass culvert), which are not authorized under the Agreement. The applicant is continuing to work with CDFW and the State Water Board on the final design and requirements for the on-stream ponds. The applicant shall obtain a Final Streambed Alteration Agreement made with CDFW, with an approved Remediation Plan related to all on-stream pond work, shall submit to the Planning Division, shall complete all the work described in the Final SAA and approved Remediation Plan, and shall adhere to the conditions outlined in the Final SAA (**Condition A.15**). As well, the applicant shall obtain a biological assessment to specifically address the potential presence of

invasive catfish existing in the ponds, shall submit to the Planning Division, and shall adhere to any recommendations made within the report (**Condition A.16**). Lastly, the applicant shall adhere to any Bullfrog Management Plan required by CDFW for the ponds on-site (**Ongoing Condition B.7**).

The project does include the use of two (2) generators on-site, and the applicant is conditioned to transition to 100% renewable energy source by 2026. The applicant is conditioned to house all generators within permanent shed locations, and all generators shall not exceed 50 decibels at 100 feet or the nearest canopy, whichever is closer (**Ongoing Condition B.8**). Additionally, the project is conditioned to adhere to International Dark Sky Standards, and any supplemental lighting used within propagation nursery greenhouses shall not escape between the hours of dusk and dawn (**Ongoing Condition B.9**).

The applicant obtained a Wetland Delineation Report (WDR) that was prepared by Wildlife Biologist Jack Henry, with Timberland Resource Consultants, dated July 2019. A site visit was conducted on May 10, 2019, where two sample points were assessed for the three wetland parameters: hydrology, hydrophytic vegetation, and hydric soils. The purpose of the delineation was to accurately assess if the embankments of an existing pond encroached within the potential wetland on-site. There is an existing spring head northeast of the ponds, and was the subject of the assessment. One sample point met all three parameters that define a wetland. The WDR concludes that there is a freshwater emergent wetland present on-site, and the existing pond does not encroach within its delineated boundary. The wetland area is shown in the Wetland Delineation Map of the WDR, and has been added to the applicant's Site Plan showing an appropriate 50-foot buffer.

Tribal Cultural Resource Coordination

The project is located within the Bear River Band tribal aboriginal territory. The project was referred to the Bear River Band THPO and the Northwest Information Center (NWIC) on July 10, 2017. The NWIC responded with a recommendation that the lead agency contact the local Native American tribe(s) regarding tradition, cultural, and religious heritage values. A response was received from the Bear River Band THPO on July 31, 2017, requesting the applicant adhere to Inadvertent Discovery Protocols as a condition of approval (**Informational Note B.3**).

Access

The project site is accessed by Canyon Road, from Bear Creek Road, from Hwy 36. Canyon Road and Bear Creek Road are non-county maintained roads, and the project was referred to the Department of Public Works on July 10, 2017. Comments were received by the Department on August 10, 2017, recommending that the project be referred to CalTrans. The project was referred to CalTrans on July 10, 2017, and no comments were received by the agency. The applicant has submitted a Road Evaluation Report form dated October 6, 2017, which only lists Bear Creek Road for the access road, but includes Canyon Road in the route map. The applicant's RER self-certifies that both roads are developed to the equivalent of a Category 4 road standard. The access road has been determined to meet the functional capacity needs for the project.

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 65 cultivation permits and the total approved acres would be 24.84 acres of cultivation.

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 Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (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 Conditional Use Permit (CUP).

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

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 22-

Record Number PLN-11219-CUP

Assessor's Parcel Numbers: 208-201-020

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Nikolai Erickson, Conditional Use Permit.

WHEREAS, Nikolai Erickson, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 22,649 square feet (sq. ft.) of outdoor commercial cannabis cultivation, and appurtenant 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 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 Mitigated Negative Declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on May 5, 2022, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit for 22,649 square feet (sq. ft.) of pre-existing outdoor cannabis cultivation, and 2,200 sq. ft. of ancillary propagation. Of the outdoor cultivation 3,612 sq. ft. will be in light-deprivation greenhouses without the use of supplemental lights, and 19,037 sq. ft. will be full-sun outdoor. Water for irrigation is sourced by rain catchment from rooftops. Annual water usage is estimated at 100,000 gallons (4.02 gal/sq. ft./year) and the applicant utilizes several water conservation methods on-site. A total of 160,000 gallons of water storage exists on-site in thirty-six hard sided tanks. Processing at the site includes drying and curing, and trimming will occur off-site at a licensed processing facility. There will be two (2) employees used on-site for cultivation activities. Power is provided by two portable generators and will transition to full renewable energy sources by 2026.

EVIDENCE: a) Project File: PLN-11219-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the 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.

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 Green Road Consulting, dated August 5, 2019, to show requirements to meet compliance with the State Water Board's General Order 2019-0001-DWQ.
- d) A Notice of Applicability letter showing enrollment as a Tier 2 Moderate Risk site with the State Water Board's General Order No. WQ 2019-001-DWQ, under WDID 1_12CC417902. The applicant is conditioned to provide a Site Erosion and Sediment Control Plan to show site requirements in order to meet compliance with the State Water Board General Order No. WQ 2019-001-DWQ.
- e) The applicant has obtained a Streambed Alteration Agreement (SAA 1600-2019-0559-R1) with CDFW to upgrade five (5) stream crossings on-site. Additional work outlined in SAA 1600-2019-0559-R1 include remediation work associated with on-stream ponds, which is not authorized under the Agreement. The applicant shall obtain a Final Streambed Alteration Agreement made with CDFW, with an approved Remediation Plan related to all on-stream pond work, and shall complete all the work described in the Final SAA and approved Remediation Plan, and shall adhere to the conditions outlined in the Final SAA.
- f) The applicant obtained a Wetland Delineation Report (WDR) that was prepared by Wildlife Biologist Jack Henry, with Timberland Resource Consultants, dated July 2019. The WDR concludes that there is a freshwater emergent wetland present on-site, and the existing pond does not encroach within its delineated boundary. The wetland area is shown in the Wetland Delineation Map of the WDR, and has been added to the applicant's Site Plan showing an appropriate 50-foot buffer.
- g) There was approximately 5.3 acres of timberland converted on the site between 2004 and 2012. The project was referred to CalFire on July 12, 2017, and comments were received on May 22, 2018, stating that there were several existing timber conversion violations on the subject parcel. The applicant obtained a Timber Conversion Report (TCR) prepared by RPF Chris Carroll, with Timberland Resource Consultants, dated June 20, 2020. The TCR was sent to CalFire for review, and re-referral of the project was requested on February 22, 2022. Comments were received on February 28, 2022, stating that the landowner has mitigated all issues that were outstanding with CalFire, and they had no comments at that time.
- h) The project is within the Mad River Planning Watershed, and the application was sent for referral to the Humboldt Bay Municipal Water District (HBMWD) on November 20, 2018. Comments were received by the agency in a letter dated December 5, 2018. The HBMWD letter states concerns regarding the ponds being a potential species problem, requested that the County verify that the applicant has a water right for the potential diversion, and stated that the project may be subject to full environmental CEQA review.

The applicant is required to continue working with and adhere to the final requirements determined by the State Water Board & CDFW for the on-stream ponds, and is conditioned to obtain a biological assessment to address the potential presence of invasive catfish, as well as adhere to any bullfrog management plan required by CDFW. The project will no longer use the ponds for cannabis irrigation, and the applicant only uses the ponds for

domestic and fire suppression needs under domestic Right to Divert and Use Water Certificate D1160. Lastly, after continued review and analysis of the project, it has been determined that the project falls under the Mitigative Negative Declaration that was prepared for the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO), and no Initial Study was requested specific to the proposed project.

- i) The project is located within the Bear River Band tribal aboriginal territory. The project was referred to the Bear River Band THPO and the Northwest Information Center (NWIC) on July 10, 2017. The NWIC responded with a recommendation that the lead agency contact the local Native American tribe(s) regarding tradition, cultural, and religious heritage values. A response was received from the Bear River Band THPO on July 31, 2017, requesting the applicant adhere to Inadvertent Discovery Protocols as a condition of approval.
- j) A Road Evaluation Report Form was submitted for Bear Creek Road and Canyon Road, designating the non-county maintained access roads as being developed to a Category 4 road standard. It has been determined that the access road meets the functional capacity for the project.

FINDINGS FOR CONDITIONAL USE PERMIT

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

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

4. FINDING The proposed development is consistent with the purposes of the existing FR zone in which the site is located.

EVIDENCE a) The Forestry Recreation or FR Zone is intended to be applied to areas of the County in which general agriculture uses is a desirable use.
b) All general agricultural uses are principally permitted in the FR zone.
c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 sq. ft. of existing mixed-light cannabis on a parcel zoned FR over 1 acres subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 22,649 sq. ft. of outdoor on a 40-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

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

EVIDENCE a) The CMMLUO allows existing cannabis cultivation to be permitted in areas

zoned FR (HCC 314-55.4.8.2.2).

- b) The subject parcel is one legal parcel (lot 65) as shown on Record of Survey in Book 26 of Surveys page 135 Legal parcel: Timberline Ranch parcel.
- c) The project will obtain water from rain catchment collected off of roof tops, connected to 160,000 gallons of water storage.
- d) A Road Evaluation Report Form was submitted for Bear Creek Road and Canyon Road, designating the non-county maintained access roads as being developed to a Category 4 road standard. It has been determined that the access road meets the functional capacity for the project.
- e) There was approximately 5.3 acres of timberland converted on the site between 2004 and 2012. The project was referred to CalFire on July 12, 2017, and comments were received on May 22, 2018, stating that there were several existing timber conversion violations on the subject parcel. The applicant obtained a Timber Conversion Report (TCR) prepared by RPF Chris Carroll, with Timberland Resource Consultants, dated June 20, 2020. The TCR was sent to CalFire for review, and re-referral of the project was requested on February 22, 2022. Comments were received on February 28, 2022, stating that the landowner has mitigated all issues that were outstanding with CalFire, and they had no comments at that time.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, and more than 600 feet from any school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource.

6. FINDING

The cultivation of 22,649 square feet of 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 in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- b) Irrigation water will come from rain catchment from rooftops of three existing structures connected to water tanks.
- c) The project site is in an area known to have Very High Fire Hazard Severity. There are two (2) on-stream ponds that have a total storage capacity of approximately 548,000 gallons and are designated for fire protection, and there is an SRA firetruck turnaround designated on-site.
- d) The project site is in an area designated to have a High Instability for Seismic Safety and Slope Stability rating. The applicant obtained a report for Engineering Geologic Assessment of Pond Stability prepared by Gary Simpson, Certified Engineering Geologist with SHN Engineers & Geologists,

dated October 2, 2018. The report concluded that the site is favorable for development of water retention structures, the existing ponds and their respective embankments are suitable for continued use as water retention structures, and it appears that the subject embankments are associated with a sufficiently low potential for failure that would impact downstream environmental resources.

The applicant has had ongoing discussion with the State Water Board and the California Department of Fish & Wildlife (CDFW) regarding the final designs and requirements for the on-stream ponds. The applicant shall adhere to the final requirements determined by the State Water Board & CDFW for the on-stream ponds, and shall permit the on-stream ponds with the Building Division, in order to ensure the structural integrity of the water retention structures.

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

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

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

EVIDENCE a) The project is located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 65 permits and the total approved acres would be 24.84 acres of cultivation.

DECISION

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

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

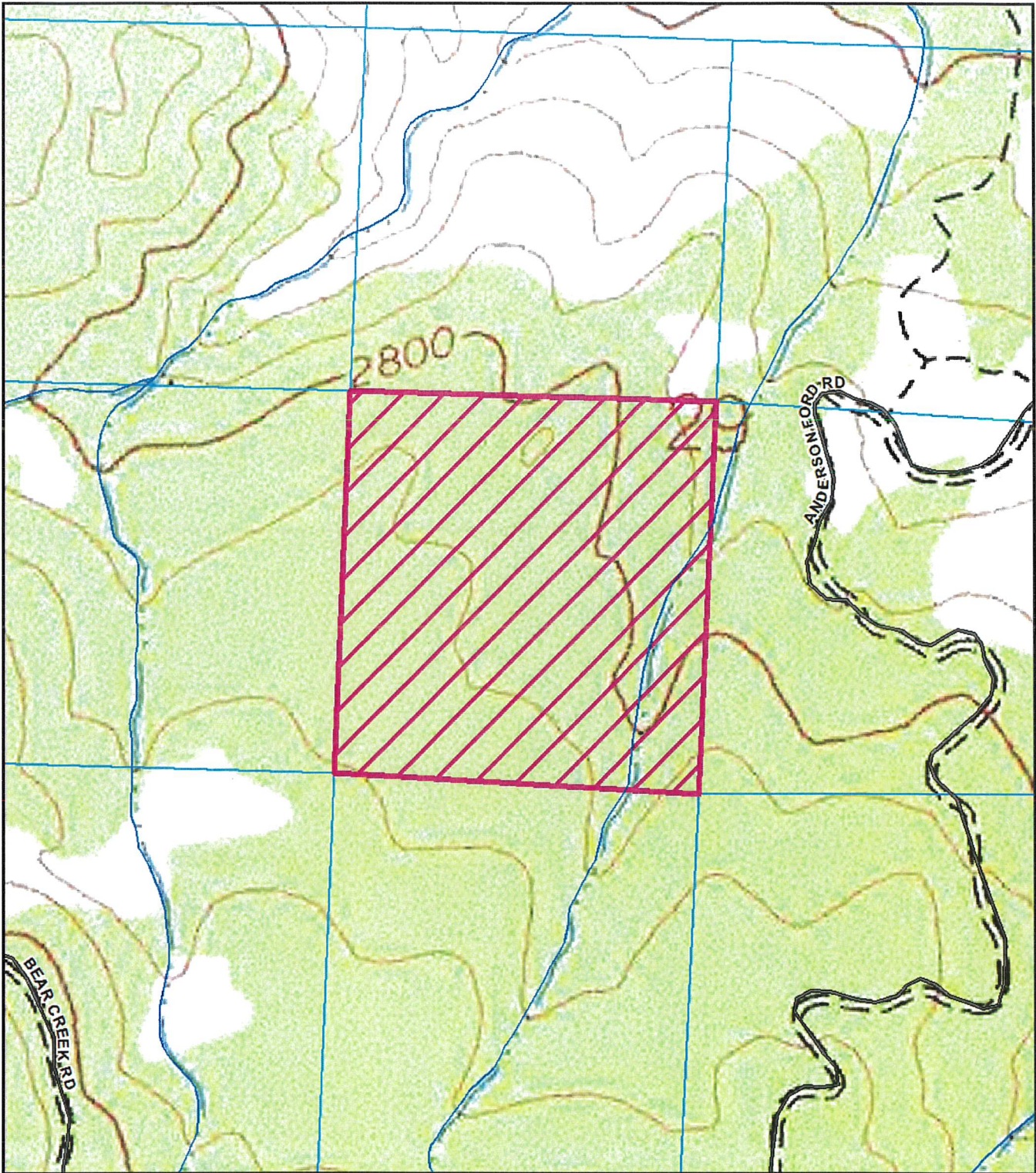
Adopted after review and consideration of all the evidence on May 5, 2022

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

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

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

 John Ford, Director
 Planning and Building Department



TOPO MAP

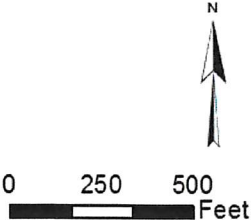
**PROPOSED NIKOLAI ERICKSON
DINSMORE AREA
CUP-16-185**

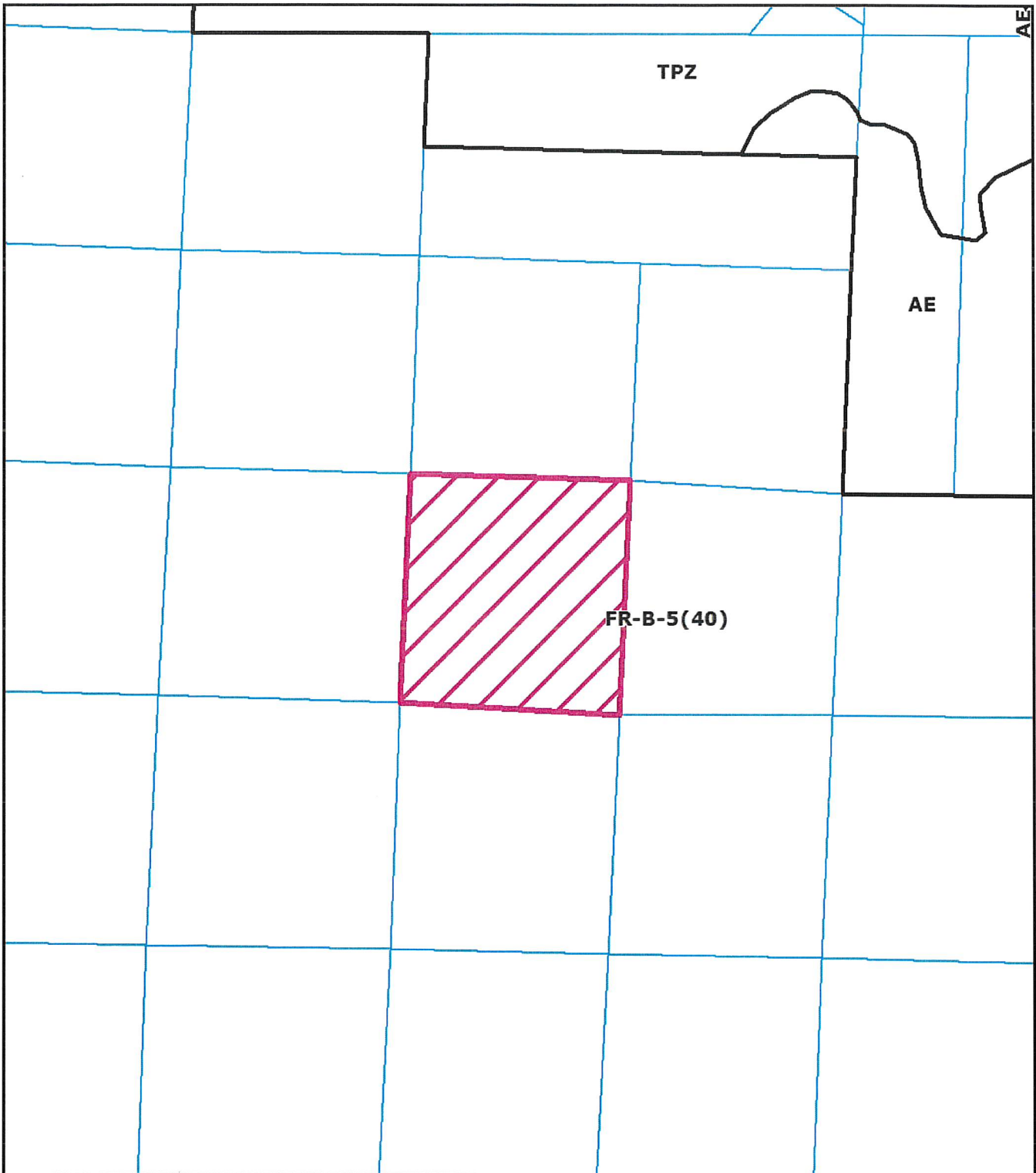
APN: 208-201-020

T02N R05E S29 HB&M (SHOWERS MTN)

Project Area = 

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





ZONING MAP

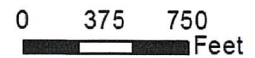
**PROPOSED NIKOLAI ERICKSON
DINSMORE AREA
CUP-16-185**

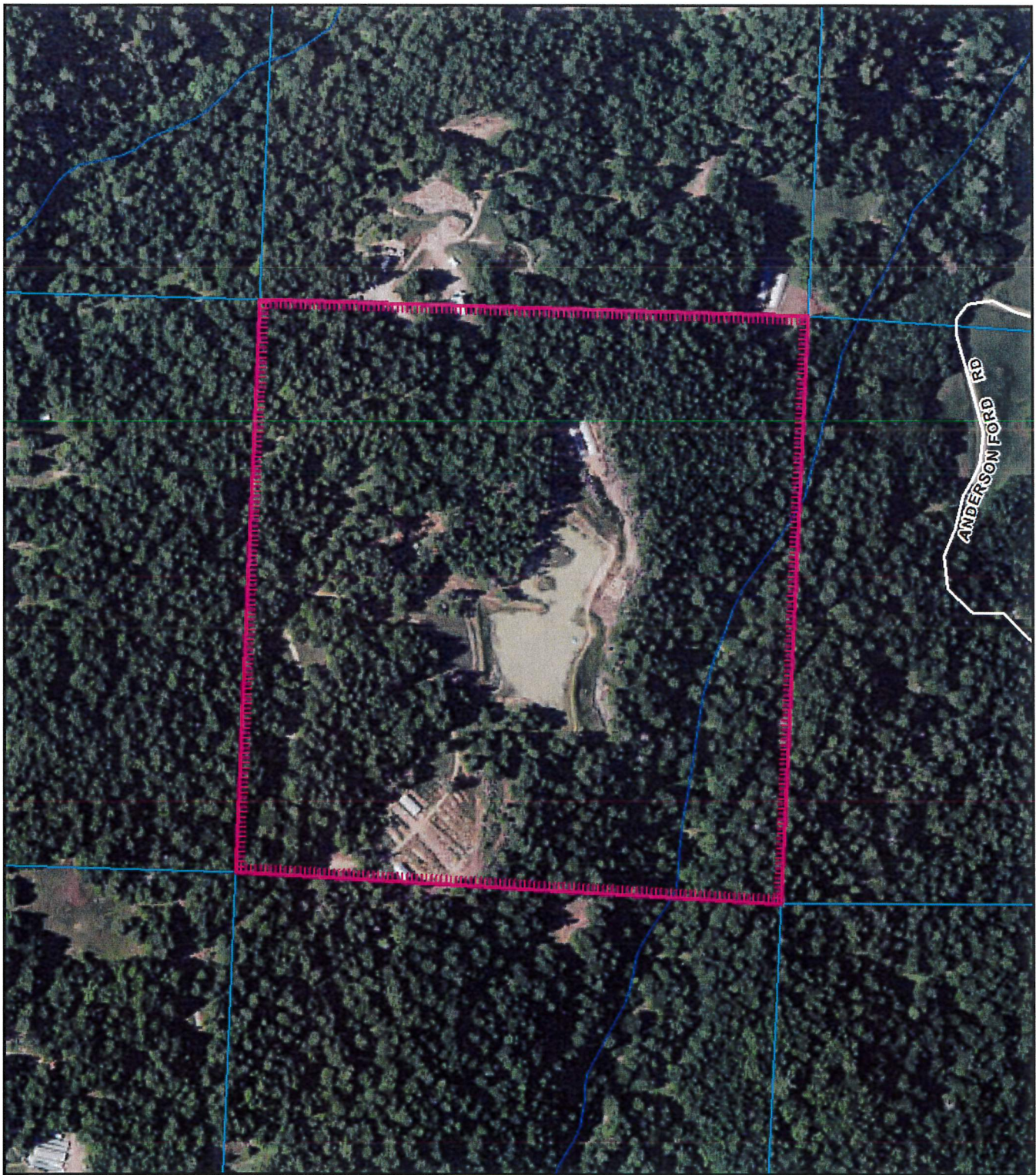
APN: 208-201-020

T02N R05E S29 HB&M (SHOWERS MTN)

Project Area = 

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





AERIAL MAP

**PROPOSED NIKOLAI ERICKSON
DINSMORE AREA
CUP-16-185**


APN: 208-201-020

T02N R05E S29 HB&M (SHOWERS MTN)

Project Area = 

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



0 125 250
 Feet

FULL MOON FARMS

APN: 208-201-020

AERIAL MAP



IMAGE SOURCE: BING 2020

VICINITY MAP

1:10,000

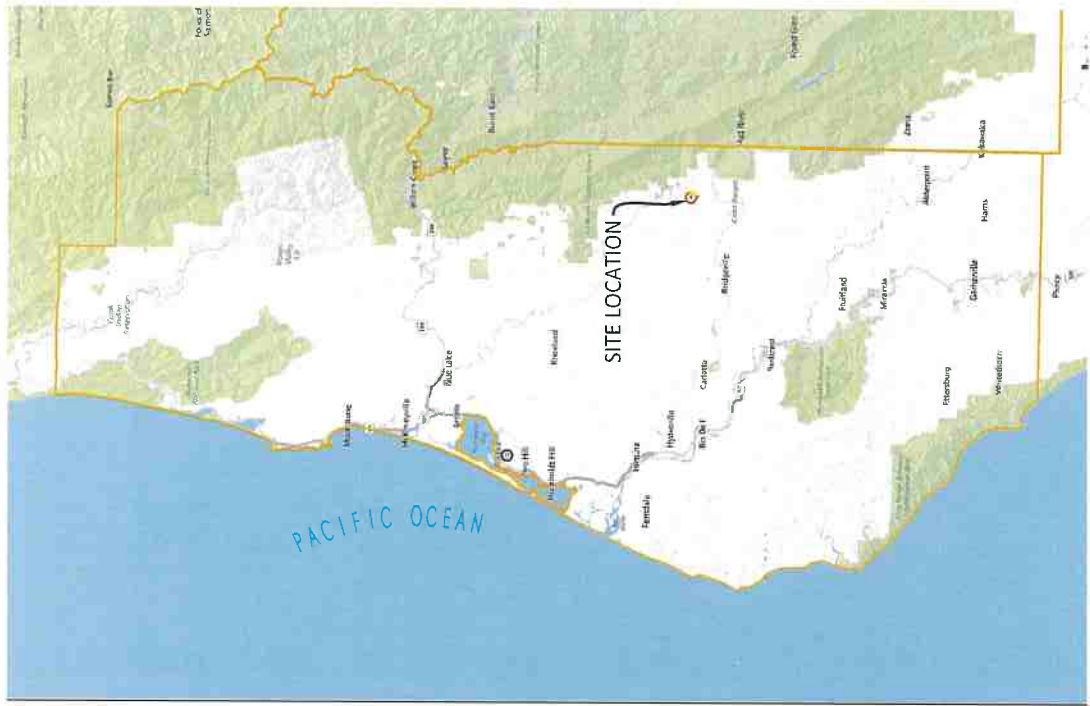


IMAGE SOURCE: BING 2020

PROJECT DIRECTIONS

- FROM: EUREKA, CA
- HEAD SOUTH ON US-101 (19.3 MI)
- TAKE EXIT 685 FOR CA-36 E (0.3 MI)
- TURN LEFT ONTO CA-36 E (40.8 MI)
- TURN LEFT ONTO DINSMORE RD (0.3 MI)
- TURN RIGHT TO STAY ON DINSMORE RD (0.3 MI)
- CONTINUE ONTO BEAR CREEK RD (2.0 MI)
- TURN LEFT TO STAY ON BEAR CREEK RD (.07 MI)

TRAVEL TIME

APPROXIMATELY: 1 H 20 MIN (58 MI)

SHEET INDEX

- CP-COVER PAGE
- C1-PARCEL OVERVIEW

PROPERTY LINES, DISTANCES, AND BUILDING LOCATIONS ARE APPROXIMATE AND BASED ON AERIAL MAPS AND GPS DATA TAKEN IN THE FIELD.

PROJECT INFORMATION

LAT/LONG: 40.5217, -123.6393
 APN: 208-201-020
 APPLICANT: FULL MOON FARMS
 PARCEL SIZE: ± 40.45 ACRES
 ZONING: FR-R-5(40)
 APPLICATION TYPE:

COASTAL ZONE N
 100-YEAR FLOOD N

AGENT:
 KAYLIE SAXON
 GREEN ROAD CONSULTING INC
 1650 CENTRAL AVE. SUITE C
 MCKINLEYVILLE, CA 95519
 707-630-5041



| PROJECT INFORMATION | | PROPERTY OWNER | | ADDRESS | | SHEET INFO | |
|---------------------|--|------------------|--|------------------|--|------------|--|
| PROJECT INFORMATION | | NIKOLAI ERICKSON | | APN: 208-201-020 | | COVER PAGE | |

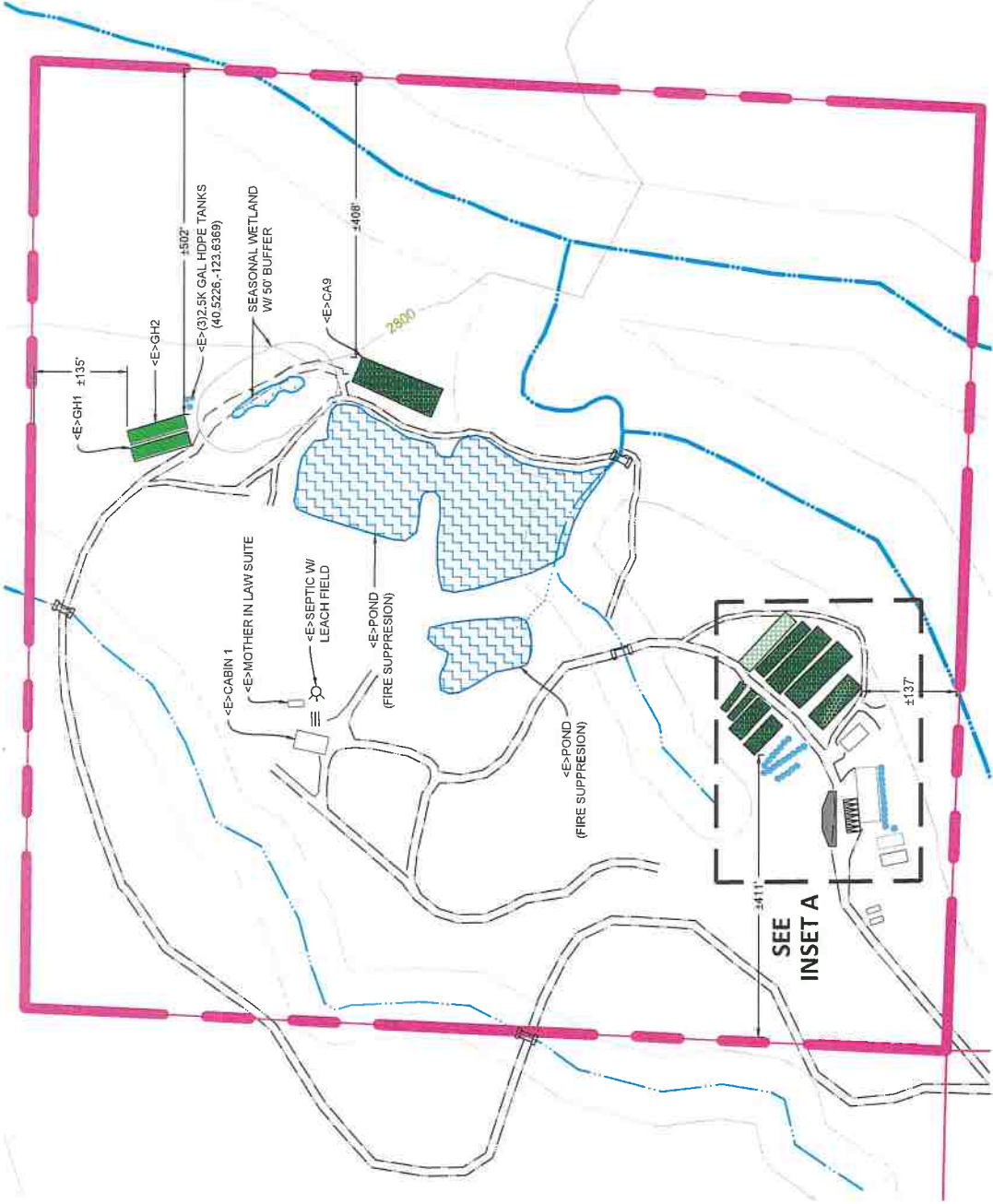
| NO. | NOTES | DATE |
|-----|--------------|----------|
| 1 | NOTES-N/ITAL | 06-06-00 |
| 2 | NOTES-N/ITAL | 06-06-00 |
| 3 | NOTES-N/ITAL | 06-06-00 |
| 4 | NOTES-N/ITAL | 06-06-00 |
| 5 | NOTES-N/ITAL | 06-06-00 |
| 6 | NOTES-N/ITAL | 06-06-00 |

| | |
|---------|----------|
| DATE | 4/13/22 |
| DRAFTER | XX |
| SCALE | AS SHOWN |
| SHEET | CP |



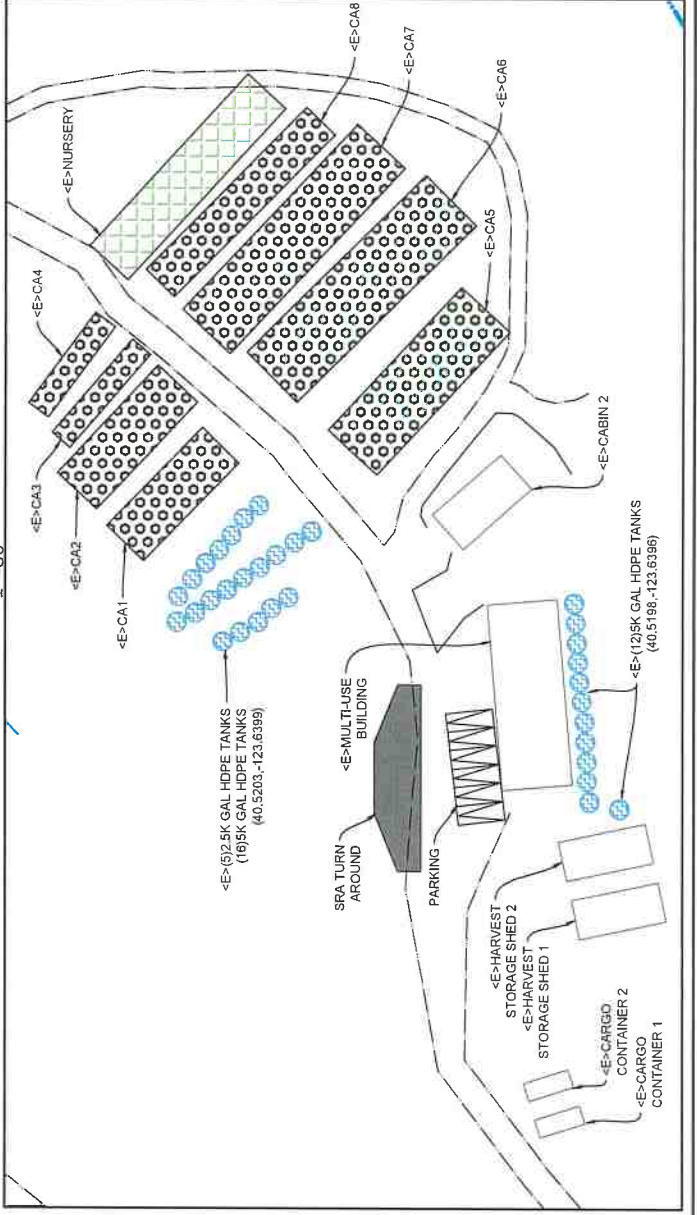
PARCEL OVERVIEW

APN: 208-201-020



LEGEND

- CLASS II WATERCOURSE WITH REQUIRED 100 FT BUFFER
- CLASS III WATERCOURSE WITH REQUIRED 50 FT BUFFER
- STREAM CROSSING
- PROJECT PARCEL LINE
- ADJACENT PARCEL LINE
- SEASONAL ROAD



SHEET INFORMATION

| LIGHT DEPRIVATION (OUTDOOR) CULTIVATION AREA | | | |
|--|--------|-------|-------------|
| GH | LENGTH | WIDTH | SQ.FT |
| 1 | 86 | 21 | 1,806 |
| 2 | 86 | 21 | 1,806 |
| TOTAL AREA = | | | 3,612 SQ.FT |

| FULL-TERM (OUTDOOR) CULTIVATION AREA | | | |
|--------------------------------------|--------|-------|----------------|
| CA | LENGTH | WIDTH | SQ.FT |
| 1 | 59.00 | 22.00 | 1,286.0 |
| 2 | 63 | 23 | 1,449 |
| 3 | 53 | 10 | 530 |
| 4 | 45 | 10 | 450 |
| 5 | 84 | 28 | 2,352 |
| 6 | 108 | 30 | 3,240 |
| 7 | 109 | 28 | 3,052 |
| 8 | 98 | 17 | 1,666 |
| 9 | 125 | 40 | 5,000 |
| TOTAL AREA = | | | 19,037.0 SQ.FT |

| IMMATURE PLANT AREA | | | |
|---------------------|--------|-------|-------------|
| NURSERY | LENGTH | WIDTH | SQ.FT |
| 1 | 100 | 22 | 2,200 |
| TOTAL AREA = | | | 2,200 SQ.FT |

CULTIVATION BUILDINGS AND USE

| BUILDINGS | USE | SIZE | YEAR |
|------------------------|---|---------|------|
| MULTI-USE BUILDING | DRYING/HARVEST STORAGE/ CHEMICAL AG STORAGE/MACHINE PROCESSING AREA | 80'x30' | 2015 |
| HARVEST STORAGE SHED 1 | DRYING/HARVEST STORAGE/ADMIN HOLD AREA | 40'x20' | - |
| HARVEST STORAGE SHED 2 | DRYING/HARVEST STORAGE/ADMIN HOLD AREA | 40'x20' | - |
| CARGO CONTAINER 1 | TOOL/CHEMICAL AG STORAGE | 20'x8' | - |
| CARGO CONTAINER 2 | TOOL/FUEL STORAGE | 20'x8' | - |

DOMESTIC BUILDINGS AND USE

| BUILDINGS | USE | SIZE | YEAR |
|---------------------|------------------|---------|------|
| CABIN 1 | DOMESTIC STORAGE | 47'x26' | 2015 |
| CABIN 2 | DOMESTIC STORAGE | 40'x20' | 2015 |
| MOTHER IN LAW SUITE | DOMESTIC STORAGE | 8'x12' | 2009 |

WATER STORAGE AND USE

| TYPE | QUANTITY | GALLONS | TOTAL GALLONS |
|--------------------------------|----------|---------|-----------------|
| HDPE TANK | 28 | 5,000 | 140,000 |
| HDPE TANK | 8 | 2,500 | 20,000 |
| TOTAL AMOUNT OF WATER STORAGE= | | | 160,000 GALLONS |

WATER SOURCE

| TYPE | BENEFICIAL USE | SURFACE AREA (SQ.FT) |
|---|---------------------|----------------------|
| RAINWATER CATCHMENT (MULTI-USE BUILDING) | CANNABIS IRRIGATION | 2,400 |
| RAINWATER CATCHMENT (CABIN 1) | CANNABIS IRRIGATION | 1,222 |
| RAINWATER CATCHMENT (CABIN 2) | CANNABIS IRRIGATION | 800 |
| RAINWATER CATCHMENT (X15.5K GAL HDPE TANKS) | CANNABIS IRRIGATION | 127.5 |

POWER SOURCE

GENERATOR

SURROUNDING BUILDINGS

THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE.
THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.

PROJECT INFORMATION
 NIKOLAI ERIKSON
 APN: 208-201-020
 PARCEL OVERVIEW

PROPERTY OWNER
 ADDRESS
 SHEET INFO

| NO | NOTES | DATE |
|----|----------------|----------|
| 1 | NOTES-INITIALS | 08-08-20 |
| 2 | NOTES-INITIALS | 08-08-20 |
| 3 | NOTES-INITIALS | 08-08-20 |
| 4 | NOTES-INITIALS | 08-08-20 |
| 5 | NOTES-INITIALS | 08-08-20 |
| 6 | NOTES-INITIALS | 08-08-20 |

DATE 4/13/22
 DRAFTER XX
 SCALE AS SHOWN
 SHEET C1



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT AND SPECIAL PERMITS ARE 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 sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. The applicant shall provide an updated Site Plan to the Planning Division within 30 days of approval to show permanent generator shed locations, and to show water tanks designated for domestic uses separately from water tanks designated for cannabis irrigation.
6. 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 #7 through #16. 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.
7. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to: two (2) hoop houses, one (1) 30' x 80' Multi-Use Building, two (2) 20' x 40' Harvest Storage Sheds, and two (2) 8' x 20' Cargo Containers. There are two (2) generators used for project activities on-site, which are required to be housed in permanent locations within secondary containment. The applicant shall submit an updated Site Plan to show generator shed locations, and shall permit with the Building Division. Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams. 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.

8. The applicant shall submit a grading, erosion and sediment control plan for any previous grading done in excess of 50 cubic yards. The plan shall identify the cubic yards of all grading that has been completed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
9. The applicant is conditioned to transition to 100% renewable energy source for the project by the 2026 cultivation season, and after transition shall be allowed to keep one generator on-site for emergency backup purposes only.
10. The applicant shall provide an Energy Plan to the Planning Division to show how all power required by the project will be sourced 100% by renewable energy sources.
11. The applicant shall adhere to the final requirements determined by the State Water Board & CDFW for the on-stream ponds, and shall permit the on-stream ponds with the Building Division, in order to ensure the structural integrity of the water retention structures.
12. The applicant shall submit the Site Erosion and Sediment Control Plan prepared for the site's compliance with the State Water Board, to the Planning Division, and shall adhere to the recommendations within the report.
13. The applicant shall comply with the recommendations in Table 10. Remediation Summary Table of the Site Management Plan prepared by Green Road Consulting (items MP4 & MP5 shall be completed in accordance with approval from CDFW & the State Water Board).
14. The applicant shall complete all the work described in, and shall adhere to the conditions outlined in the SAA 1600-2019-0559-R1, for work association with STX1-STX4 & STX6.
15. The applicant shall obtain a Final Streambed Alteration Agreement made with CDFW, with an approved Remediation Plan related to all on-stream pond work, shall submit to the Planning Division, shall complete all the work described in the Final SAA and approved Remediation Plan, and shall adhere to the conditions outlined in the Final SAA.
16. The applicant shall obtain a biological assessment to specifically address the potential presence of invasive catfish existing in the ponds, shall submit to the Planning Division, and shall adhere to any recommendations made within the report.
17. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
18. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The operator shall submit receipts, or copy of contract confirming sufficient use of portable toilets to serve staff or provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing onsite wastewater treatment system serving the.

2. In the event that one of the subject permits (PLN-11219-CUP, PLN-11220-CUP & PLN-11241-CUP) is transferred to a different permit holder, the shared uses shall cease on the subject parcel, and the project will no longer provide storage space or clones to the adjacent properties (APN's: 208-271-004 & 208-201-026).
3. The applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility to be furnished during an annual inspection.
4. The applicant shall adhere to the recommendations within the Timber Conversion Report (TCR) prepared by Timberland Resource Consultants:
 - Dead, dying and diseased trees may be removed within striking distance (~100 feet) of Greenhouse #1, Cultivation Area #1, Cultivation Area #2, Cultivation Area #3, and the Rain Catchment Site. The stumps of the trees shall not be removed, nor shall there be any disturbance or grading that could result in timberland conversion.
 - The RPF observed scattered dead, dying, and diseased trees located throughout the property, which are greater than 100 feet from the cultivation site. To improve forest health and timberland productivity; the RPF recommends that all dead, dying, and diseased trees be removed and treated as feasible for hazard reduction.
 - No dead, dying, and diseased trees shall be harvested within a Stream Management Area and Water Board Riparian Setback. These trees shall be left standing for the beneficial uses of wildlife.
 - To eliminate fire hazard, all slash and woody debris created by the removal of dead, dying, and diseased trees shall be treated per 14CCR 914.5(b). (See page 16 of the TCR)
 - No California black oak or Oregon white oak shall be removed or damaged.
 - The tree removal project shall comply with State Water Resources Control Board Order WQ 2019-0001-DWQ. In particular, the project shall ensure compliance with the following: (1) Cannabis cultivators shall avoid damage to oak woodlands and (2) Cannabis cultivators shall apply erosion repair and control measures to the bare ground to prevent discharge of sediment to waters of the state.
5. The applicant shall not utilize the on-stream ponds for water source of cannabis irrigation without an approved Water Right with the Division of Water Rights, and an approved permit with CDFW.
6. The applicant shall adhere to the ongoing Monitoring Requirements listed in Table 7, and the ongoing winterization measures outlined in the Site Management Plan prepared by Green Road Consulting.
7. The applicant shall adhere to any Bullfrog Management Plan required by CDFW for the ponds on-site.
8. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying 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 State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
9. All artificial lighting shall be fully contained within mixed-light and propagation structures such that no light escapes (e.g., through blackout tarps). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum

Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.

10. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
11. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
12. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
13. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
14. The use of anticoagulant rodenticide is prohibited.
15. 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.
16. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation & Operations Plan, 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.
17. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
18. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
19. 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.
20. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of

surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

21. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).
22. Maintain enrollment in Tier 1, or 2 certification with State Water Resource Control Board (SWRCB) Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
23. Comply with the terms and conditions of any applicable Lake and Stream Alteration Permit (SAA 1600-2019-0559-R1 and all subsequent agreements) obtained from the California Department of Fish and Wildlife (CDFW).
24. The applicant shall keep documentation from a licensed off-site processing service, to be furnished during annual inspections.
25. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
26. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
27. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
28. Pay all applicable application, review for conformance with conditions and annual inspection fees.
29. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
30. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
31. 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

32. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
33. 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).

34. 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.

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

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

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

38. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying

the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Conditional Use 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.

39. 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.
40. 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.
41. 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.
42. 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 two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use

initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.

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

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

ATTACHMENT 2

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

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

**APN's 208-201-020;
Dinsmore Area
County of Humboldt**

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

April 2022

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.

Project Description: The modified project involves a Conditional Use Permit for 22,649 square feet (sq. ft.) of pre-existing outdoor cannabis cultivation, and 2,200 sq. ft. of ancillary propagation. Of the outdoor cultivation 3,612 sq. ft. will be in light-deprivation greenhouses without the use of supplemental lights, and 19,037 sq. ft. will be full-sun outdoor. Water for irrigation is sourced by rain catchment from rooftops. Annual water usage is estimated at 100,000 gallons (4.02 gal/sq. ft./year) and the applicant utilizes several water conservation methods on-site. A total of 160,000 gallons of water storage exists on-site in thirty-six hard sided tanks. Power is provided by two portable generators and will transition to full renewable energy sources by 2026.

There will be two (2) employees used on-site for cultivation activities, and the applicant will have portable toilets and hand washing stations available at the cultivation areas. The project was referred to the Department of Environmental Health (DEH) on July 10, 2017, and comments were received on November 6, 2017. DEH recommended conditional approval for the project on the condition that prior to renewal of a permit the operator shall submit receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for duration of first year, or provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing onsite wastewater treatment system serving the dwelling.

The project will consist of 3,612 sq. ft. of outdoor light-deprivation cultivation in two (2) hoop houses, and 19,037 sq. ft. of full-sun outdoor cultivation in nine (9) designated areas. The site will also provide additional drying and harvest storage area, and will provide clones for the adjacent properties (APN's: 208-271-004 & 208-201-026), which have approved permits (PLN-11220-CUP & PLN-11241-CUP) and are operated by the applicant. In the event that one of the subject permits is transferred to a different applicant, the shared uses shall cease on the subject parcel, and the project will no longer provide storage space or clones to the adjacent properties (APN's: 208-271-004 & 208-201-026). Two (2) harvests are anticipated for light-deprivation cultivation, and one harvest for full-sun outdoor. Processing at the site includes drying curing & packaging, and trimming will occur off-site at a licensed processing facility. The applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility to be furnished during an annual inspection.

Other buildings with a nexus to cannabis include one (1) 30' x 80' Multi-Use Building (used for drying & harvest storage, and processing), two (2) 20' x 40' Harvest Storage Sheds, and two (2) 8' x 20' Cargo Containers (used for agricultural chemicals and fuel storage). There are two (2) generators used for project activities on-site, which are required to be housed in permanent locations within secondary containment. The applicant shall submit an updated Site Plan to show generator shed locations, and shall permit with the Building Division. Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a

minimum 200-foot buffer from Class I and Class II streams. The project also includes the use of two (2) ponds on-site for fire suppression needs. The project is conditioned to obtain the appropriate building permits for all structures related to cannabis, and for any historic grading done for cannabis in excess of 50 cubic yards.

Energy

The project currently utilizes two (2) portable generators, which are required to be housed within secondary containment, and the applicant plans to transition to solar power. The applicant is conditioned to transition to 100% renewable energy source for the project by the 2026 cultivation season, and after transition shall be allowed to keep one generator on-site for emergency backup purposes only. The applicant shall provide an Energy Plan to the Planning Division to show how all power required by the project will be sourced by 100% renewable energy sources.

Fire Safety & Timber Conversion

The project is in an area known to have a Very High Fire Hazard Severity, and is within the Ruth Lake Community Services District (RLCSD) for fire response. The project was referred to the RLCSD on July 10, 2017, and no comments were received by the agency. The project is also in the State Responsibility Area for CalFire. There was approximately 5.3 acres of oak woodlands that were cleared on the site between 2004 and 2012, in association with adding a home site, two (2) cannabis cultivation areas, and two (2) ponds. The two (2) ponds have a total storage capacity of approximately 548,000 gallons and are designated for fire protection, and there is an SRA firetruck turnaround designated on the Site Plan.

The project was referred to CalFire on July 12, 2017, and comments were received on May 22, 2018. Comments from CalFire stated that there were several existing timber conversion violations on the subject parcel, and submitted a Notice of Violation of Forest Practice Laws Letter, dated September 19, 2017. Violations included timber operations conducted without a Timber Harvesting Plan by removing timber for the purpose of converting the land to uses other than the growing of timber, approximately 5.3 acres of converted timberland for uses other than the growing of timber without filing an application for conversion, conducting commercial timber operations without a valid timber operator's license, and constructing slash piles adjacent to a Class III watercourse, placed rock in a Class II spring, and allowing the overflow channel of a pond to erode resulting in soil discharging into a Class III watercourse. Many of the violations could not be mitigated, and the only mitigation required was to remove the slash piles from the WLPZ and rock armoring the overflow channel and the applicant paid a settlement with CalFire. A subsequent letter from CalFire, dated September 7, 2018, was sent to the applicant for "Compliant and Proposed Order for Administrative Penalties". The applicant obtained a Timber Conversion Report (TCR) prepared by Registered Professional Forester Chris Carroll, with Timberland Resource Consultants, dated June 20, 2020. The TCR was sent to CalFire for review and re-referral of the project was requested on February 22, 2022. Comments were received by the agency on February 28, 2022 stating that the landowner has mitigated all issues that were outstanding with CalFire, and they had no comments at that time. The TCR that was prepared for the project states that tree removal consisted of the Sanitation-Salvage silvicultural prescription per 14CCR 913.3(b) of the Forest Practice Rules. The applicant shall abide by the recommendations within the TCR.

Geologic & Seismic Safety

The project site is in an area designated to have a High Instability for Seismic Safety and Slope Stability rating. The applicant did obtain a report for Engineering Geologic Assessment of Pond Stability (EGAPS) prepared by Gary Simpson, Certified Engineering Geologist with SHN Engineers & Geologists, dated October 2, 2018. A site visit was conducted on August 17, 2018, and a previous investigation had been completed by SHN in 2013 which included subsurface investigation of the pond embankments. The EGAPS report states that there are three ponds at the project site. A stock pond ("upper" pond shown in Figure 2 of the EGAPS) was installed in 1993, prior to the applicant's ownership. The middle pond construction was initiated in 2007, and the lower pond construction began in 2011, both after the applicant obtained ownership of the property. Each of the three ponds is associated with an embankment structure, and a berm initially developed between the middle and lower ponds was breached at some point, such that the two ponds are now contiguous. The EGAPS report concluded

that from a geologic standpoint the site is favorable for development of water retention structures, the existing ponds and their respective embankments are suitable for continued use as water retention structures, and it appears that the subject embankments are associated with a sufficiently low potential for failure that would impact downstream environmental resources. The applicant has had ongoing discussion with the State Water Board and the California Department of Fish & Wildlife (CDFW) regarding the final designs and requirements for the ponds. The applicant shall adhere to the final requirements determined by the State Water Board & CDFW for the on-stream ponds, and shall permit the on-stream ponds with the Building Division, in order to ensure the structural integrity of the water retention structures.

Water Resources

Water for irrigation is provided by rain catchment utilizing gutters from the Multi-Use Building and two (2) Cabins on-site. According to the applicant's Addendum to Cultivation & Operations Plan, the buildings have the capacity to catch up to 198,497 gallons of water per year, using data of average rain fall in the area. There are fifteen (15) 5,000-gallon rain catchment tanks, thirteen (13) 5,000-gallon water tanks, and eight (8) 2,500-gallon water tanks, for a total of 160,000 gallons of existing water storage on-site. The applicant has not designated domestic tanks on the Site Plan, and shall submit an updated Site Plan to show water tanks designated for domestic separately from water tanks designated for cannabis irrigation. The applicant utilizes water conservation methods, which lowers the total amount of water needed for the project annually to approximately 100,000 gallons (4.02 gall./sq. ft./year). The applicant plants later in the season, uses smaller plant strains that have earlier harvests, and utilizes coco fiber on plant beds for water retention.

The project originally proposed the use of two (2) "rain catchment ponds" for irrigation needs. After review with the State Water Board and the California Department of Fish & Wildlife (CDFW) it was determined that the ponds were in fact on stream ponds, and the applicant decided to transition to rain catchment from roof tops for water source. The ponds are now used for domestic, aesthetic, fire protection, and wildlife preservation and enhancement under water source under Right to Divert and Use Water Certificate D1160. As the ponds were originally used for irrigation needs, and are used for fire suppression needs associated with the proposed project, the applicant is conditioned to permit the ponds with the Building Division. As well, the applicant shall not utilize the on-stream ponds for water source of cannabis irrigation without an approved Water Right with the Division of Water Rights, and an approved permit with CDFW.

The site was historically enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R-1-2015-0023, under WDID 1B16188CHUM. The site has also been enrolled in the State Water Board's General Order 2019-0001-DWQ under WDID 1_12CC417902, as a Tier 2 Moderate Risk site. The applicant has a Notice of Applicability letter from the Water Board dated July 31, 2019, as proof of enrollment in the General Order, and shows that a Site Management Plan (SMP) and a Site Erosion and Sediment Control Plan (SESCP) are required for the project. The applicant has had an SMP prepared by Green Road Consulting, dated August 5, 2019, and the applicant shall submit the SESCO to the Planning Division, and shall adhere to the recommendations within the report. The SMP details measures required to meet compliance with the General Order, shows that all cultivation areas are located outside of any Streamside Management Areas on-site, includes road improvements required on-site, lists a total of six (6) stream crossings that require upgrades, and includes yearly winterization and site monitoring requirements. The applicant shall comply with the recommendations in Table 10. Remediation Summary Table (items MP4 & MP5 shall be completed in accordance with approval of CDFW & the State Water Board), the ongoing Monitoring Requirements listed in Table 7, and the ongoing winterization measures outlined in the SMP.

The project is within the Mad River Planning Watershed, and the application was sent out for referral to the Humboldt Bay Municipal Water District (HBMWD) on November 20, 2018. Comments were received by the agency in a letter dated December 5, 2018. The HBMWD letter states concerns regarding the ponds being a potential species problem, requested that the County verify that the applicant has a water right for the potential diversion, and stated that the project may be subject to full environmental CEQA review. The applicant is required to continue working with and adhere to the final requirements

determined by the State Water Board & CDFW for the on-stream ponds, and is conditioned to obtain a biological assessment to address the potential presence of invasive catfish, as well as adhere to any bullfrog management plan required by CDFW. The project will no longer use the ponds for cannabis irrigation, and the applicant only uses the ponds for domestic and fire suppression needs under domestic Right to Divert and Use Water Certificate D1160. Lastly, after continued review and analysis of the project, it has been determined that the project falls under the Mitigative Negative Declaration that was prepared for the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO), and no Initial Study was requested specific to the proposed project.

Biological Resources

The project site does contain habitat for Oregon goldthread, according to the California Natural Diversity Database (CNDDDB) Resource Map, and the nearest Northern Spotted Owl (NSO) activity center is located approximately 1.86 miles from the nearest cultivation site. As the site is for pre-existing activities and no new development is proposed, no Biological Assessment was required for the proposed project. The project was referred to CDFW on July 10, 2017, and comments were received on August 21, 2017. Comments from CDFW included: a request to put the project on hold until a Final Lake or Streambed Alteration Agreement for the project was obtained, stated that on-site review confirmed that the ponds are hydrologically connected to surface waters and are jurisdictional with CDFW, requested a biological assessment of the parcel with specific attention to the potential presence of invasive catfish in the ponds, requested condition of approval in regards to noise pollution.

The applicant has obtained a Streambed Alteration Agreement (SAA 1600-2019-0559-R1) with CDFW for the instream work required to replace and upgrade five (5) culverts on-site (STX1-STX4, STX6). The applicant shall complete all the work described in, and shall adhere to the conditions outlined in the SAA 1600-2019-0559-R1, for work association with STX1-STX4 & STX6. Additional work outlined in SAA 1600-2019-0559-R1 include remediation work associated with the on-stream ponds (Reservoir outlet 1, Reservoir outlet 2, STX5, and Bypass culvert), which are not authorized under the Agreement. The applicant is continuing to work with CDFW and the State Water Board on the final design and requirements for the on-stream ponds. The applicant shall obtain a Final Streambed Alteration Agreement made with CDFW, with an approved Remediation Plan related to all on-stream pond work, shall submit to the Planning Division, shall complete all the work described in the Final SAA and approved Remediation Plan, and shall adhere to the conditions outlined in the Final SAA. As well, the applicant shall obtain a biological assessment to specifically address the potential presence of invasive catfish existing in the ponds, shall submit to the Planning Division, and shall adhere to any recommendations made within the report. Lastly, the applicant shall adhere to any Bullfrog Management Plan required by CDFW for the ponds on-site.

The project does include the use of two (2) generators on-site, and the applicant is conditioned to transition to 100% renewable energy source by 2026. The applicant is conditioned to house all generators within permanent shed locations, and all generators shall not exceed 50 decibels at 100 feet or the nearest canopy, whichever is closer. Additionally, the project is conditioned to adhere to International Dark Sky Standards, and any supplemental lighting used within propagation nursery greenhouses shall not escape between the hours of dusk and dawn.

The applicant obtained a Wetland Delineation Report (WDR) that was prepared by Wildlife Biologist Jack Henry, with Timberland Resource Consultants, dated July 2019. A site visit was conducted on May 10, 2019, where two sample points were assessed for the three wetland parameters: hydrology, hydrophytic vegetation, and hydric soils. The purpose of the delineation was to accurately assess if the embankments of an existing pond encroached within the potential wetland on-site. There is an existing spring head northeast of the ponds, and was the subject of the assessment. One sample point met all three parameters that define a wetland. The WDR concludes that there is a freshwater emergent wetland present on-site, and the existing pond does not encroach within its delineated boundary. The wetland area is shown in the Wetland Delineation Map of the WDR, and has been added to the applicant's Site Plan showing an appropriate 50-foot buffer.

Tribal Cultural Resource Coordination

The project is located within the Bear River Band tribal aboriginal territory. The project was referred to the Bear River Band THPO and the Northwest Information Center (NWIC) on July 10, 2017. The NWIC responded with a recommendation that the lead agency contact the local Native American tribe(s) regarding tradition, cultural, and religious heritage values. A response was received from the Bear River Band THPO on July 31, 2017, requesting the applicant adhere to Inadvertent Discovery Protocols as a condition of approval.

Access

The project site is accessed by Canyon Road, from Bear Creek Road, from Hwy 36. Canyon Road and Bear Creek Road are non-county maintained roads, and the project was referred to the Department of Public Works on July 10, 2017. Comments were received by the Department on August 10, 2017, recommending that the project be referred to CalTrans. The project was referred to CalTrans on July 10, 2017, and no comments were received by the agency. The applicant has submitted a Road Evaluation Report form dated October 6, 2017, which only lists Bear Creek Road for the access road, but includes Canyon Road in the route map. The applicant's RER self-certifies that both roads are developed to the equivalent of a Category 4 road standard. The access road has been determined to meet the functional capacity needs for the project.

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 65 cultivation permits and the total approved acres would be 24.84 acres of cultivation.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include the preparation of a Site Erosion and Sediment Control Plan, ensuring project related noise does not harass nearby wildlife, adhering to International Dark Sky Standards, transitioning to 100% renewable energy source by 2026, and permitting the two (2) on-stream ponds on-site.

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

1. Substantial changes are proposed in the project which require major revisions of the previous 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 project is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan received April 13, 2022.
- Cultivation & Operations Plan prepared by Green Road Consulting.
- Addendum to Cultivation & Operations Plan dated March 9, 2022.
- Notice of Applicability dated July 31, 2019, for proof of enrollment in the State Water Resources Control Board Order WQ 2019-0001-DWQ.
- Site Management Plan prepared by Green Road Consulting, in compliance with the State Water Board Order WQ 2019-0001-DWQ, dated August 5, 2019.
- Road Evaluation Report form for Bear Creek Road signed October 6, 2017.
- An Engineering Geologic Assessment of Pond Stability prepared by Gary Simpson, Certified Engineering Geologist with SHN Engineers & Geologists, dated October 2, 2018.
- Streambed Alteration Agreement with Fish & Wildlife (1600-2019-0559-R1) signed April 7, 2021, received February 10, 2022.
- Wetland Delineation Report prepared by Wildlife Biologist Jack Henry, with Timberland Resource Consultants, dated July 2019.
- Timber Conversion Report prepared by Registered Professional Forester Chris Carroll, with Timberland Resource Consultants, dated June 20, 2020.
- A letter from CalFire, dated September 7, 2018, for "Compliant and Proposed Order for Administrative Penalties".
- Oak Woodland Management Permit No. 1-21EX-01321-HUM, dated November 10, 2021.
- Forest Fire Prevention Permit No. 1-21EX-01319-HUM, dated November 4, 2021.

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

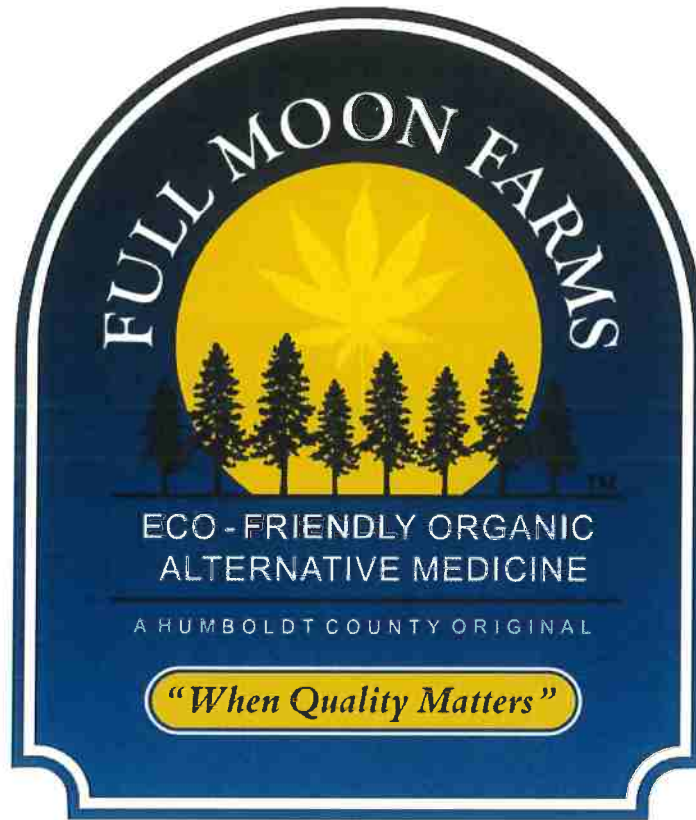
Applicant's Evidence in Support of the Required Findings

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. (On-file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plans – **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 & Operations Plan & Addendum to Cultivation & Operations Plan, Explanation of Shared Activities - **Attached**)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. Above), and in Water Conservation Methods - **Attached**)
6. Copy of Notice of Applicability filed with the State Water Resource Control Board Order No. WQ 2019-0001-DWQ, under WDID: 1_12CC417902. (**Attached**)
7. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
8. Site Management Plan prepared by Green Road Consulting, in compliance with the State Water Resources Control Board's Order WQ 2019-0001-DWQ. (**Attached**)
9. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2019-0559-R1– **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. (Notice of Violation Letter from CalFire, Compliant and Proposed Order for Administrative

Penalties letter from CalFire, and a Timber Conversation Report prepared by Chris Carroll with Timberland Resource Consultants - **Attached**)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On-file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. Oak Woodland Management Permit No. 1-21EX-01321-HUM, dated November 10, 2021 (**Attached**).
16. Forest Fire Prevention Permit No. 1-21EX-01319-HUM, dated November 4, 2021 (**Attached**).
17. Road Evaluation Report form for Bear Creek Road and Canyon Road signed October 6, 2017. (**Attached**)
18. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
19. Wetland Delineation Report prepared by Wildlife Biologist Jack Henry, with Timberland Resource Consultants, dated July 2019. (**Attached**).



Site Plan Overview and Cultivation and Operations Plan

Applicant/Owner

Full Moon Farms
1065 Riverside Drive
Rio Dell, CA 95562
APN: 208-201-020

Agent

Kaylie Saxon
Green Road Consulting
1650 Central Avenue, Suite C
McKinleyville, CA 95519



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I. Site Plan Overview

1.0 Project Information

Full Moon Farms ("Applicant") is submitting this application for a Type 3 Use Permit for 22,672 square feet of existing outdoor commercial cannabis cultivation on a 40-acre parcel, located in Bridgeville, CA ("Parcel"), Assessor's Parcel Number 208-201-020.

The water source for this parcel is two (2) catchment ponds. Pond #1 totals approximately 477,000 gallons and Pond #2 totals approximately 71,000 gallons of storage. The Applicant also has five (5) 2,500-gallon HDPE water tanks and four (4) 3,000-gallon water tanks. The total water storage for the Parcel is 572,500 gallons. The ponds are being assessed by a civil engineer and any permitting necessary will be identified and completed. The Applicant's annual water usage is estimated to be approximately 190,000 gallons.

The applicant is anticipating the need for two (2) day labor employees and will be utilizing a 3rd party processor.

This application is submitted through their agent, Kaylie Saxon of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

The Use Permit would achieve the following results for the Applicant:

- a. Permit 22,672 square feet of commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO.
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Dinsmore, CA. The Parcel is comprised of 40-acres and is identified by Assessor's Parcel Number ("APN") 208-201-020. There is no street address for the Parcel.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is FR-B-5(40) with a Current General Plan of AL40 (FRWK). The CMMLUO permits existing commercial cannabis cultivation on land zoned as FR with cultivation sites between 10,001 and 43,560 square feet with a Use Permit.

2.2 Site Topography

A map of the Parcel's topography is included as Attachment "A."

3.0 Easements

The following is from the Grant Deed, a copy of which is included in the Evidence of Ownership and Authorization section of this application.

"PARCEL ONE

Parcel 65, as shown on the Amended Record of Survey Map of Timberline Ranch Estates on file in the Office of the County Recorder of said County in Book 26 of Surveys, pages 135 to 143, inclusive.

PARCEL TWO

A non-exclusive easement for ingress, egress and public utilities, 60 feet wider, over those portions of the following road:

- a) That portion of Canyon Road that lies within Parcels 64, 66,75 and 76, as shown on the Amended Record of Survey referred to herein:
- b) That portion of Anderson Ford Road that lies within Parcels 66, 67, 73, 74, 82, 83 and 86, as shown on the Amended Record of Survey referred to herein:
- c) That portion of Bear Court Road that lies within Parcels 76,81, 82, 86, 87, 97, 98, 99, 100, 101, 104, 105, 106A, 107, 112, 114, 115 and 116, as shown on the Amended Record of Survey referred to herein."

4.0 Natural Waterways

The Parcel has one (1) unnamed Class III watercourse. See Sheet PO of the Site Plan, located in the Site Plan of Entire Parcel section of this application.

5.0 Location and Area of Existing Cultivation

The 22,672 square feet of cannabis cultivation is proposed to occur in four (4) locations on the Parcel and can be viewed on the Site Plan, included in the Site Plan of Entire Parcel section of this application.

Cultivation Area #1

Cultivation Area #1 is located in the northern section of the Parcel. It consists of approximately 3,772 square feet of outdoor cultivation and meets buffer zone and setback requirements for the Water Board and County.

Cultivation Area #2

Cultivation Area #2 is located in the northeastern section of the Parcel to the right of the ponds. It consists of approximately 4,370 square feet of outdoor cultivation and meets buffer zone and setback requirements for the Water Board and County.

Cultivation Area #3 & #4

Cultivation Area #3 & 4 is located in the southwestern section of the Parcel. CA #3 consists of approximately 5,100 square feet of outdoor cultivation and CA #4 consists of approximately 9,430 square feet of outdoor cultivation. Both cultivation areas meet buffer zone and setback requirements for the Water Board and County.

6.0 Setbacks of Cultivation AreaCultivation Area #1

Cultivation Area #1 is setback from the northern parcel line by 256 feet and the eastern parcel line by 482 feet.

Cultivation Area #2

Cultivation Area #2 is setback from the eastern parcel line by 373 feet and the southern parcel line by 615 feet.

Cultivation Area #3 & #4

Cultivation Area #3 and #4 are setback from the southern parcel line by 50 feet and 333 feet from the western parcel line.

7.0 Access Roads

The Parcel is located off Bear Creek Road. The interior roads are in good condition.

Once the applicant's Water Resource Protection Plan ("WRPP") is completed, the details of any Stream Crossing Maintenance, Erosion Control and Drainage Features needed will be outlined. The WRPP is due for completion by November 2017.

8.0 Graded Flats

There are no graded flats on the parcel that have been identified to require a grading permit.

9.0 Existing and Proposed BuildingsMother in Law Suite

There is a Mother in Law Suite located to the north of the catchment ponds in the western section of the parcel. It is currently unfinished and it is not used for any cultivation related activities.

Cabin

There is a Cabin located across from the Mother in Law Suite to the north of the catchment ponds. It was constructed in the early 1980's and is used for temporary housing. It is not used for any cultivation related activities.

Storage Shed

There is a Storage Shed located behind the Mother in Law Suite. It was constructed around 2012 and is used for general tool storage. It is not used for any other cultivation related activities.

Existing Dry Shed

The Existing Dry Shed is located near Cultivation Areas #3 and #4. It is approximately 14'x 20' and was constructed around 2012. It is used for the drying and curing of harvested cannabis.

Proposed Dry Shed

The Proposed Dry Shed will be located to the left of the Existing Dry Shed near Cultivation Areas #3 and #4. It will be 40'x80' and used for drying and curing of the cannabis. The applicant intends to have this structure permitted and complete by 2019.

Water Storage, Use and Watershed Protection**10.1 Water Storage**

There is one (1) existing catchment pond that holds approximately 477,000 gallons of water and one (1) existing catchment pond that holds approximately 71,000 gallons of water.

The Applicant also has five (5) 2,500 gallon HDPE water tanks and four (4) 3,000 gallon water tanks. The total water storage for the parcel is approximately 572,500 gallons.

10.2 Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

All water used for the irrigation of cannabis is sourced from the two (2) catchment ponds on the parcel and is completed by a timed, metered drip irrigation system. Because the applicant is not diverting surface water, no forbearance period is necessary and the applicant will not need to file for any diversionary permits or rights.

10.3 Watershed Protection

The applicant has contracted with Green Road Consulting, Inc. to complete their Water Resource Protection Plan. The Notice of Intent is included in the Other Permits, Licenses and Documents section of this application. The WRPP will be completed by November 2017.

The applicants Riparian and Wetland Protection and Management, Spoils Management, Irrigation, Runoff, Storage of Fertilizers/ Amendments/ Pesticides/ Herbicides/

Petroleum/ Chemical Products, Cultivation Related Wastes and Refuse and Human Waste will be detailed and any corrective measures outlined in the WRPP.

10.0 Distances from Significant Landmarks

There are no schools, school bus stops, places of worship or Tribal Cultural Resources within 600 feet of the cultivation site. There also are not any off-site residences within 300 feet of the cultivation site

II. Cultivation and Operations Plan

1.0 Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

All water used for the irrigation of cannabis is sourced from the two (2) catchment ponds on the parcel and is completed by a timed, metered drip irrigation system. Because the applicant is not diverting surface water, no forbearance period is necessary and the applicant will not need to file for any diversionary permits or rights.

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The applicants Riparian and Wetland Protection and Management, Spoils Management, Irrigation Runoff, Storage of Fertilizers/Amendments/Pesticides/Herbicides/Petroleum/Chemical products, Cultivation Related Wastes and Refuse and Human Waste will be detailed and any corrective measures outlined in the WRPP.

3.0 Materials Storage

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. The applicant will be using strictly approved substances for pest and mold management as well as approved fertilizers and amendments.

All fertilizers and amendments are brought in as needed to the parcel. The applicant keeps a spill kit on site in the event of a spill, but materials are not stored for use on site.

All labels are kept and directions are followed when nutrients and fertilizers are applied. A list of materials used has been provided as an attachment for the Department of Environmental Health.

4.0 Cultivation Activities

Cultivation Activities will vary based on climate, strain and the applicants personal schedule.

Cultivation activities typically begin sometime during May when cannabis plants are brought to the parcel to be placed in their permanent outdoor home. Soil is amended with organic amendments and fertilizers. The Applicant will be harvesting the cannabis sometime in October.

The Applicant is anticipating the potential for two (2) day labor employees and will have portable toilets, hand washing facilities and potable water available.

5.0 Processing Practices

Plants will be harvested one at a time using hand shears and taken into the existing Dry Shed where it will be dried and cure. The applicant will be utilizing a 3rd party processor.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

All cultivation related waste is stored in watertight containers and trash and recycling will be disposed of weekly. Any green waste will be piled and kept well away from any watercourse in a compost pile that will not exceed 100 cubic yards.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

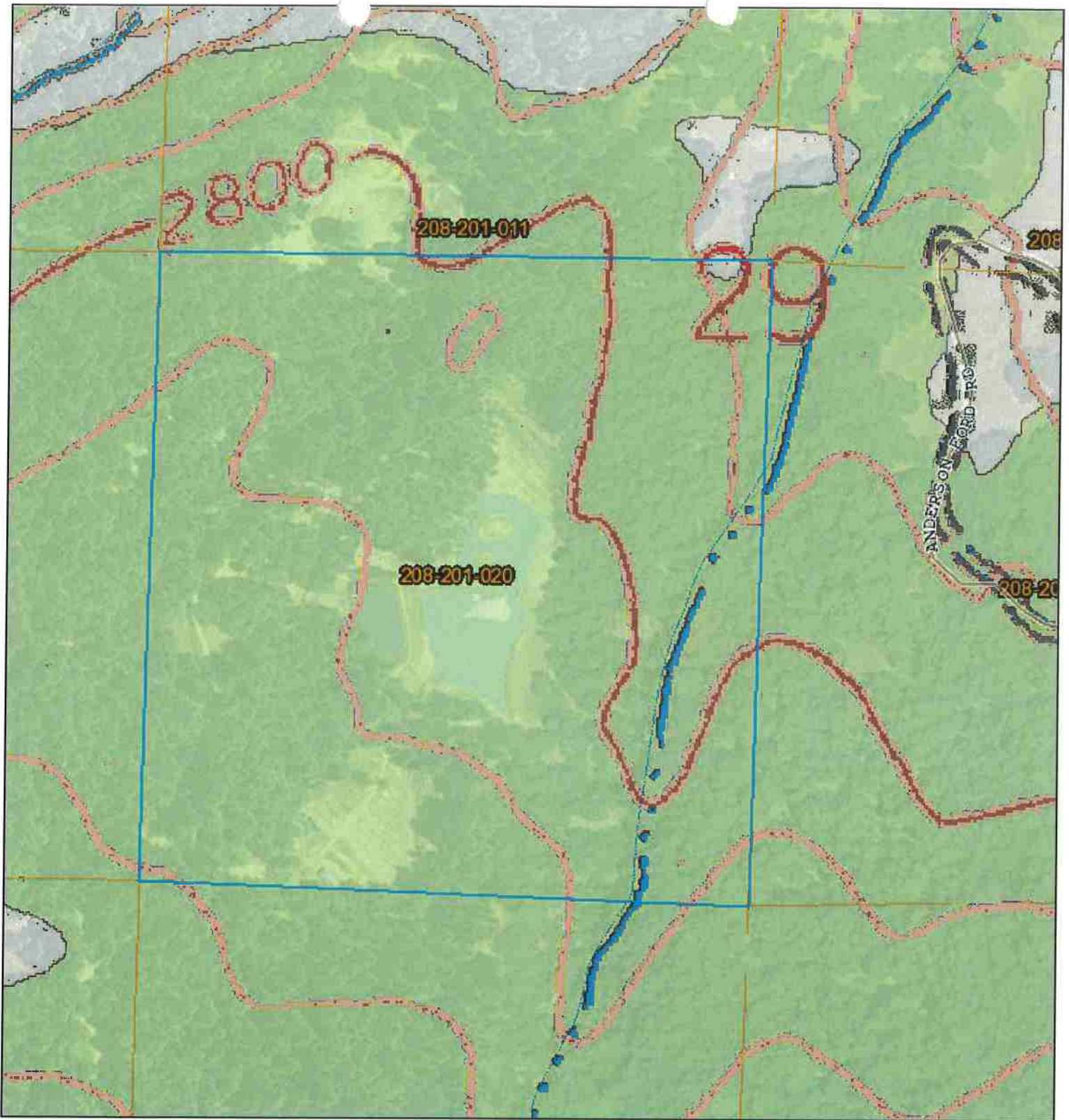
6.0 Security Measures

The Parcel is fenced and all access roads are gated.



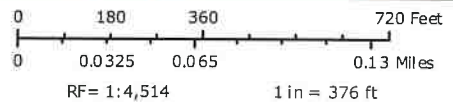
**GREEN
ROAD**
CONSULTING

Attachment "A"



ArcGIS Web Map

Humboldt County Planning and Building Department



- | | | |
|---------------------|---------------------------|-----------------|
| Highways and Roads | — Private or Unclassified | — Intermittent |
| Principal Arterials | — Major River or Stream | — Subsurface |
| Minor Arterials | Blue Line Streams | — City Boundary |
| Major Collectors | — Perennial 1-3 | — Counties |
| Minor Collectors | — Perennial >4 | — Parcels |
| Local Roads | | |

Printed: May 22, 2017

Web AppBuilder 2.0 for ArcGIS

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

Source: NRCS, Humboldt County GIS, USGS, Healthy Rural Roads, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FRAP, FEMA, USGS



**GREEN
ROAD**
CONSULTING

Attachment "B"

Cultivation and Water Usage
Full Moon Farms – APN: 208-201-020

| Month | Stage of Cultivation | | | Cultivation Space per Stage (Square Footage)* | Water Usage (gallons/month) |
|----------------|----------------------|-----------|------------|--|--------------------------------|
| | Vegging | Flowering | Harvesting | | |
| EXAMPLE | X | X | | 1,200 sq. ft. – Vegging 1,500 sq. ft. – Flowering | 5,000 gal/month |
| January | | | | | |
| February | | | | | |
| March | | | | | |
| April | | | | | |
| May | | X | | 22,672 sq. ft. – Flowering | 20,460 gal/month |
| June | | X | | 22,672 sq. ft. – Flowering | 26,400 gal/month |
| July | | X | | 22,672 sq. ft. – Flowering | 34,100 gal/month |
| August | | X | | 22,672 sq. ft. – Flowering | 47,740 gal/month |
| September | | X | | 22,672 sq. ft. – Flowering | 46,200 gal/month |
| October | | | X | | 15,000 gal/month |
| November | | | | | |
| December | | | | | |

*with a plant density of 0.85



Humboldt County Planning Department
 3015 H Street
 Eureka, CA 95501



RE: Full Moon Farms– Humboldt County APPS 11219– APN: 208-201-020

March 9th, 2022

To Whom It May Concern:

The following information should be added to the Cultivation and Operations Plan for Full Moon Farms, APPS #11219, APN: 208-201-020.

Water Source

The Applicant is utilizing rainwater catchment for cannabis irrigation.

Rain Catchment Capacity

Climate Averages

| | Bridgeville, California | United States |
|--------------------------------------|-------------------------|---------------|
| <u>Rainfall</u> | 70.0 in. | 38.1 in. |
| <u>Snowfall</u> | 21.7 in. | 27.8 in. |
| <u>Precipitation</u> | 105.7 days | 106.2 days |
| <u>Sunny</u> | 177 days | 205 days |
| <u>Avg. July High</u> | 73.5° | 85.8° |
| <u>Avg. Jan. Low</u> | 37.9° | 21.7° |
| <u>Comfort Index (higher=better)</u> | 7.5 | 7 |
| <u>UV Index</u> | 5 | 4.3 |
| <u>Elevation</u> | 4575 ft. | 2443 ft. |

Multi-Use Building

$$G = 7.48 \times A \times (d/12)$$

Where:

G = gallons of rain water available from catchment

A = rain catchment (roof) area, in square feet

d = annual rainfall total depth, in inches

$$G = 7.48 \times 2,400 \times (70/12)$$

$$G = 7.48 \times 2,400 \times 5.833$$

$$G = 104,714$$

Cabin 1

$$G = 7.48 \times A \times (d/12)$$

Where:

G = gallons of rain water available from catchment

A = rain catchment (roof) area, in square feet

d = annual rainfall total depth, in inches

$$G = 7.48 \times 1,222 \times (70/12)$$

$$G = 7.48 \times 1,222 \times 5.833$$

$$G = 53,316$$

Cabin 2

$$G = 7.48 \times A \times (d/12)$$

Where:

G = gallons of rain water available from catchment

A = rain catchment (roof) area, in square feet

d = annual rainfall total depth, in inches

$$G = 7.48 \times 800 \times (70/12)$$

$$G = 7.48 \times 800 \times 5.833$$

$$G = 34,905$$

Catchment Tanks(X15)

$$G = 7.48 \times A \times (d/12)$$

Where:

G = gallons of rain water available from catchment

A = rain catchment (roof) area, in square feet

d = annual rainfall total depth, in inches

$$G = 7.48 \times 8.5 \times (70/12)$$

$$G = 7.48 \times 8.5 \times 5.833$$

$$G = 371 \text{ (x15)}$$

$$G = 5,563$$

**Total rain catchment capacity = 198,497 gallons/yr*

**Avg annual use = ±100,000 gallons*

Processing Practices

The Applicant intends to machine process onsite within the multi-use building.

All those working on the property will be instructed in safe and proper techniques for performing any duties pretraining to cultivation. This includes the utilization of personal protective equipment and proper use of tools and necessary instruments required for the performance of one's duties. Personal protective equipment shall be provided for all employees and/or independent contractors via the proponent as well as having ample personal protective equipment in stock and onsite. Clean and safe drinking water will be in the form of filtered spring water. All Employee and/or independent contractors shall be made aware of the following.

- I. Location of fire extinguishers and the "P.A.S.S" technique.
- II. List of operations manager contacts;
- III. List of emergency control contacts;
- IV. List of poison control contacts;
- V. Location of first aid kit;
- VI. Location of Restroom and hand washing stations;
- VII. Location of clean drinking water and;
- VIII. Location of Personal protective equipment.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed.

Immature Plant Area

The Applicant will have a 100'x22' nursery for onsite propagation. This nursery will be used as a hub to service the adjoining parcels (208-201-026/208-271-004 all under same ownership).

Sanitation Facilities

The Applicant will provide those working on the site with six (6) serviceable portable toilets until an existing septic can be permitted or a new septic designed, permitted, and installed.

CDFW Comments

The referral documents from CDFW are from 2017 and is no longer up to date. The use of the pond is no longer associated with cannabis activities in any capacity. CDFW agreed to separate the pond work, which has been complicated by the water rights division of the state waterboard, and issue a second Lake and Streambed Alteration Agreement that covers all jurisdictional features with a nexus to cannabis (i.e. everything but the ponds). Work to permit the ponds is ongoing (grading plans, stream restoration, bypass channel design, revegetation, water management plans, etc.) but no longer has any relevance to PLN-11219-CUP. The biological assessment for the ponds should be removed as a condition for this same reason.

Acevedo, Megan

From: Nikolai Erickson <fullmoonfarmsne@gmail.com>
Sent: Friday, January 28, 2022 3:05 PM
To: Acevedo, Megan
Subject: Re: AppNo.11241

Follow Up Flag: Follow up
Flag Status: Flagged

I will email you the cover sheet for the deed of trust as well today if that works for you, if not I can have a copy of it dropped off Monday morning.

As far as adjacent properties and licenses as well as drying and storage I will list it as clear as I can here for you.

On apn 208-201-020 due east of the Hall property, (licenses CCL18-00001939-00001940-00001941 3 total) we already have a insulated steel drying space ready for use, approximately 150 yards away from the property line of the Hall property. We will use this building exclusively for all 3 adjacent properties, our road network is exclusive to us. As well will use a 40' insulated cargo container designated for storage of bulk product pre transport for processing. It will be clearly labeled with the new licenses from Hall. Storage of hazard materials is already designated in a cargo container on this same property as well as fertilizer storage. A revised site map will be issued asap. There is a small ag exempt wooden framed building on the Hall property that we will utilize as overflow dry space if needed. He has no residence on his property, only a couple camp trailers that they are going to remove. There are 3 porta potties on site that he had maintained, we will continue to do so. Nursery stock will come from a designated 22x100 greenhouse in the location of the 0001940 License on this same property 208-201-020 He also used one of his flowering greenhouses as a nursery stock prep space up until mid summer.

On the 208-201-020 property we have 3 residences, a septic system, 6 extra porta potties, dry shed, product storage, water catchment and storage, hazmat storage, tool storage, and basically all of the infrastructure needed to meet the needs of the Hall property and our more western property APN 208-271-004 which has two licenses as well, water storage and a 40' cargo container as well as a 20x60 nursery. It is due west of Brians place. Its licenses are 00001942- and 00001943 2 total.

Brians property will connect these properties and reduce the need for redundancy of infrastructure needed per license.

Brians property is pretty cut and dry, he didn't do much to improve the place, we will up grade his greenhouses over the next two seasons and streamline automation as well as property clean up, his water supply on storage is sufficient. I believe he has over 200k gal on site, we utilize shorter term strains to speed up time to harvest, mitigate against natural problems like weather or pests. This allows us to fertilize less, water less and spray less. Not to mention the reduction in man hours. Currently he has a lot of pvc hoop houses, we want to get to cold frames with solar powered arms as we've done at the other properties.

I hope this helps, basically drying, and storage of all things will be on the 208-201-020 property.

On Fri, Jan 28, 2022 at 1:39 PM Acevedo, Megan <macevedo@co.humboldt.ca.us> wrote:

Hi Nick,

I thought about it and if you would like to just send me a one page Addendum to Brian Hall's Cultivation & Operations Plan to address what shared activities and on which parcel/application you are proposing, that should be enough for me to condition the project appropriately, and you can submit an updated Site Plan later. This will avoid you having to apply for a modification later. Please let me know if you have any questions about this. I would like to get that Addendum no later than today (if possible) to keep you on track for the February 17th hearing date.

Thanks!



Megan Acevedo

Planner I
Cannabis Services Division
Planning and Building Department
707-441-2634

Acevedo, Megan

From: Nikolai Erickson <fullmoonfarmsne@gmail.com>
Sent: Tuesday, April 12, 2022 1:05 PM
To: Acevedo, Megan
Cc: Dante Hamm; Taylor Reeves; Steve Breitenstein; Kaylie Saxon
Subject: Re: Nikolai Erickson AppNo.11219

Follow Up Flag: Follow up
Flag Status: Flagged

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

Hey team, I have a current tally on the water storage. 28 5K gal tanks and 8 2500 gal tanks. Again our water use is far less than what was deemed necessary due to the following pro active mitigative factors we use. We plant later into the season and use plants that have earlier harvest times to mitigate against the time exposed to the environmental factors like early rains that can cause mold loss. We use a higher plant count to insure a consistent yield by strain. Also we utilize coco fiber for water retention. This strategy is also great at reducing man hours spent in the fields. This hybrid strategy is great for any farms out there having water issues. The quality of smaller plants exceeds that of larger ones that waste energy on unused bio mass. It also helps us stream line our metric data at harvest. We have water meters installed as well. Hope this helps. We just got almost a foot of snow on the farm so we will be wet a while longer lol. Have a great week everyone.

Nik

On Wed, Mar 30, 2022 at 11:33 AM Acevedo, Megan <macevedo@co.humboldt.ca.us> wrote:

Okay thanks Nik!

I'm sorry to hear about your grandmother. We will plan for the May 5th hearing. I will need the final numbers and information by April 14th at the latest to get the hearing notices in on time. Just fyi, that us planners have been told to question water usage numbers that seem low. If you still think you will only use 100,000 gallons of water per year (4 gallons per square foot per year) please include some information on why you only need that amount of water.

Thank you!



Megan Acevedo

Planner I
Cannabis Services Division
[Planning and Building Department](#)
707-441-2634

North Coast Regional Water Quality Control Board

July 31, 2019

WDID:1_12CC417902

FULL MOON FARMS
ATTN: NIKOLAI ERICKSON
1065 RIVERSIDE DRIVE
RIO DELL, CA 95562

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.

Sincerely,

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

190731_2M_1_12CC417902_1B16188CHUM_Full Moon Farms - 020_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, FULL MOON FARMS, HUMBOLDT COUNTY APN(s) 208-201-020

Full Moon Farms (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on June 24, 2019, for discharges of waste associated with cannabis cultivation related activities. 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_12CC417902**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B16188CHUM.

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.

1. FACILITY AND DISCHARGE DESCRIPTION

All dischargers enrolled under the North Coast Regional Water Board’s Order (R1-2015-0023) or the Central Valley Regional Water Board’s Order (R5-2015-0113) as of October 17, 2017, (the adoption date of the General Order) may retain the reduced setbacks applicable under the appropriate Regional Water Board order unless the Executive Officer for the appropriate Regional Board determines that the reduced setbacks applicable under their regional order are not protective of water quality. However, sites that expand their cannabis cultivation area or other cannabis related activities must comply with the riparian setbacks in the General Order.

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, some portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

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

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/

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

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.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

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 21, 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 Site Erosion and Sediment Control Plan consistent with the requirements of General Order Provision C.1.b., and Attachment A, Section 5. The Site Erosion and Sediment Control Plan shall be approved by the Regional Water Board Executive Officer prior to implementation. Attachment D of the General Order provides guidance on the contents of the Site Erosion and Sediment Control 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/wqo2019_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.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 2 Moderate Risk. The 2018-2019 annual fee for that tier and risk level was set at \$3,000, 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 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 so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board,
dwq.cannabis@waterboards.ca.gov
Cheri Sanville, California Department of Fish and Wildlife,
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



STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2019-0559-R1
Unnamed Tributaries to the Mad River and the Pacific Ocean

Mr. Nikolai Erickson
Erickson Stream Crossings Project
5 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on March 5, 2018, that the Permittee intends to complete the project described herein.

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

WHEREAS, the Permittee has reviewed the Agreement and accept 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 Mad River watershed, approximately 2.65 miles northwest of the town of Dinsmore, County of Humboldt, State of California. The project is located in Section 29, T2N, R5E, Humboldt Base and Meridian; in the Showers Mountain U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 208-201-020; latitude 40.521728 N and longitude 123.63932 W at the parcel center.

PROJECT DESCRIPTION

This Agreement is limited to five (5) projects (Table 1). The proposed work is to upgrade existing stream crossings. Work for these encroachments will include excavation, culverts removal, culvert installation, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. This Agreement does not authorize

work on four other projects proposed. Mutual agreement made to authorize work at those locations under a different agreement.

Table 1. Projects notified and authorization under this Agreement with descriptions of work.

| ID | Latitude/Longitude | Description |
|--------------------|-----------------------|--|
| Reservoir outlet 1 | 40.521187, -123.63879 | No work authorized at this location under this Agreement. Mutual agreement made for new notification with revised remediation plan for the onstream ponds shall be submitted to CDFW by June 15, 2021. |
| Reservoir outlet 2 | 40.521038, -123.63819 | No work authorized at this location under this Agreement. Mutual agreement made for new notification with revised remediation plan for the onstream ponds shall be submitted to CDFW by June 15, 2021. |
| STX1 | 40.52119, -123.63922 | Upgrade existing rock ford with minimum 24" diameter culvert. Note this treatment is different than initially proposed. |
| STX2 | 40.52122, -123.64116 | Upgrade existing undersized 12" diameter culvert with minimum 30" diameter culvert. |
| STX3 | 40.52119, -123.63922 | Upgrade existing ford crossing with minimum 18" diameter culvert. Note this treatment is different than initially proposed. |
| STX4 | 40.52090, -123.63908 | Upgrade existing ford crossing with minimum 18" diameter culvert. Note this treatment is different than initially proposed. |
| STX5 | 40.52085, -123.63808 | No work authorized at this location under this Agreement. Mutual agreement made for new notification with revised remediation plan for the onstream ponds shall be submitted to CDFW by June 15, 2021. |
| STX6 | 40.52080, -123.63805 | Upgrade existing ford crossing with minimum 30" diameter culvert. |
| Bypass culvert | 40.52090, -123.63908 | No work authorized at this location under this Agreement. Mutual agreement made for new notification with revised remediation plan for the onstream ponds shall be submitted to CDFW by June 15, 2021. |

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Steelhead Trout (*Oncorhynchus mykiss*), Foothill Yellow-legged Frog (*Rana boylei*), Western Pond Turtle (*Actinemys marmorata marmorata*), Rough-skinned Newt (*Taricha granulosa*), Pacific Tailed Frog (*Ascaphus truei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), as well as, other aquatic and riparian amphibian, reptile, aquatic invertebrate, mammal and bird species.

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

Impacts to water quality:

temporary increase in fine sediment transport;

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

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

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

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

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on July 3, 2019, together with all maps, BMP's, photographs, drawings, emails, and other supporting documents submitted with the Notification.
- 1.2 **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.
- 1.3 **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.
- 1.4 **Change of Conditions and Need to Cease Operations.** If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.

- 1.5 **Notification of Conflicting Provisions.** The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 **Agreement Compliance.** The proposed work shall comply with the measures of this Agreement. Failure to comply with these measures shall result in suspension or revocation of this agreement.
- 1.7 **Project Site Entry.** Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.8 **CDFW Notification of Work Initiation and Completion.** The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.
- 1.9 **Work Completion.** The Permittee shall complete all authorized projects by **October 1, 2021**. A new notification for remediation of Reservoir 1, Reservoir 2 and STX-5 shall be submitted to CDFW by **June 15, 2021**.

2. Avoidance and Minimization Measures

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

- 2.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on July 3, 2019, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Work Period.** All work, not including water diversion, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.3 **Extension of the Work Period.** If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.

- 2.4 **Incidental Take.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

Vegetation Management

- 2.5 **Minimum Vegetation Removal.** No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.
- 2.6 **Vegetation Management.** Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of stream crossing or diversion infrastructure placement/maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides.

Stream Crossings

- 2.7 **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.
- 2.8 **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.
- 2.9 **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.
- 2.10 **Excavated Fill.** Excavated fill material shall be placed in locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.

2.11 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.

2.12 Culvert Installation.

2.12.1 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.

2.12.2 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).

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

2.12.4 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.

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

2.13 Rock Armor Placement.

2.13.1 No heavy equipment shall enter the wetted stream channel.

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

2.13.3 Rock shall be sized to withstand washout from high stream flows, and

extend above the ordinary high water level.

2.13.4 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.

2.14 Project Inspection. The Project shall be inspected by Green Road Consulting or a licensed engineer before October 1 during the year when the project was completed to ensure that stream crossing(s) were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW in accordance with the reporting measures described below.

3. Reporting Measures

3.1 Project Inspection. To comply with Measure 2.14, the Permittee shall submit the Project Inspection Report, within 90 days of completion of this project to CDFW (see contact information below).

CONTACT INFORMATION

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

To Permittee:

Mr. Nikolai Erickson
Erickson Ventures, LLC
1065 Riverside Drive
Rio Dell, California 95562
707-672-5141
huminvestments@yahoo.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2019-0559-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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


AUTHORIZATION

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

CONCURRENCE

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

FOR Mr. Nikolai Erickson


Nik Erickson (Mar 24, 2021 14:36 MDT)

Nikolai Erickson

Mar 24, 2021

Date

FOR DEPARTMENT OF FISH AND WILDLIFE


Scott Bauer

Senior Environmental Scientist Supervisor

4/7/2021

Date

Prepared by: Ryan Bourque, Senior Environmental Scientist Specialist, March 18, 2021.



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt-Del Norte Unit
 118 S. Fortuna Blvd
 707-777-1720
 Fortuna, CA 95540
 Website: www.fire.ca.gov



September 19, 2017

Nikolai Erickson
 1065 Riverside Dr.
 Rio Dell, CA 95562

NOTICE OF VIOLATION OF FOREST PRACTICE LAWS

Section 4604 of the Public Resources Code (PRC) requires the department to inspect timber operations for compliance with the Forest Practice Act and rules of the Board of Forestry and Fire Protection. Violations may be cause for prosecution as a misdemeanor (Public Resources Code 4601), action against a Timber Operator License (PRC 4573 and 4576), injunction action (PRC 4605 and 4606), or a combination of the foregoing actions. Civil penalties may also be imposed (see PRC 4601.1). The following letter details code sections violated, mitigations required and date by which all work must be completed.

Harvest Document: 1-17NON-028-HUM
 Violator: Robert: Nikolai Erickson
 Inspection Date: July 19, 2017
 Inspection Type: Other
 Inspection Number: 1
 Person Contacted: Nikolai Erickson

These violations only apply to those listed as the “Violator”. The “Notice” to others is for **informational purposes only**.

VIOLATION OF PRC 4581 Necessity of a Timber Harvest Plan

RULE: No person shall conduct timber operations unless a timber harvesting plan or applicable exemption prepared by a registered professional forester has been submitted for such operations to the Department pursuant to this article. Such plan shall be required in addition to the license required in section 4571.

VIOLATION: Nikolai Erickson conducted timber operations without a Timber Harvesting Plan by removing timber for the purpose of converting the land to uses other than the growing of timber.

MITIGATION: This violation cannot be mitigated

COMMENT: Nikolai Erickson removed timber for the purpose of building a Pond and cultivation area (Area1), House (Area 2), Greenhouse Pad and Outdoor Cultivation Area (Area 3) for the growing of marijuana located on the property identified as Humboldt

County Assessor Parcel #208-201-020. A review of CAL FIRE records revealed that Mr. Erickson did not obtain a Timber Harvest Plan prior to conducting operations. Mr. Erickson also stated he did not have any harvest documents on the property.

4527. Timber operations; commercial purposes; criteria

(a) (1) "Timber operations" means the cutting or removal, or both, of timber or other solid wood forest products, including Christmas trees, from timberlands for commercial purposes, together with all the incidental work, including, but not limited to, construction and maintenance of roads, fuel breaks, firebreaks, stream crossings, landings, skid trails, and beds for the falling of trees, fire hazard abatement, and site preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities, but excluding preparatory work such as tree marking, surveying, or road flagging.

(2) "Commercial purposes" includes (A) the cutting or removal of trees that are processed into logs, lumber, or other wood products and offered for sale, barter, exchange, or trade, or (B) the cutting or removal of trees or other forest products during the conversion of timberlands to land uses other than the growing of timber that are subject to the provisions of Section 4621, including, but not limited to, residential or commercial developments, production of other agricultural crops, recreational developments, ski developments, water development projects, and transportation projects.

Clearing timberland for the purpose of building a structure or growing marijuana meets the definition of a commercial purpose. Three general conversion areas were identified; Area 1 measured at 3.71 acres, Area 2 measured at .08 acres and Area 3 measured at 1.52 acres. The total acreage of the conversion area is approximately 5.3, which requires a Conversion permit and Timber Harvest Plan. By converting 5.3 acre of timberland, Nikolai Erickson conducted timber operations without a required Conversion Permit and a valid Timber Harvest Plan.

VIOLATION OF PRC 4621 (a) Application For Conversion

RULE: Any person who owns timberlands which are to be devoted to uses other than the growing of timber shall file an application for conversion with the Board.

VIOLATION: Nikolai Erickson converted timberland to uses other than the growing of timber without filing an application for conversion.

MITIGATION: This violation cannot be mitigated.

COMMENT: By converting 5.3 acre of timberland to uses other than growing trees, Nikolai Erickson conducted commercial timber operations in the area converted. Nikolai Erickson did not apply for, nor did he obtain a valid Conversion Permit prior to converting the subject timberland for uses other than growing of trees.

VIOLATION OF 14 PRC 4571 (a) Necessity of License

RULE: No person shall engage in timber operations until he/she has obtained a license

from the Board.

VIOLATION: Nikolai Erickson conducted commercial timber operations without a valid timber operator's license on property identified as Humboldt County Assessor Parcel #208-201-020.

MITIGATION: This violation cannot be mitigated.

COMMENT: By converting timberland to a use other than growing of trees, Nikolai Erickson conducted commercial timber operations as defined by PRC 4527. A review of CAL FIRE records revealed that Mr. Erickson did not have a current timber operator's license as required at the time of operations. Mr. Erickson also stated that he did not have a timber operator's license.

VIOLATION OF 14 CCR 916.3 General Limitations Near Watercourses, Lakes, Meadows and Other Wet Areas.

RULE: The quality and beneficial uses of water shall not be unreasonably degraded by timber operations. During timber operations, the timber operator shall not place, discharge, or dispose of or deposit in such a manner as to permit to pass into the water of this state, any substances or materials, including, but not limited to, soil, silt, bark, slash, sawdust, or petroleum, in quantities deleterious to fish, wildlife, or the quality and beneficial uses of water.

VIOLATION: Nikolai Erickson constructed slash piles adjacent to a Class III watercourse, placed rock in a Class II spring, and allowed the overflow channel of a pond to erode, resulting in soil discharging into a Class III watercourse.

MITIGATION: This violation can be mitigated by removing the slash piles from the WLPZ and rock armoring the overflow channel. Prior to April 1st, 2018 the timberland owner shall treat all slash located within the WLPZ of the Class II spring.

COMMENT: Conversion operations occurred across a Class III watercourse and a Class II spring. Slash piles were placed adjacent to the Class II spring, and have the potential to discharge soil and debris into the spring. The road surface adjacent to spring has been rocked over, including part of the spring to maintain a stable road surface. Approximately 10 yards of +/- 6inch angular rocked was spread across this site. A pond was established within the channel zone of the Class II Spring and Class III watercourse and has since eroded at the overflow channel causing downstream discharge of soils. The conversion area is within a watershed with listed anadromous salmonids. As such, timber operations are subject to the Anadromous Salmonid Protection (ASP) portion of the Forest Practice Rules. In addition, there is heightened concern regarding discharges of soil and debris into watercourses, as these damage salmonid habitat.

VIOLATION OF 14 CCR 916.9 (h)(7) Protection and Restoration of the Beneficial Functions of the Riparian Zone in Watersheds with Listed Anadromous Salmonids.

RULE: Retain all trees in the ELZ and channel zone which show visible indicators of providing bank or bed stability, excluding sprouting conifers that do not have boles

overlapping the channel zone. Visible indicators of stability include roots that permeate the bank or provide channel grade control.

MITIGATION: This violation cannot be mitigated.

COMMENT: Conversion operations occurred across a Class III watercourse and a Class II Spring. All trees within these watercourses were removed by Nikolai Erickson to construct a pond and cultivation site.

Summary: An inspection of property owned by Nikolai Erickson (Humboldt County Assessor Parcel #208-201-020) was conducted on July 19, 2017. The inspection occurred after a referral was received from the County of Humboldt for a Conditional Use Permit for an existing 22,672 square foot cannabis cultivation operation and rain catchment ponds. A mutii-agency inspection occurred and reports are forthcoming. During the inspection three areas were identified as being converted to uses other than growing trees. Neither a Conversion Permit, nor a Timber Harvesting Plan were obtained prior to conducting conversion operations. Three general conversion areas were identified; Pond and cultivation area (Area1), House (Area 2), Greenhouse Pad and Outdoor Cultivation Area (Area 3) for the growing of marijuana. The total acreage of the conversion area is approximately 5.3. Present at the site were piles of stumps from the conversion activities. Multiple Douglas-fir stumps approximately 12 inches in diameter and larger, Pacific Madrone California Black Oak and Tan Oak stumps of all sizes were on site. Douglas-fir, Tan Oak, California Black Oak and Pacific Madrone are identified in 14CCR 895.1 as Commercial Species.

Conversion Area 1 is 3.71 acres in size and the site was converted to greenhouse pads, outdoor cultivation areas and a large pond for cultivation activities. In this area, a Class II Spring was converted and rock was speared across the developed road surface and parts of the spring were covered with rock. Slash and debris are piled in the watercourse and lake protection zone (WLPZ) of the Class II Spring. The large pond is an instream Class III diversion. The pond is filled by the Class III watercourse, and overflow water goes back into Class III by way of a channel that was built to put the water back into another Class III adjacent channel. Based on Google Earth imagery it appears the conversion activity started in 2008 and has been ongoing in multiple stages, with recent grading activities. During the inspection, landowner Nikolai Erickson stated he bought the property in June of 2007 and has actively been clearing and building on the property ever since. He stated that before he started building the pond in 2012-2013 he had contacted Tony LaBanca at CDF&W about getting permit and had SHN start the permit process. Later Mr. Erickson decided to stop and just build the pond. This past winter the spillway of the pond eroded and discharged to the Class III watercourse.

Conversion Area 2 is .08 acres in size and a house was built on the site in 2012, according to the landowner. The area around the house is free of stumps or slash.

Conversion Area 3 is 1.52 acres and is made up of outdoor cultivation area and greenhouses. Multiple piles of stumps and slash are onsite. This conversion is within 25 feet of a Class III watercourse. The equipment exclusion zone (EEZ) per the Forest Practice Rules is 30 feet.

I used a GPS device to determine approximately 5.3 acres of timberland were converted. I saw Douglas-fir, Madrone, Tan Oak and California Black oak growing along the perimeter of the cleared areas.

Nikolai Erickson stated he has an extensive background in Natural Resources and worked on a road crew for Pacific Lumber Company. He performed the work himself with an excavator and a bull dozer. The CAL FIRE database was queried and no documents were found for conversion activities on this property and Nikolai Erickson was found not have a Licensed Timber Operators license on file with the State. These conversions of timberland were conducted without a Timber Harvest Plan, Timber Conversion Permit, or a valid timber operators license. The areas cleared were to facilitate cannabis operations and was brought to our attention by the application for a Humboldt County permit of grow Cannabis commercially. During the inspection photographs were taken of the converted timberland for documentation purposes.

Other violations were noted at the site that are not related to the Forest Practice Rules, including burning illegal material and impounding a Class III Watercourse.

Additional enforcement options including criminal or civil penalties may be pursued.

Hugh Scanlon
Unit Chief

by: Lucas Titus RPF # 2870
Forester I

Attachment: Photograph of conversion areas and Aerial Imagery.

CC: Region, Unit, TO, CDF&W, RWB

Photo 1 – Area 1 – Converted timberland to a pond.



Photo 2- Area 1 -Harvested commercial trees with stump of Douglas-fir trees harvested along perimeter of opening adjacent to the pond.



Photo 3 – Area 1- Logs and slash generated from converted area.



Photo 4 – Area 1 Converted area in a Class III channel way.



Photo 5 – Conversion Area 2 - House and cleared area converted in 2012.



Photo 6 - Area 1- Douglas-fir and hardwoods piled along perimeter of clearing



Photo 7 – Area 1- Class II Spring converted and strawed with slash piled at conversion edge.



Photo 8 – Area 1-Slash, stumps and debris within conversion Area 1 located in Class II Spring.



Photo 9 – Area 1 conversion for greenhouses and rocked roadway through Class II Spring.



Photo -10 - Area 3 Outdoor cultivation area conversion.



Photo 11 – Area 3- Outdoor cultivation area with a large pile of stumps and slash.



Photo 12 - Area 1– Active erosion in channel zone of Class III at the overflow channel of the pond



Photo 13 - Area 1 - Bank failure in ditch where conversion occurred for the pond entering a Class III watercourse.





DEPARTMENT OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
 SACRAMENTO, CA 94244-2460
 Office: (530) 224-1577
 Website: www.fire.ca.gov



CP-17-60

September 7, 2018

Nikolai Erickson
 1065 Riverside Dr.
 Rio Dell, CA 95562

Dear Mr. Erickson,

The California Department of Forestry and Fire Protection (CAL FIRE), after thorough investigation and analysis, has determined that you have violated certain provisions of the Forest Practice Act and rules of the State Board of Forestry and Fire Protection. Using the authority granted in Public Resources Code (PRC) Section 4601.1(b), CAL FIRE is therefore imposing civil penalties upon you. Please refer to the enclosed "Complaint and Proposed Order for Administrative Penalties" for a detailed description of the allegations against you and the penalty amount.

In accordance with PRC Section 4601.2(c), you are hereby notified in this certified letter that, should you choose to do so, you have ten days from the date you received this letter to request a hearing on this matter. For your convenience a "Notice of Defense, Request for Hearing" form is enclosed with this letter. This form is provided for your convenience only - you may use your own form or letter to request a hearing. Direct your request for a hearing to: Executive Officer, California State Board of Forestry and Fire Protection, P.O. Box 944246 Sacramento, CA 94244-2460.

You may waive your right to a hearing in which case the enclosed "Complaint and Proposed Order for Administrative Penalties" will become final and the fine proposed in the complaint will become due and payable to the department within 20 days of the last date that you could have requested a hearing. If you desire a hearing and do not file a timely hearing request, the proposed order automatically becomes final and you will lose the opportunity to dispute both the violations and/or the amount of civil penalties imposed upon you. You should be aware that if you request a hearing on this matter, the proposed fine may be decreased or increased depending on the outcome of the hearing and/or the evidence presented at the hearing.

If you have questions on this matter, please contact Department Staff Counsel, Toby A. McCartt, at the address listed in the complaint.

Sincerely,

HELGE ENG
 Deputy Director, Resource Management

Enclosures

"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."

1 STATE OF CALIFORNIA
2 BOARD OF FORESTRY AND FIRE PROTECTION
3

4 In the Matter of:

5 Nikolai Erickson
6 1065 Riverside Dr.
7 Rio Dell, CA 95562

8 RESPONDENT.

CAL FIRE Docket No.: CP-17-60

9
10 **STATEMENT TO RESPONDENT**

[Tit. 14, Cal. Code Regs., §§ 1057, *et seq.*;
Gov. Code §11505, subd. (b)]

11 TO RESPONDENT:

12 Enclosed is a copy of the Complaint and Proposed Order that has been issued against you
13 by the Director of the Department of Forestry and Fire Protection ("CAL FIRE") and which is
14 hereby served on you.

15 Unless a written request for a hearing signed by or on behalf of the person or company
16 named as respondent in the accompanying Complaint and Proposed Order is delivered or mailed
17 to the Board of Forestry and Fire Protection ("Board") within 10 days after the Complaint and
18 Proposed Order was personally served on you or mailed to you, the Board may proceed upon the
19 Complaint and Proposed Order without a hearing. The request for a hearing may be made by
20 delivering or mailing the enclosed form entitled Notice of Defense, or by delivering or mailing a
21 notice of defense as provided by Title 14 of the California Code of Regulations, Section 1057.1
22 to: **Matt Dias, Executive Officer, California State Board of Forestry and Fire Protection;**
23 **By Hand Delivery to: 1416 9th Street, Room 1506-04 ; By Mail Delivery to: P.O. Box**
24 **944246, Sacramento, CA 94244-2460.** A hearing will be conducted before the Board of
25 Forestry and Fire Protection, or an Administrative Law Judge, within 180 days from the date you
26 were served with the Complaint and Proposed Order. You may, but need not, be represented by
27 counsel at any or all stages of these proceedings.

28 If you desire the names and addresses of witnesses or an opportunity to inspect and copy
the items mentioned in Section 11507.6 of the Government Code in the possession, custody or

STATEMENT TO RESPONDENT

1 control of CAL FIRE, you may contact: **Toby McCartt, Staff Counsel, California**
2 **Department of Forestry and Fire Protection, P.O. Box 944246, Sacramento CA 94244-2460.**

3 The hearing may be postponed for good cause. If you have good cause, you are obliged
4 to notify CAL FIRE or, if an administrative law judge has been assigned to the hearing, the
5 Office of Administrative Hearings, within 10 working days after you discover the good cause.
6 Failure to give notice within 10 days will deprive you of a postponement.

7 **NOTICE REGARDING STIPULATED SETTLEMENTS**

8 It may be possible to avoid the time, expense and uncertainties involved in an
9 administrative hearing by disposing of this matter through a stipulated settlement. A stipulated
10 settlement is a binding written agreement between you and CAL FIRE regarding the matters
11 charged and the discipline to be imposed. Such a stipulation must be approved by the Director of
12 CAL FIRE, and, once approved, would be incorporated into a final order.

13 If you are interested in pursuing this alternative to a formal administrative hearing, or if
14 you have any questions, you or your attorney should contact: **Toby McCartt, Staff Counsel,**
15 **California Department of Forestry and Fire Protection, P.O. Box 944246, Sacramento CA**
16 **94244-2460.** However, in order to preserve your rights to negotiate a stipulated settlement or to
17 have a hearing in the event that you are unable to negotiate a stipulated settlement with CAL
18 FIRE, you must provide a written request for a hearing as provided in Title 14, California Code
19 of Regulations, sections 1057.1, 1057.2, and 1057.5.

20 *****

1 STATE OF CALIFORNIA
2 BOARD OF FORESTRY AND FIRE PROTECTION

3
4 In the Matter of:

5 Nikolai Erickson
6 1065 Riverside Dr.
7 Rio Dell, CA 95562

8 RESPONDENT.

CAL FIRE Docket No.: CP-17-60

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**COMPLAINT AND PROPOSED ORDER
FOR ADMINISTRATIVE PENALTIES**

Complainant HELGE ENG, Deputy Director for Resource Management of the California Department of Forestry and Fire Protection (“Department” or “CAL FIRE”), issues this Complaint and Proposed Order for administrative civil penalties in his official capacity as Deputy Director.

INTRODUCTION

1. In California, the commercial harvesting of timber products is a strictly regulated process, subject to both the Z’berg-Nejedly Forest Practice Act (“Forest Practice Act”), set forth in Public Resources Code (“PRC”) sections 4511 *et seq.*, and the California Forest Practice Rules, (“Forest Practice Rules”) set forth in California Code of Regulations, Title 14, (“14 CCR”) sections 895 *et seq.*, which were adopted by the State Board of Forestry and Fire Protection (“Board”) to implement the Forest Practice Act. The Department oversees enforcement of the Forest Practice Act and Forest Practice Rules (PRC §714(d)), and may inspect properties to ascertain compliance with the Forest Practice Act, Forest Practice Rules, and all other forest and fire laws. (PRC §§4119, 4604.) The Department may issue a complaint and proposed order to any person who intentionally, knowingly, or negligently violates the Forest Practice Act or Forest Practice Rules. (PRC §§4601.1, 4601.2.) Each specific act that

COMPLAINT AND PROPOSED ORDER IN THE MATTER OF NIKOLAI ERICKSON CP-17-60

1 results in such a violation, including an act that is repeated on separate days, is considered a
2 separate violation. (PRC §4601.1(b).) Any person who is served a Complaint and Proposed
3 Order for Administrative Penalties may request a hearing on the matter, and such request must be
4 made within 10 days of the person being served the Complaint and Proposed Order for
5 Administrative Penalties.

6 2. Timberland means land, other than land owned by the Federal Government,
7 which is available for and capable of growing a crop of trees of commercial species used to
8 produce lumber and other forest products. (PRC §4526.)

9 3. Commercial species means those species found in group A, and those in group B
10 that are found on lands where the species in group A are now growing naturally or have grown
11 naturally in the recorded past. (14 CCR §895.1.)

12 4. Timber operations are defined as the cutting or removal, or both, of timber or
13 other solid wood forest products from timberlands for commercial purposes, together with all the
14 work incidental thereto, including, but not limited to, construction and maintenance of roads and
15 stream crossings. (PRC §4527(a)(1).)

16 5. Commercial purposes include: (A) The cutting or removal of trees which are
17 processed into logs, lumber, or other wood products and offered for sale, barter, exchange, or
18 trade; or (B) The cutting or removal of trees or other forest products during the conversion of
19 timberlands to land uses other than the growing of timber which are subject to the provisions of
20 PRC §4621, including, but not limited to, residential or commercial developments, production of
21 other agricultural crops, recreational developments, ski developments, water development
22 projects, and transportation projects. (PRC §4527(a)(2).)

23 6. A timber operator is a person who is engaged in timber operations or who
24 contracts with others to conduct the operations on his or her behalf, except a person who is
25 engaged in timber operations as an employee with wages as his or her sole compensation. (PRC
26 §4526.5.)

27 7. No person may conduct timber operations unless they are licensed as a Licensed
28 Timber Operator (“LTO”). (PRC §4571(a).) Licensed Timber Operators are required to comply

1 with all provisions of the Act, Forest Practice Rules, and the approved plan. (14 CCR §§1022.4,
2 1035.3(d).)

3 **8.** No person may conduct timber operations unless a Timber Harvesting Plan, or its
4 equivalent, is prepared by a Registered Professional Forester, and has been found in
5 conformance with the Forest Practice Act and Forest Practice Rules by the Director. (PRC
6 §§4581, 4582.7.)

7 **9.** Professional forester means a person who by reason of his or her knowledge of
8 the natural sciences, mathematics, and the principles of forestry, acquired by forestry education
9 and experience, performs services, including, but not limited to, consultation, investigation,
10 evaluation, planning, or responsible supervision of forestry activities when those professional
11 services require the application of forestry principles and techniques. (PRC §752(a).)

12 **10.** No person may perform, or offer to perform, forestry services, nor act in the
13 capacity of, or refer to themselves as, a professional forester unless they are licensed as a
14 Registered Professional Forester. (PRC §766.)

15 **11.** No timber operations or other conversion activities may be conducted on
16 timberland which is proposed to be converted to uses other than growing timber unless a
17 conversion permit has been issued by the Director. (14 CCR §1103.1(a).)

18 **12.** No person who owns timberland that are to be devoted to uses other than growing
19 trees shall convert timberland without first filing an application for conversion with the board.
20 (PRC §4621(a).)

21 **13.** The State's waters are grouped into four classes based on key beneficial uses.
22 These classifications shall be used to determine the appropriate protection measures to be applied
23 during the conduct of timber operations. The basis for classification (characteristics and key
24 beneficial uses) are set forth in 14 CCR §916.5, Table 1 and the range of appropriate protective
25 measures applicable to each class are contained in 14 CCR §§916.3, 916.4, and 916.5, and 916.9
26 (applicable in a planning watershed with listed anadromous salmonids).

27 **14.** During and following timber operations, the beneficial uses of water, native
28 aquatic and riparian-associated species, and the beneficial functions of riparian zones shall be

1 maintained where they are in good condition, protected where they are threatened, and insofar as
2 feasible, restored where they are impaired. (14 CCR §916(a))

3 **15.** The quality and beneficial uses of water shall not be unreasonably degraded by
4 timber operations. During timber operations, the timber operator shall not place, discharge or
5 dispose of or deposit in such a manner as to permit to pass into the water of this state, any
6 substances or materials, including, but not limited to, soil, silt, bark, slash, sawdust, or
7 petroleum, in quantities deleterious to fish, wildlife or the quality and beneficial uses of water.
8 (14 CCR §916.3)

9 **16.** Soil deposited during Timber Operations in a Class III watercourse other than at a
10 temporary crossing shall be removed and debris deposited during timber operations shall be
11 removed or stabilized before the conclusion of timber operations, or before October 15. (14 CCR
12 §916.4(c)(3))

13 **17.** The following are the minimum requirements for timber operations in Class III
14 watercourses, unless explained and justified in the Plan and approved by the Director. Establish a
15 30 foot wide equipment limitation zone on both sides of the watercourse for slopes less than 30%
16 and an additional 20 foot equipment limitation zone where sideslopes are >30%. The equipment
17 limitation zone is measured from the watercourse transition line. Within the equipment limitation
18 zone, ground-based operations are limited to existing stable tractor roads that show no visible
19 evidence of sediment deposition being transported into the adjacent watercourse. (14 CCR
20 §916.9(h)(1)(C))

21 **18.** Retain all trees in the equipment limitation zone and channel zone which show
22 visible indicators of providing bank or bed stability, excluding sprouting conifers that do not
23 have boles overlapping the channel zone. Visible indicators of stability include roots that
24 permeate the bank or provide channel grade control. (14 CCR §916.9(h)(7))

1 **ALLEGATIONS**

2 **19.** The Department alleges that the violations herein noted occurred on property
3 located in Humboldt County at parcel number 208-201-020 (no site address provided), as
4 described by the Humboldt County Assessor. The property is located in Section 29, Township 2
5 North, Range 5 East, Humboldt Baseline and Meridian (HB & M). Through review of Humboldt
6 County Assessor's parcel information, Department staff determined the parcel is owned by
7 Nikolai Erickson. Additionally, Department staff determined that the property is located in the
8 Bear Creek Planning Watershed (1109.300101), which is in the Coastal Anadromy Zone.
9 Consequently, timber operations are additionally subject to the Anadromous Salmonid Protection
10 portion of the Forest Practice Rules. Also, Department staff determined that the property drains
11 to a tributary to the Mad River, which is listed on the Clean Water Act Section 303(d) List due to
12 impairments to water quality by sediment/turbidity and high water temperatures, and accordingly
13 the Mad River Total Maximum Daily Load additionally applies.

14 **20.** The Department alleges that on July 19, 2017, Department staff inspected the
15 subject property at parcel number 208-201-020 (no site address provided). Department staff
16 observed trees of commercial species, as defined in the Forest Practice Rules, and based on these
17 observations, Department staff concluded that the subject property was timberland. During the
18 inspection, Department staff observed evidence that timber operations had occurred. Department
19 staff checked the Department's official files for a harvest document after the inspection, but no
20 harvest document was on file for the Respondent or the property in question.

21 **21.** The Department alleges that the subject area was timberland prior to the clearing
22 of trees to facilitate marijuana cultivation. Three separate areas were converted. The clearing of
23 timberland for the purpose of converting it to another use constitutes timber operations and
24 requires a Timberland Conversion Permit. Department staff confirmed with CAL FIRE
25 Sacramento headquarters that an application for a conversion permit had not been approved or
26 received for the Respondent or the property in question as of the day of the inspection.

27 **22.** The Department alleges that the Respondent conducted timber operations by
28 converting timberland to uses other than growing timber. Three separate areas were converted.

1 The Respondent stated that he has actively been clearing and building on the property since he
2 bought the property and that he did the work himself. Department Staff contacted CAL FIRE
3 Timber Operators Licensing Program to determine if Respondent had a valid timber operators
4 license. There were no valid timber operator licenses on file. No person shall engage in timber
5 operations until he has obtained a license from the Board. (PRC §4571(a).)

6 **23.** The Department alleges that the Respondent conducted timber operations by
7 converting timberland to uses other than growing timber without a harvest plan. Three separate
8 areas were converted. Department Staff researched the official file and determined that the
9 Respondent did not have a valid Timber Harvesting Plan. No person shall engage in timber
10 operations until a harvest document has been approved by Department. (PRC §4581.)

11 **24.** The Department alleges that the Respondent's failure to submit a Timber
12 Harvesting Plan and a Timberland Conversion Permit, and obtain a Timber Operators License,
13 resulted in the absence of the required evaluation and oversight of timberland conversion
14 operations by appropriate resource professionals or responsible agencies prior to their
15 commencement. The Respondent's failure to comply with the applicable rules and regulations
16 gave him an unfair business advantage by avoiding monetary costs associated with acquiring the
17 proper permits and operational documents. This failure also circumvented the Timber Harvesting
18 Plan and Timberland Conversion Permit development and approval process. This process is
19 designed to enforce the public's historical and legal interest in protection for wildlife, fish, and
20 water quality, and to guide timberland owners toward compliance with their legal responsibility
21 to protect public trust resources. In a Timber Harvesting Plan, adjacent to this parcel, the habitat
22 of numerous sensitive species was identified as occurring in the Timber Harvesting Plan area.

23 **25.** The Department alleges that the Respondent degraded the beneficial uses of
24 water, specifically aquatic resources, while conducting timber operations by failing to adhere to
25 general limitations near watercourses by building a 1.67 acre reservoir that altered the flow of
26 watercourses and caused sediment to enter a watercourse. Specifically, an earthen dam was built
27 across a Class III watercourse and the overflow was directed across unarmored earthen fill into
28 an adjacent Class III resulting in sediment from the earthen dam delivering to the Class III

1 watercourse and accelerated erosion in the receiving Class III watercourse. (14 CCR §§916(a)
2 and 916.3.)

3 **26.** The Department alleges that the Respondent deposited sediment into a Class III
4 watercourse, while conducting timber operations, which was not removed thereby degrading the
5 downstream beneficial uses of water, specifically aquatic resources. (14 CCR §916.4(c)(3).)

6 **27.** The Department alleges that the Respondent's failure to exclude ground-based
7 operations from within an Equipment Limitation Zone (ELZ) of a Class III watercourse, while
8 conducting timber operations in two separate areas, degraded the quality and beneficial uses of
9 water. (14 CCR §916.9(h)(1)(C).)

10 **28.** The Department alleges that the Respondent's removal of all trees and stumps in a
11 Class III watercourse channel zone, while conducting timber operations, undermined bank and
12 bed stability thereby degrading the quality and beneficial uses of water. (14 CCR §916.9(h)(7).)

13 **29.** The Department alleges Respondent intentionally, knowingly, or negligently
14 violated PRC §4621(a) by converting timberland, by devoting timberland to uses other than
15 growing timber without an approved Timberland Conversion Permit. Based on Respondent
16 converting three separate areas, in violation of PRC §4621(a), the Department imposes on
17 Respondent an administrative civil penalty of \$18,000.00 (Eighteen Thousand and no/100's
18 Dollars).

19 **30.** The Department alleges Respondent intentionally, knowingly, or negligently
20 violated PRC §4581 by conducting timber operations for the commercial purpose of converting
21 timberland to uses other than growing timber without an approved Timber Harvesting Plan.
22 Based on Respondent's conduct of timber operations in three separate areas, in violation of PRC
23 §4581, the Department imposes on Respondent an administrative civil penalty of \$18,000.00
24 (Eighteen Thousand and no/100's Dollars).

25 **31.** The Department alleges Respondent intentionally, knowingly, or negligently
26 violated PRC §4571(a) by engaging in timber operations for the commercial purpose of
27 converting timberland to uses other than growing timber without obtaining a Timber Operator's
28 License. Based on Respondent's conduct of timber operations in three separate areas, in violation

1 of PRC §4571(a), the Department imposes on Respondent an administrative civil penalty of
2 \$18,000.00 (Eighteen Thousand and no/100's Dollars).

3 **32.** The Department alleges Respondent intentionally, knowingly, or negligently
4 violated 14 CCR §§916(a) and 916.3 by degrading the beneficial uses of water, specifically
5 aquatic resources, by failing to adhere to general limitations near watercourses. Based on
6 Respondent's violation of 14 CCR §§916(a) and 916.3, the Department imposes on Respondent
7 an administrative civil penalty of \$9,000.00 (Nine Thousand and no/100's Dollars).

8 **33.** The Department alleges Respondent intentionally, knowingly, or negligently
9 violated 14 CCR §916.4(c)(3) by depositing sediment into a Class III watercourse, while
10 conducting timber operations, that was not removed. Based on Respondent's violation of 14
11 CCR §916.4(c)(3), the Department imposes on Respondent an administrative civil penalty of
12 \$9,000.00 (Nine Thousand and no/100's Dollars).

13 **34.** The Department alleges Respondent intentionally, knowingly, or negligently
14 violated 14 CCR §916.9(h)(1)(C) by failing to exclude ground-based operations from within the
15 ELZ of two Class III watercourses while conducting timber operations. Based on Respondent's
16 violation of 14 CCR §916.9(h)(1)(C), in two separate areas, the Department imposes on
17 Respondent an administrative civil penalty of \$9,500.00 (Nine Thousand Five Hundred and
18 no/100's Dollars).

19 **35.** The Department alleges Respondent intentionally, knowingly, or negligently
20 violated 14 CCR §916.9(h)(7) by removing all trees and stumps in a Class III watercourse
21 channel while conducting timber operations. Based on Respondent's violation of 14 CCR
22 §916.9(h)(7), the Department imposes on Respondent an administrative civil penalty of \$500.00
23 (Five Hundred and no/100's Dollars).

24 25 26 **SUMMARY**

27 **36.** Pursuant to its authority under Public Resources Code §4601.1(b), and PRC
28 §4601.2, Department hereby imposes on Respondent a total civil penalty of \$82,000.00 (Eighty-
Two Thousand and no/100's Dollars) for failure of Respondent to comply with the Forest

COMPLAINT AND PROPOSED ORDER IN THE MATTER OF NIKOLAI ERICKSON CP-17-60

1 Practice Act and Forest Practice Rules. **Respondent Nikolai Erickson is hereby ordered to**
2 **pay a total administrative civil penalty of \$82,000.00 (Eighty-Two Thousand and no/100's**
3 **Dollars).** The administrative penalty must be paid with a cashier's check or money order
4 payable to the Department of Forestry and Fire Protection, and shall identify the Respondent and
5 Docket Number, as shown in the heading of this document. Respondent shall deliver the penalty
6 payment to:

7 **Department of Forestry and Fire Protection.**

8 **By Mail:** Eric Huff, Department of Forestry and Fire Protection, P.O. Box
9 944246, Sacramento, CA 94244-2460.

10 **By hand delivery:** An appointment must be made with Thembi Borrás in order
11 to hand deliver payment. Contact Thembi Borrás at 530-215-9128 to make an appointment.

12
13
14 **RESPONDENT: Nikolai Erickson**

15 You may request a hearing to challenge this Complaint and Proposed Order. **Unless a written**
16 **request for a hearing signed by you, or an attorney on your behalf, is delivered to the State**
17 **Board of Forestry and Fire Protection or postmarked within ten days after you received**
18 **your copy of the complaint and proposed order, you will be deemed to have waived your**
19 **right to a hearing in this matter. If you do not file a timely hearing request, the proposed**
20 **order automatically becomes final and you will lose the opportunity to dispute both the**
21 **violations and/or the amount of civil penalties imposed upon you.** You may request a hearing
22 by delivering a Notice of Defense to:

23
24 State Board of Forestry and Fire Protection
25 C/o Matt Dias, Executive Officer
26 **By hand delivery only to:** 1416 9th Street, Room 1506-14,
27 Sacramento, CA 95814
28 **or; by mail delivery only to:** P.O. Box 944246
Sacramento, CA 94244-2460


COMPLAINT AND PROPOSED ORDER IN THE MATTER OF NIKOLAI ERICKSON CP-17-60

1 If you desire the names and addresses of witnesses, or an opportunity to inspect and copy items
2 in the possession, custody, or control of the Department, which items may be used against you in
3 any hearings in this matter, you may contact:

4 **Toby A. McCartt, Staff Counsel**
5 **Department of Forestry and Fire Protection**
6 **P.O. Box 944246**
7 **Sacramento, CA 94244-2460**
8 **Email: Toby.McCartt@fire.ca.gov**

9 You may, but are not required to, be represented by counsel at any or all stages of these
10 proceedings.

11 DATED: 9/6/18

12 BY 
13 HELGE ENG
14 DEPUTY DIRECTOR, RESOURCE
15 MANAGEMENT
16 CALIFORNIA DEPARTMENT OF
17 FORESTRY AND FIRE PROTECTION

1
2 **BEFORE THE**
3 **BOARD OF FORESTRY AND FIRE PROTECTION**
4 **FOR THE STATE OF CALIFORNIA**

| | |
|--|---|
| 5 In the Matter of: 6 Nikolai Erickson 7 1065 Riverside Dr. 8 Rio Dell, CA 95562 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 RESPONDENT. | CDF Docket No.: CP-17-60 NOTICE OF DEFENSE; REQUEST FOR HEARING |
|--|---|

I, the undersigned and respondent named in this proceeding, hereby acknowledge receipt of a copy of the Complaint and Proposed Order against me.

I hereby request a hearing in this proceeding to permit me to present my defense to the allegations contained in the Complaint and Proposed Order.

Dated: _____ Signed _____

Nikolai Erickson
(or attorney for respondent)

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Full Moon Farms APN: 708-201-020

Planning & Building Department Case/File No.: 11219

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

From Road (Cross street): Hwy 36

To Road (Cross street): Bear Creek Road

Length of road segment: 4.3 mi miles Date Inspected: 10/6/2017

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

Check one of the following:

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

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

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

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

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

Nik Erickson
Signature

10-6-17
Date

Nik Erickson
Name Printed

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

208-201-020
Road Eval Map

40.5217, -123.6385

Legend

- Dinsmore
- 🏪 Dinsmore Store
- 📍 Feature 1
- 📄 [Untitled]

Google earth
© 2017 Google

1 mi



UNed

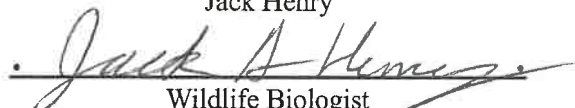
Wetland Delineation Report

APN 208-201-020-000



Prepared for:
Nikolai Erickson
1065 Riverside Drive,
Rio Dell, CA 95562

Prepared by:
Jack Henry


Wildlife Biologist
jhenry@timberlandresource.com



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

1.0 Introduction

This document provides the results of a wetland delineation conducted on APN 208-201-020-000 in Humboldt County, California. The purpose of this delineation was to delineate the boundaries of a suspected wetland so that it can be accurately assessed if the embankments of an existing pond encroach within the potential wetland.

Location

The study area is located near Bear Creek Road approximately 2.4 aerial miles northwest of Dinsmore, California 95526 on APN 208-201-020-000. The study area occurs in the SW $\frac{1}{4}$ of Section 29, T2N, R5E, Humboldt County in the Showers Pass, CA 7.5" USGS Quad.

2.0 Definitions

Waters of the United States

Under Section 404 of the Clean Water Act the U.S. Army Corps of Engineers regulate "Waters of the United States" as defined in the Code of Federal Regulations as waters susceptible to use in commerce, including interstate waters and wetlands, all other waters (intrastate waterbodies, including wetlands), and their tributaries (33 CFR 328.3). Areas that are inundated at a sufficient depth and for a sufficient duration to exclude growth of hydrophytic vegetation are subject to Section 404 jurisdiction as "other waters" and are often characterized by an ordinary high water mark, and herein referred to as non-wetland waters. Non-wetland waters, for example, generally include lakes, rivers, and streams.

Section 404 of the CWA protects wetlands federally. In 1989 George H.W. Bush implemented the national "No-net Loss of Wetlands" policy which either avoids the filling of wetlands or mitigates the destruction and/or degradation of wetlands. U.S. Army Corps of Engineers defines wetlands as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."

3.0 Methods

Sample points within the study area were delineated using standard methods defined in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region Version 2.0* (U.S. Army Corps of Engineers 2010) and the *1987 Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987).

Initial field work and delineation data collection was conducted on May 10, 2019. Two sample points were assessed for the three wetland parameters: hydrology, hydrophytic vegetation, and hydric soils. Sample points were conducted in a paired method. Sample Point #1 occurred within upland habitat located between the northeastern embankment of the pond and the spring head. Sample Point 2 was conducted within saturated soils directly adjacent to the spring head. Once wetland parameters were met, hydrophytic vegetative community and surface water presence was used to delineate the boundary between the two sample areas.

4.0 Ecological Setting

Topography

The property containing the study area is located approximately halfway up the ridgeline between Rattlesnake Rock and the Mad River, at approximately 2,800' above sea level. Local topography within property boundaries consists of relatively gentle slopes (10% - 30%) with a northeast aspect. Some relatively flat benches are present within the property but they are often the result of constructed fill prisms. Sampling points occurred along the northeast edge of the man-made ponds; a relatively flat location due to an existing road along the shared contour.

Vegetation

The surrounding area is dominated by early-successional upland Douglas-fir forest (*pseudotsuga menziesii*). This habitat type is dominated by Douglas-fir and tanoak (*notholithocarpus densiflorus*) species and include smaller proportions of pacific madrone (*arbutus menziesii*), big leaf maple (*acer macrophyllum*), and white alder (*alnus rhombifolia*). This habitat type also contains small openings or clearings that display scrub or nonnative annual grassland characteristics. These areas include Oregon white oak (*quercus garryana*), canyon live oak (*quercus chrysolepis*), manzanita (*arctostaphylos spp.*), coyote brush (*baccharis pillularis*), and annual grasses. Due to the lack of perennial hydrology, with exception to the man-made ponds, the property lacks riparian dominated plant communities.

Soils

The study area includes one mapped soil type (U.S. Department of Agriculture, Natural Resources Conservation, 2016):

- 4426 – Pasturerock-Coyoterock-Maneze complex, 15% to 50% slopes, dry. These soils consist of colluvium derived from sandstone and mudstone. They are generally well drained, often found on mountain slopes, and usually have water tables deeper than 80 inches. This soil type has a strong association with Oregon White Oak Woodlands.

Hydrology

Surface waters within the study area are primarily fed through precipitation but a small percentage comes in the form of snowfall at this elevation. Precipitation that falls within the study area drains from the site through infiltration into the ground and run-off that eventually drains into a watercourse. The mean annual rainfall for the site is approximately 76.6 inches (<https://streamstats.usgs.gov/ss/>). Aquatic features present within property boundaries consists of a three-tiered pond complex, an unnamed intermittent tributary to the Mad River, and a spring head with emergent surface water. The pond complex consists of three off-stream ponds that flow into one another before outflowing approximately 500' into the unnamed intermittent (Class II) watercourse. There are no concentrated surface flows that enter the ponds from upslope. The unnamed intermittent watercourse flows through the eastern portion of the property and drains the watershed that contains the project. The spring head is northeast of the ponds. Surface water emerges from this location where it inundates along the inboard edge of the existing road before reaching a ditch relief culvert and safely flowing underneath the road surface onto a vegetated slope where it dissipates. This spring head area is the subject of this assessment.

5.0 Results and Discussion

The paired sample method revealed two distinct plant communities consisting of both upland and riparian species. Sample Point #1 was dominated by common velvet grass (*holcus lanatus*), woodland strawberry (*fragaria vesca*), and California blackberry (*rubus ursinus*). This combination of two FACU and one FAC plant resulted in a failed dominance test as well as a failed Prevalence Index. Sample Point #2 had been slightly altered by the landowner. At the request of North Coast Regional Water Quality Control Board (NCRWQCB) staff, the landowner applied straw mulch groundcover to act as erosion control over the surface of the saturated area. This has likely prevented smaller herbaceous plant species from growing. Perennial clumps of Baltic rush (*juncus balticus*) were the only vegetation observed within the wetland, although there was a small amount of California blackberry that was captured by the 15' radius shrub stratum outside of the wetland. This slightly confounded the Dominance Test at exactly 50% although the Prevalence Index was positive for hydrophytic vegetation at 2.2. Given the results of both the Prevalence Index and Dominance Test when combined with existing site conditions, this report concludes Sample Point #2 contains hydrophytic vegetation.

Soils at Sample Point #1 did not contain any redox concentrations or depletions. Soil colors observed did not meet any of the hydric soil indicators. Soils at Sample Point #2 were heavily gleyed, contained a large percentage (40%) of iron concentrations, and displayed hydrogen sulfide odor when excavated. These

conditions meet definitions for A4 – Hydrogen Sulfide and F2 – Loamy Gleyed Matrix. These two indicators conclude hydric soils are present at Sample Point #2.

Sample Point #1 did not display any surface water, water table, or soil saturation. It did not contain any additional primary or secondary indicators for wetland hydrology. Sample Point #2 had standing surface water present at the time of the delineation. The surface water was approximately less than 1” deep but varied due to local depressions. This condition meets primary indicator for wetland hydrology, A1 – Surface Water at Sample Point #2.

Of the two sample points assessed, one of the two met all three parameters that define a wetland. The paired sample point method allowed for a boundary to be delineated between wetland habitat and upland habitat.

The wetland delineated within this report has likely been influenced by improvements made to the adjacent road prism. Recent work that has occurred on-site has likely increased the size of the wetland. Prior to 2016 emergent surface water percolated from the spring head and flowed across the road surface perpendicularly before flowing down a historic skid road. Once enrolled into Order No. 2015-0023 this project began working towards compliance of the order’s standard conditions that require observable erosion to be mitigated from fill prisms and/or road surfaces. The landowner rocked the adjacent road surface, installed a leach field cap parallel along the inboard edge of the road surface, and installed a ditch relief culvert to safely transport spring flow underneath the road surface and onto a vegetated slope. These activities increased the surface area of saturated soils and extended the holding period for surface waters at this immediate location.

The pond embankment does not encroach directly within the wetland. Piezometers of varying depths were installed and monitored by SHN Engineering along the eastern pond embankment. One of which, B-4, is approximately above Sample Point #1 on the embankment. This piezometer was set at a depth of 16.5 feet and did not record any groundwater during the time it was monitored. Furthermore, Sample Point #1 was conducted upslope of the wetland between the embankment and the spring head and it did not detect any parameters related to wetlands. This information shows there is neither seepage of subsurface waters through the pond embankment and no percolation of groundwater within this acute area. The wetland appears to be a result of the percolating groundwater down slope of the pond embankment and its interaction with the existing road prism. This report concludes there is a freshwater emergent wetland present within property boundaries and the existing pond does not encroach within its delineated boundaries.

References

- Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. Vicksburg, MS: U.S. Army Engineer Waterways Experimental Station.
- U.S. Army Corps of Engineers. 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0), eds. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center.
- U.S. Army Corps of Engineers. 2016. Western Mountains, Valleys, and Coast Region 2016 Regional Plant List. http://wetland_plants.usace.army.mil/
- U.S. Department of Agriculture, Natural Resources Conservation Service. 2016. Web Soil Survey <http://websoilsurvey.sc.egov.usda>

Wetland Delineation Map

2018 NAIP DOQ

— Property Boundary

▼ Sample Point (SP)

▨ Delineated Wetland

Located in the SW 1/4 of Section 29, T2N, R5E, Humboldt County

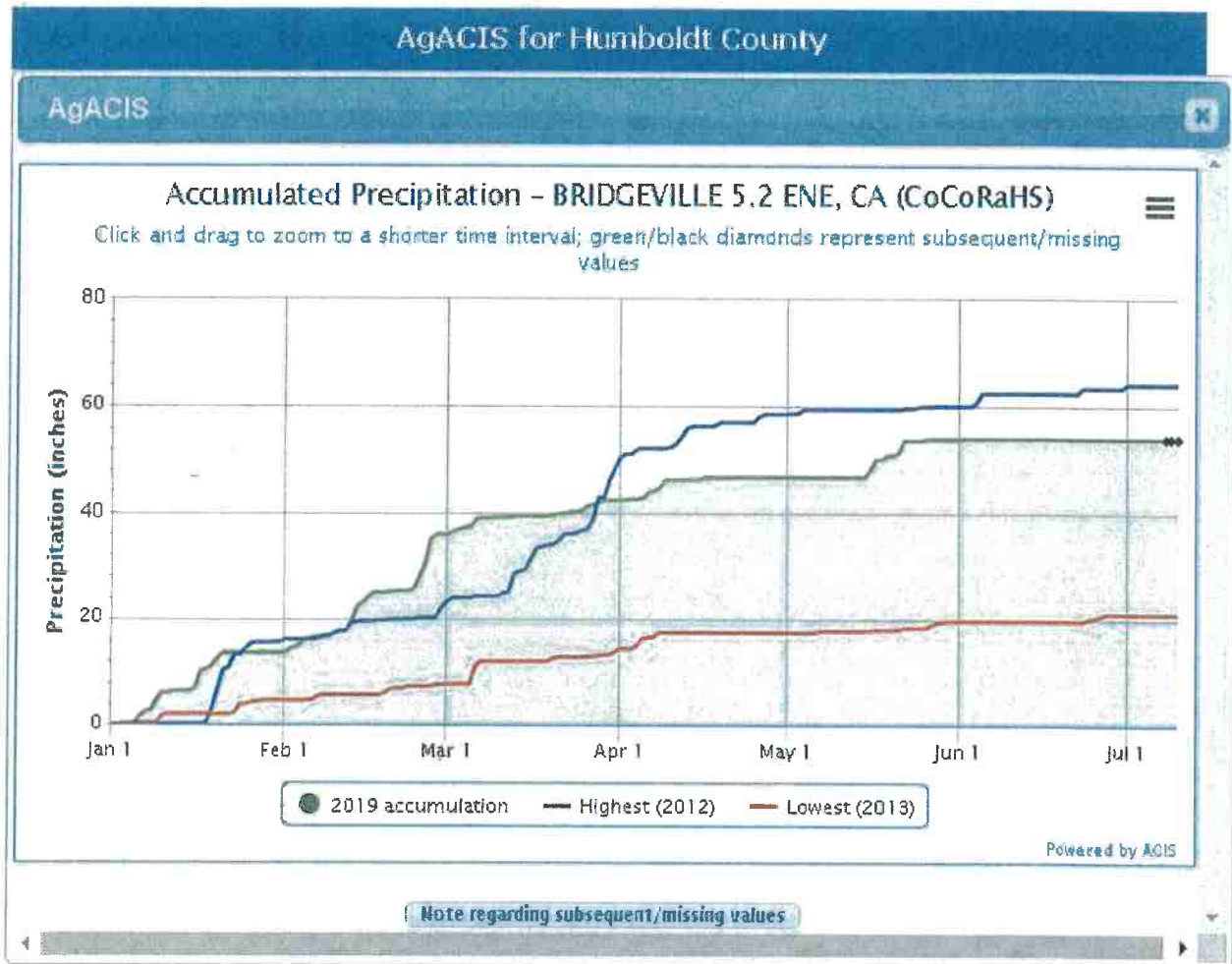


Appendix 2 – Photographs



Aerial photograph of the delineated wetland. The boundary was delineated using the hydrophytic vegetative community and presence of surface water. Photo Date: 05/10/2019

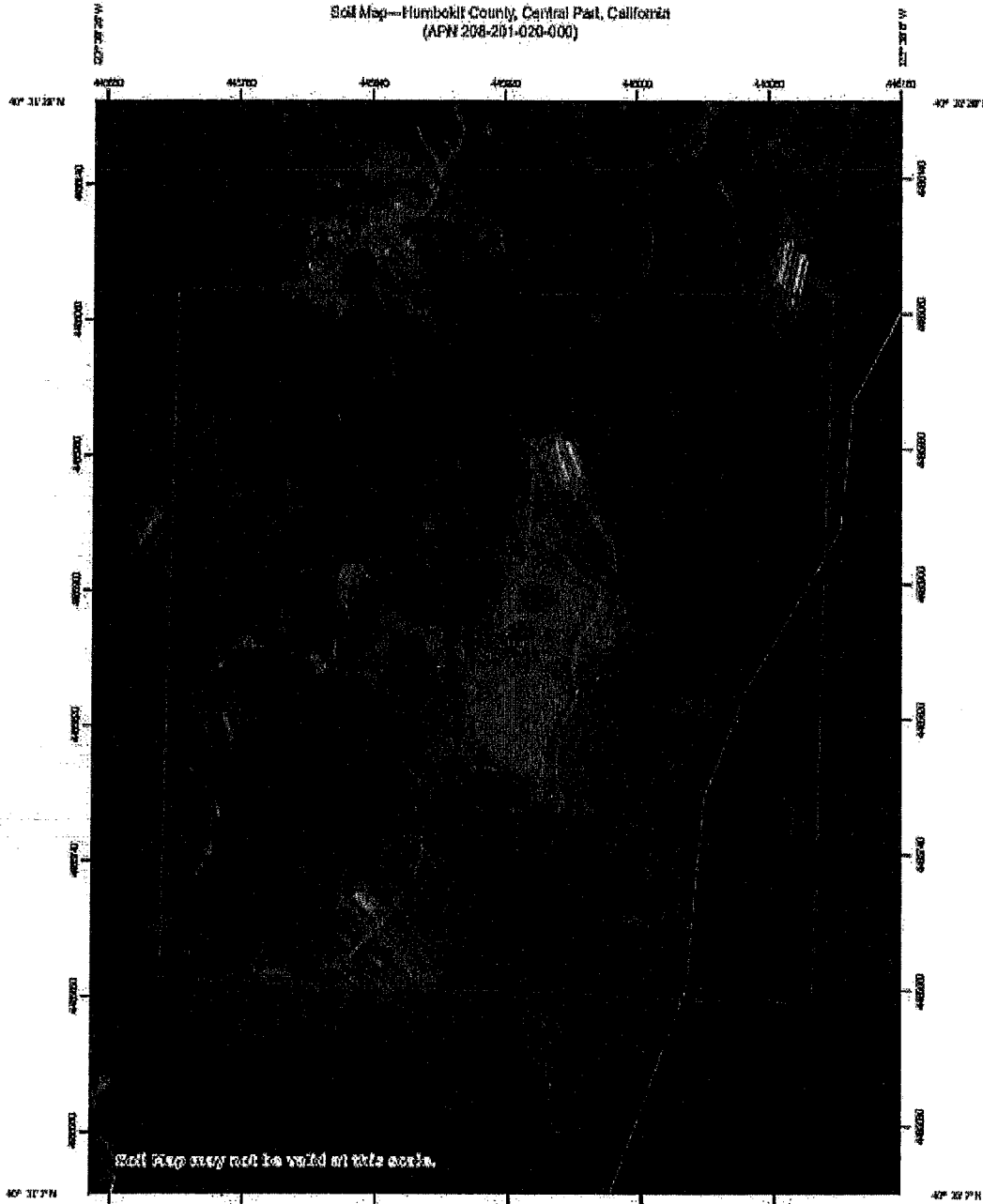
Appendix 3 – Rainfall Accumulation



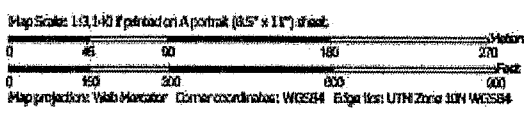
Sourced: Applied Climate Information Center (ACIS) – NOAA Regional Climate Center. <http://www.rcc-acis.org/>
Date Sourced: 07/10/2019

Appendix 4 – NRCS Web Soil Survey

Soil Map—Humboldt County, Central Part, California
(APN 208-201-020-000)



Soil Map may not be valid at this scale.



USDA Natural Resources Conservation Service

Web Soil Survey National Cooperative Soil Survey

7/9/2019 Page 1 of 3

Appendix 4 -- NRCS Web Soil Survey

Soil Map--Humboldt County, Central Part, California
(APH 208-201-020-000)

| MAP LEGEND | | MAP INFORMATION |
|---|--|--|
| <p>Area of Interest (AOI)</p> <ul style="list-style-type: none"> Area of Interest (AOI) <p>Soils</p> <ul style="list-style-type: none"> Soil Map Unit Polygons Soil Map Unit Lines Soil Map Unit Points <p>Special Point Features</p> <ul style="list-style-type: none"> Blowout Burrow Pit Clay Spot Closed Depression Crack Pit Crumbly Spot Landslide Leak Flow Marsh or swamp Mine or Quarry Miscellaneous Water Perennial Water Rock Outcrop Saline Spot Sandy Spot Severely Eroded Spot Stratote Tide or Rip Rock Spot | <ul style="list-style-type: none"> Spot Area Stony Spot Very Stony Spot Wind Spot Other Special Line Features <p>Water Features</p> <ul style="list-style-type: none"> Stream and Canals <p>Transportation</p> <ul style="list-style-type: none"> Road Interstate Highway US Road Major Road Local Road <p>Background</p> <ul style="list-style-type: none"> Aerial Photography | <p>The soil surveys that comprise your AOI were mapped at 1:24,000.</p> <p>Warning: Soil Map may not be valid at this scale.</p> <p>Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of confining soils that could have been shown at a more detailed scale.</p> <p>Please rely on the bar scale on each map sheet for map measurements.</p> <p>Service of Maps: Natural Resources Conservation Service Web Soil Survey URL: http://www.nrcs.usda.gov/wss Coordinate System: Web Mercator (EPSG:3857)</p> <p>Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.</p> <p>This product is generated from the USDA NRCS certified data as of the revision date(s) listed below.</p> <p>Soil Survey Area: Humboldt County, Central Part, California Survey Area Date: Version 4, Sep 13, 2018</p> <p>Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.</p> <p>Date(s) aerial images were photographed: Jan 18, 2015--Oct 24, 2017</p> <p>The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.</p> |

Map Unit Legend

| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
|-----------------------------|---|--------------|----------------|
| J42B | Pasturewood-Coylander-Mansera complex, 15 to 50 percent slopes, dry | 40.5 | 100.0% |
| Totals for Area of Interest | | 40.5 | 100.0% |

Appendix 5 – National Wetland Inventory



APN 208-201-020-000



July 10, 2019

Wetlands

- | | | |
|--------------------------------|-----------------------------------|----------|
| Estuarine and Marine Deepwater | Freshwater Emergent Wetland | Lake |
| Estuarine and Marine Wetland | Freshwater Forested/Shrub Wetland | Other |
| | Freshwater Pond | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or correctness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

Data Sourced: National Wetland Inventory Wetlands Mapper. <https://www.fws.gov/wetlands/data/mapper.html>

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: APN 208-201-020 City/County: Humboldt Sampling Date: 5/10/19
 Applicant/Owner: Nikolai Erickson State: CA Sampling Point: 1
 Investigator(s): J. Henry Section, Township, Range: 2nd, T2N, R5E
 Landform (hillslope, terrace, etc.): hillslope Local relief (concave, convex, none): concave Slope (%): 2%
 Subregion (LRR): A Lat: 40.522256° Long: -123.637761° Datum: NAD83
 Soil Map Unit Name: 4426 - Pasturerock - Coyoterock - Manza 15-50 dry NWI classification: N/A
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | |
|---|---|---|
| Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Hydric Soil Present? Yes <input type="checkbox"/> No <input type="checkbox"/> | Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Wetland Hydrology Present? Yes <input type="checkbox"/> No <input type="checkbox"/> | | |
| Remarks: <u>Sample point conducted in between pond embankment and spring head</u> | | |

VEGETATION – Use scientific names of plants.

| Tree/Stratum (Plot size: _____) | Absolute % Cover | Dominant Species? | Indicator Status | Dominance Test worksheet: |
|---|------------------|-------------------|------------------|--|
| _____ = Total Cover | | | | Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) |
| _____ = Total Cover | | | | Total Number of Dominant Species Across All Strata: <u>3</u> (B) |
| _____ = Total Cover | | | | Percent of Dominant Species That Are OBL, FACW, or FAC: <u>1/3 = 33%</u> (AVB) |
| Sapling/Shrub Stratum (Plot size: <u>r = 15'</u>) | | | | Prevalence Index worksheet: |
| 1. <u>Rubus ursinus</u> | <u>20</u> | <u>D</u> | <u>FACU</u> | Total % Cover of: Multiply by: |
| 2. _____ | | | | OBL species <u>0</u> x 1 = <u>0</u> |
| 3. _____ | | | | FACW species <u>15</u> x 2 = <u>12</u> |
| 4. _____ | | | | FAC species <u>80</u> x 3 = <u>240</u> |
| 5. _____ | | | | FACU species <u>83</u> x 4 = <u>332</u> |
| <u>20</u> = Total Cover | | | | UPL species <u>20</u> x 5 = <u>100</u> |
| <u>20</u> = Total Cover | | | | Column Totals: <u>189</u> (A) <u>684</u> (B) |
| Herb Stratum (Plot size: <u>r = 5'</u>) | | | | Prevalence Index = B/A = <u>3.6</u> |
| 1. <u>Holcus lanatus</u> | <u>80</u> | <u>D</u> | <u>FAC</u> | Hydrophytic Vegetation Indicators: <input checked="" type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is >50% <input checked="" type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹ <input checked="" type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input checked="" type="checkbox"/> 5 - Wetland Non-Vascular Plants ¹ <input checked="" type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic. |
| 2. <u>Fragaria vesca</u> | <u>30</u> | <u>D</u> | <u>FACU</u> | |
| 3. <u>Daucus carota</u> | <u>20</u> | <u>-</u> | <u>FACU</u> | |
| 4. <u>Avena barbata</u> | <u>20</u> | <u>-</u> | <u>UPL</u> | |
| 5. <u>Plantago lanceolata</u> | <u>10</u> | <u>-</u> | <u>FACU</u> | |
| 6. <u>Juncus balticus</u> | <u>5</u> | <u>-</u> | <u>FACW</u> | |
| 7. <u>Hypochaeris spp.</u> | <u>3</u> | <u>-</u> | <u>FACU</u> | |
| 8. <u>Iris spp.</u> | <u>1</u> | <u>-</u> | <u>-</u> | |
| 9. <u>Juncus patens</u> | <u>1</u> | <u>-</u> | <u>FACW</u> | |
| 10. _____ | | | | |
| 11. _____ | | | | |
| <u>170</u> = Total Cover | | | | Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Woody Vine Stratum (Plot size: _____) | | | | |
| 1. _____ | | | | |
| 2. _____ | | | | |
| % Bare Ground in Herb Stratum <u>5%</u> _____ = Total Cover | | | | |
| Remarks: | | | | |

SOIL

Sampling Point: 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

| Depth (Inches) | Matrix | | Redox Features | | | | Texture | Remarks |
|----------------|---------------|-----|----------------|---|-------------------|------------------|---------|----------------|
| | Color (moist) | % | Color (moist) | % | Type ¹ | Loc ² | | |
| 0-4 | 7.5 YR 4/3 | 100 | | | | | | Fine Angular |
| 4-7 | 7.5 YR 2.5/1 | 100 | | | | | | Fine Angular |
| 7-12 | 5 YR 3/1 | 100 | | | | | | Coarse Angular |
| 12-16 | 2.5 Y 3/2 | 100 | | | | | | Coarse Angular |

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

| | | |
|--|---|---|
| <input type="checkbox"/> Histosol (A1) | <input type="checkbox"/> Sandy Redox (S5) | <input type="checkbox"/> 2 cm Muck (A10) |
| <input type="checkbox"/> Histic Epipedon (A2) | <input type="checkbox"/> Stripped Matrix (S6) | <input type="checkbox"/> Red Parent Material (TF2) |
| <input type="checkbox"/> Black Histic (A3) | <input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1) | <input type="checkbox"/> Very Shallow Dark Surface (TF12) |
| <input type="checkbox"/> Hydrogen Sulfide (A4) | <input type="checkbox"/> Loamy Gleyed Matrix (F2) | <input type="checkbox"/> Other (Explain in Remarks) |
| <input type="checkbox"/> Depleted Below Dark Surface (A11) | <input type="checkbox"/> Depleted Matrix (F3) | |
| <input type="checkbox"/> Thick Dark Surface (A12) | <input type="checkbox"/> Redox Dark Surface (F6) | ³ Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic. |
| <input type="checkbox"/> Sandy Mucky Mineral (S1) | <input type="checkbox"/> Depleted Dark Surface (F7) | |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4) | <input type="checkbox"/> Redox Depressions (F8) | |

Restrictive Layer (if present):
 Type: N/A
 Depth (Inches): _____

Hydric Soil Present? Yes _____ No

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

| | | |
|---|---|--|
| Primary Indicators (minimum of one required; check all that apply) | | Secondary Indicators (2 or more required) |
| <input type="checkbox"/> Surface Water (A1) | <input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B) | <input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B) |
| <input type="checkbox"/> High Water Table (A2) | <input type="checkbox"/> Salt Crust (B11) | <input type="checkbox"/> Drainage Patterns (B10) |
| <input type="checkbox"/> Saturation (A3) | <input type="checkbox"/> Aquatic Invertebrates (B13) | <input type="checkbox"/> Dry-Season Water Table (C2) |
| <input type="checkbox"/> Water Marks (B1) | <input type="checkbox"/> Hydrogen Sulfide Odor (C1) | <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) |
| <input type="checkbox"/> Sediment Deposits (B2) | <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) | <input type="checkbox"/> Geomorphic Position (D2) |
| <input type="checkbox"/> Drift Deposits (B3) | <input type="checkbox"/> Presence of Reduced Iron (C4) | <input type="checkbox"/> Shallow Aquitard (D3) |
| <input type="checkbox"/> Algal Mat or Crust (B4) | <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) | <input type="checkbox"/> FAC-Neutral Test (D6) |
| <input type="checkbox"/> Iron Deposits (B5) | <input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A) | <input type="checkbox"/> Raised Ant Mounds (D6) (LRR A) |
| <input type="checkbox"/> Surface Soil Cracks (B6) | <input type="checkbox"/> Other (Explain in Remarks) | <input type="checkbox"/> Frost-Heave Hummocks (D7) |
| <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) | | |
| <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) | | |

Field Observations:

| | | | |
|---|--|-----------------------|---|
| Surface Water Present? | Yes _____ No <input checked="" type="checkbox"/> | Depth (Inches): _____ | Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/> |
| Water Table Present? | Yes _____ No <input checked="" type="checkbox"/> | Depth (Inches): _____ | |
| Saturation Present? (includes capillary fringe) | Yes _____ No <input checked="" type="checkbox"/> | Depth (Inches): _____ | |

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: *Some moisture present below 4" but did not glisten in sun. Not considered saturation. Piezometers were installed along pond berm. One was directly upslope of SPA. It recorded no water table within 16.5' of surface.*

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: APN 208-201-020 City/County: Humboldt Sampling Date: 5/10/19
 Applicant/Owner: Nikolai Erickson State: CA Sampling Point: 2
 Investigator(s): J. Henry Section, Township, Range: 29, T2N, R5E
 Landform (hillslope, terrace, etc.): hillslope Local relief (concave, convex, none): concave Slope (%): 2%
 Subregion (LRR): A Lat: 40.522289° Long: -123.637673 Datum: NAD83
 Soil Map Unit Name: 4426-Pasturerock-Coyuterock-Manezze15-50 NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation, Soil, or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation, Soil, or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | |
|--|--|---|
| Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | | |
| Remarks: <u>Delineated boundary based on juncus community and presence of surface water. Groundwater emerges from spring and is held in flat location inboard of existing road prism</u> | | |

VEGETATION – Use scientific names of plants.

| Free Stratum (Plot size: _____) | Absolute % Cover | Dominant Species? | Indicator Status | Dominance Test worksheet: |
|--|------------------|-------------------|------------------|--|
| 1. _____ | | | | Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) |
| 2. _____ | | | | Total Number of Dominant Species Across All Strata: <u>2</u> (B) |
| 3. _____ | | | | Percent of Dominant Species That Are OBL, FACW, or FAC: <u>50%</u> (A/B) |
| 4. _____ | | | | Prevalence Index worksheet: |
| = Total Cover | | | | Total % Cover of: |
| Sapling/Shrub Stratum (Plot size: <u>r=15'</u>) | | | | OBL species <u>0</u> x 1 = <u>0</u> |
| 1. <u>Rubus ursinus</u> | <u>5</u> | <u>D</u> | <u>FACU</u> | FACW species <u>30</u> x 2 = <u>60</u> |
| 2. _____ | | | | FAC species <u>0</u> x 3 = <u>0</u> |
| 3. _____ | | | | FACU species <u>5</u> x 4 = <u>20</u> |
| 4. _____ | | | | UPL species <u>0</u> x 5 = <u>0</u> |
| 5. _____ | | | | Column Totals: <u>35</u> (A) <u>80</u> (B) |
| = Total Cover | | | | Prevalence Index = B/A = <u>2.2</u> |
| Herb Stratum (Plot size: _____) | | | | Hydrophytic Vegetation Indicators: |
| 1. <u>Juncus balticus</u> | <u>30</u> | <u>D</u> | <u>FACU</u> | <input checked="" type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation |
| 2. _____ | | | | <input checked="" type="checkbox"/> 2 - Dominance Test is >50% |
| 3. _____ | | | | <input checked="" type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹ |
| 4. _____ | | | | <input checked="" type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) |
| 5. _____ | | | | <input checked="" type="checkbox"/> 5 - Wetland Non-Vascular Plants ¹ |
| 6. _____ | | | | <input checked="" type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain) |
| 7. _____ | | | | ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic. |
| 8. _____ | | | | |
| 9. _____ | | | | |
| 10. _____ | | | | |
| 11. _____ | | | | |
| = Total Cover | | | | Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Woolly Vine Stratum (Plot size: _____) | | | | |
| 1. _____ | | | | |
| 2. _____ | | | | |
| = Total Cover | | | | |
| % Bare Ground in Herb Stratum <u>80%</u> | | | | |
| Remarks: <u>Landowner applied strawmulch over area to prevent erosion during maintenance of adjacent existing road. Because DOM test was exactly even Prev Index was used.</u> | | | | |

SOIL

Sampling Point: 2

| Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.) | | | | | | | | |
|---|---------------|-------|----------------|-----------|-------------------|------------------|---------|------------|
| Depth (Inches) | Matrix | | Redox Features | | | | Texture | Remarks |
| | Color (moist) | % | Color (moist) | % | Type ¹ | Loc ² | | |
| 0-10" | G1 | 3/10Y | 100% | | | | | |
| 10"-16" | G1 | 3/10Y | 60% | 7.5YR 5/9 | 40% | C | M | Iron conc. |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

| Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.) | | Indicators for Problematic Hydric Soils ³ : |
|---|---|---|
| <input type="checkbox"/> Histosol (A1) | <input type="checkbox"/> Sandy Redox (S5) | <input type="checkbox"/> 2 cm Muck (A10) |
| <input type="checkbox"/> Histic Epipedon (A2) | <input type="checkbox"/> Stripped Matrix (S6) | <input type="checkbox"/> Red Parent Material (TF2) |
| <input type="checkbox"/> Black Histic (A3) | <input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1) | <input type="checkbox"/> Very Shallow Dark Surface (TF12) |
| <input checked="" type="checkbox"/> Hydrogen Sulfide (A4) | <input checked="" type="checkbox"/> Loamy Gleyed Matrix (F2) | <input type="checkbox"/> Other (Explain in Remarks) |
| <input type="checkbox"/> Depleted Below Dark Surface (A11) | <input type="checkbox"/> Depleted Matrix (F3) | ³ Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic. |
| <input type="checkbox"/> Thick Dark Surface (A12) | <input type="checkbox"/> Redox Dark Surface (F6) | |
| <input type="checkbox"/> Sandy Mucky Mineral (S1) | <input type="checkbox"/> Depleted Dark Surface (F7) | |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4) | <input type="checkbox"/> Redox Depressions (F8) | |

Restrictive Layer (if present):
 Type: N/A
 Depth (Inches): _____

Hydric Soil Present? Yes No

Remarks: H₂S odor

HYDROLOGY

| Wetland Hydrology Indicators: | | |
|--|---|--|
| Primary Indicators (minimum of one required; check all that apply) | | Secondary Indicators (2 or more required) |
| <input checked="" type="checkbox"/> Surface Water (A1) | <input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B) | <input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B) |
| <input type="checkbox"/> High Water Table (A2) | <input type="checkbox"/> Salt Crust (B11) | <input type="checkbox"/> Drainage Patterns (B10) |
| <input type="checkbox"/> Saturation (A3) | <input type="checkbox"/> Aquatic Invertebrates (B13) | <input type="checkbox"/> Dry-Season Water Table (C2) |
| <input type="checkbox"/> Water Marks (B1) | <input type="checkbox"/> Hydrogen Sulfide Odor (C1) | <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) |
| <input type="checkbox"/> Sediment Deposits (B2) | <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) | <input type="checkbox"/> Geomorphic Position (D2) |
| <input type="checkbox"/> Drift Deposits (B3) | <input type="checkbox"/> Presence of Reduced Iron (C4) | <input type="checkbox"/> Shallow Aquitard (D3) |
| <input type="checkbox"/> Algal Mat or Crust (B4) | <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) | <input type="checkbox"/> FAC-Neutral Test (D5) |
| <input type="checkbox"/> Iron Deposits (B5) | <input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A) | <input type="checkbox"/> Raised Ant Mounds (D6) (LRR A) |
| <input type="checkbox"/> Surface Soil Cracks (B6) | <input type="checkbox"/> Other (Explain in Remarks) | <input type="checkbox"/> Frost-Heave Hummocks (D7) |
| <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) | | |
| <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) | | |

Field Observations:
 Surface Water Present? Yes No Depth (Inches): >1"
 Water Table Present? Yes No Depth (Inches): Surface
 Saturation Present? (Includes capillary fringe) Yes No Depth (Inches): Surface

Wetland Hydrology Present? Yes No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Landowner recently (within last 3 years) altered drainage of spring head which may have resulted in the wetland holding ponded surface water for longer time periods than historic conditions

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

| Referral Agency | Response | Recommendation | Location |
|--|-----------------|-----------------------|--------------------------|
| Building Inspection Division | ✓ | Conditional Approval | Attached |
| Division Environmental Health | ✓ | Conditional Approval | Attached |
| Public Works, Land Use Division | ✓ | Comments | Attached |
| Southern-Trinity Joint Unified School District | ✓ | Conditional Approval | Attached |
| Northwest Information Center | ✓ | Comments | On file and confidential |
| Bear River Band THPO | ✓ | Conditional Approval | On file and confidential |
| CalFIRE | ✓ | Comments | Attached |
| Humboldt Bay Municipal Water District | ✓ | Comments | Attached |
| California Department of Fish & Wildlife | ✓ | Conditional Approval | Attached |
| County Counsel | ✓ | Comments | On file and confidential |
| Ruth Lake Community Services District | | No response | |
| Humboldt County Sheriff | | No response | |
| Humboldt County Agricultural Commissioner | | No response | |
| Humboldt County District Attorney | | No response | |
| CalTrans | | No response | |
| North Coast Regional Water Quality Control Board | | No response | |



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



7/10/2017

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 County Sheriff, Southern Trinity Unified School District School District, Ruth Lake Community Services District Community Services District

Applicant Name Nikolai Erickson **Key Parcel Number** 208-201-020-000

Application (APPS#) 11219 **Assigned Planner** () - **Case Number(s)** CUP16-185
AA16-465

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 7/25/2017 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: See paperwork

DATE: 7/19/17

PRINT NAME: [Signature]



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

3015 H STREET EUREKA CA 95501 FAX: (707) 445-7446 PHONE: (707) 445-7245
<http://www.co.humboldt.ca.us/planning/>

Planning Referral Comments

- Submit complete plan of operations, including any plans of employees, processing, or manufacturing.
- Secure all building permits for any tenant improvements, all non-permitted structures, and all proposed structures.
- Submit current plot plan showing all grading, pond building, and springs, with all structures on parcel, include dimensions of all structures, with declared use, and setbacks to property lines, roads, right of ways, and creeks and streams.
- Submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing and proposed Ag exempt structures and an Ag Exempt letter of intent for each.
- Submit 2 complete sets of construction plans for all proposed buildings that are not AG exempt.
- Declare amount in cubic yards of all grading that has been done and any proposed grading.
- Recommend conditional approval based on application required for Building Department permits such as; Grading, Building, Ag exempt structures, Commercial grow processing structures, etc.,

Department of Environmental Health

Referral Response 11/6/2017 - Adam Molofsky

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

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



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: Cannabis Planner, Planning & Building Department

FROM: Ken Freed, Assistant Engineer *KF*

DATE: 8/10/2017

RE: **NOTICE OF INCOMPLETE APPLICATION**
APPLICATION No. 11219 ; **APN** 208-201-020



The Department has received a greater number of projects than can be processed in the time frame provided. The Department is providing the following abbreviated review of the project. Once the requested information has been provided, please re-refer the project to the Department.

All boxes that are checked apply.

- (1) Prior to the project being presented to the Planning Commission or the Zoning Administrator, it is recommended that the project should be referred to:
 - Caltrans; Bureau of Land Mgmt.; US Forest Service; City of _____

Prior to the project being presented to the Planning Commission of the Zoning Administrator, the following must be done:

- (2) Applicant shall submit a completed Public Works Road Evaluation Report form for each road that is used to access the subject property. The applicant shall provide a "google earth" type map showing the locations of the road being evaluated that is indexed to each Road Evaluation Form. Road evaluations are needed for all roads that access off of HWY 36. A Road Evaluation Report form is available from the Land Use Division. The Department recommends that the applicant make an appointment with staff to go over the road evaluation process.
- The submitted Road Evaluation Form(s) is(are) inadequate. See attached road evaluation report response for comments.
- (3) Applicant shall submit Airspace Clearance Form. The subject property is located within the area covered by County Code section 333-1 et seq., the applicant shall submit evidence that the project complies or will comply with County Code.
 - The submitted Airspace Clearance Form is inadequate. See below for comments.
- (4) The subject property has deferred subdivision improvements that must be completed. Prior to the project being presented to the Planning Commission or the Zoning Administrator for approval or prior to the issuance of any building permits, whichever occurs first.



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



7/10/2017

**PROJECT REFERRAL TO: Southern Trinity Unified School District
School District**

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 County Sheriff, Southern Trinity Unified School District School District, Ruth Lake Community Services District Community Services District

Applicant Name Nikolai Erickson **Key Parcel Number** 208-201-020-000

Application (APPS#) 11219 **Assigned Planner** () - **Case Number(s)** CUP16-185
AA16-465

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 7/25/2017 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: We would like knowledge regarding who + how often site is inspected for compliance esp re: environmental erosion, pesticide use, septic care, + trash disposal.

DATE: 7.12.17 PRINT NAME: Peggy Canale

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:



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

11/20/2018

PROJECT REFERRAL TO: Humboldt Bay Municipal Water District

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, California Department of Transportation District #1, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Southern Trinity Unified School District School District, Ruth Lake Community Services District Community Services District, Public Works - Road Evaluation, Humboldt Bay Municipal Water District

Applicant Name Nikolai Erickson **Key Parcel Number** 208-201-020-000

Application (APPS#) 11219 **Assigned Planner** Steven Santos (707) 268-3749 **Case Number(s)** CUP16-185
AA16-465

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 12/5/2018

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

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

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

Other Comments: See attached letter

DATE: 12-5-18
PLN-11219-CUP Nikolai Erickson

PRINT NAME: John Friedenbach
General Manager
May 5, 2022

Humboldt Bay
Municipal
Water District
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HUMBOLDT BAY MUNICIPAL WATER DISTRICT

828 SEVENTH STREET, PO BOX 95 • EUREKA, CALIFORNIA 95502-0095

OFFICE 707-443-5018 ESSEX 707-822-2918

FAX 707-443-5731 707-822-8245

EMAIL OFFICE@HBMWD.COM

Website: www.hbmwd.com

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December 5, 2018

Planning Commission Clerk
Planning and Building Department
Humboldt County
3015 H Street
Eureka, CA 95501

RE: Case Number CUP16-185 AA16-465, Key Parcel Number 208-201-020-000

Humboldt Bay Municipal Water District (District) submits this letter to express concerns regarding Conditional Use Permit 16-185, Application Assistance AA16-465 submitted by Nikolai Erickson (Applicant). There are a number of impacts from these projects that need to be considered including water quality and impacts on protected species.

The Applicant seeks a conditional use permit for operation of an existing 22,672 square foot medical cannabis cultivation operation. The irrigation water is sourced from two rain catchment ponds containing 477,000 gallons and 71,000 gallons respectively. There is an additional 37,000 gallons of water storage in tanks.

I. The ponds could be a potential species problem

Section 55.4.12.8 of the Cannabis Land Use regulations require that ponds and reservoirs be set back from streams, springs, and other hydrologic features. They also have to be designed so that they can be drained.

II. The Project May Harm Mad River Water Flows and Fish

There is an unnamed creek that appears to be a tributary of the Mad River. The Mad River is a waterway subject to the protections of the public trust doctrine which establishes a local government responsibility to maintain the flows of the waterway for public use. (*Cal. ex rel. State Lands Com v. Superior Court* (1995) 11 Cal.4th 50, 63 [the beds of navigable rivers are owned by the state in trust for the public. Therefore, we respectfully request that the County verify the water rights at the Water Board claimed to be owned and permitted by the applicant prior to issuing a CUP. In addition, storm water runoff from the project could carry chemicals and debris into the Mad River, contaminating not only the drinking water source, but also fish and other species in the water bodies, assuming the creek terminates into the Mad River.

It is the District's understanding and belief that the State Water Board has determined that the Mad River is fully appropriated and there are no more water rights available for appropriation. (See State Water Board Order 98-08; Water Code, § 1206.) Therefore, we respectfully request that the County verify with the Water Board the water rights claimed to be owned and permitted by the applicant prior to issuing a CUP.

III. The Project May Be Subject to CEQA Review

There is a reasonable possibility that the activity will have a significant effect on the environment. Therefore, a full environmental review may need to be conducted for this project. Reliance on a prior environmental document or an exemption will not adequately capture the likely environmental impacts, especially given the cumulative impacts of this project, in conjunction with other projects in the Mad River area.

Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts... The individual effects may be changes resulting from a single project or a number of separate projects. (CEQA Guidelines, § 15355, subd. (a).) Essentially, an agency cannot forego environmental review if, "taking into consideration the effects of past, current, and probable future projects, the environmental effect is significant." (*Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 226, 285.)

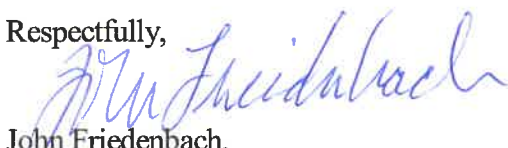
There are a number of cannabis operations occurring in the Mad River area, drawing on limited water and posing a potential threat to the drinking water source and sensitive habitats. This is only one of many similar operations in the area. While the County may find reason to conclude each project individually is exempt, a point not conceded by the District, permitting each of these operations based on an exemption avoids adequate analysis of impacts of the cumulative impact on the river.

* * *

For the above reasons, the District requests the Planning Department require full environmental review of Conditional Use Permit applications CUP16-185 AA16-465 for Cannabis Cultivation Sites. Additionally, we request that the District be notified when the level of environmental review is determined and when the draft environmental document is available for review by the public.

In closing, we respectfully request all referral comments be included in the Planning Commission Packets. This will allow the Commissioners to have a full understanding of the agencies/public concerns.

Respectfully,


John Friedenbach,
General Manager

Cc: Gordon Leppig, CDFW
Kason Grady, NCRWQCB, Division Chief Cannabis Regulatory

Laney, Megan

From: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Sent: Monday, August 21, 2017 9:04 AM
To: Planning Clerk
Cc: Bauer, Scott@Wildlife
Subject: Nikolai Erickson Conditional Use Permit Application-APPS 11219

To Whom It May Concern,

Thank you for referring the Nikolai Erickson Conditional Use Permit application (APPS 11219, Project) to the California Department of Fish and Wildlife (CDFW) for review and comment. The applicant is seeking a Conditional Use Permit for an existing 22,672 square foot outdoor medical cannabis cultivation operation on APN: 208-201-020. Cultivation activities occur from March to November with one harvest in November. Water for irrigation is provided by two rain catchment ponds containing 477,000 and 71,000 gallons of water, respectively. There is an additional 37,000 gallons of water storage in tanks, for a total of 572,000 gallons of water storage. The Applicant estimates annual water usage for cultivation is 190,000 gallons. Processing at the site includes drying and curing. Once harvested, plants are placed in drying shed. The Applicant is proposing to take dried medical cannabis to an off-site permitted processing facility. There will be two employees on site for cultivation activities. Power is provided by two portable generators.

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

- A pre-consultation for this parcel was conducted by CDFW on 7/19/2017. It has been identified that this applicant is in violation of Fish and Game Code due to a failure to submit a Notification of Lake or Streambed Alteration (LSA). CDFW requests that this project be placed on hold until a Final Lake or Streambed Alteration Agreement for the project has been obtained.
- Application materials suggest and previous on-site review confirm that the ponds are hydrologically connected to surface waters. Surface water sources (streams, springs, and hydrologically connected wells and ponds) are generally jurisdictional for CDFW, and their use, for domestic purposes or otherwise, generally requires notification pursuant to Fish and Game Code 1602.
- It has been identified that invasive catfish are present within the ponds. CDFW requests a biological assessment of the parcel with specific attention to this invasive species.
- The referral materials state that the applicant will be utilizing generators at the project location. CDFW recommends that the county require, as a condition of Project approval, that the applicant provide a noise pollution plan demonstrating that the proposed generator would not deliver noise pollution, which may affect fish and/or wildlife directly, or from a distance. Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, interference to predation, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. Noise pollution has the potential to impact sensitive species such as the Townsend Big-eared Bat (*Corynorhinus townsendi*), that hunt for food through echolocation.
- This project has the potential to affect sensitive fish and wildlife resources such as Townsend Big-eared Bat (*Corynorhinus townsendi*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*Oncorhynchus kisutch*), Steelhead Trout (*Oncorhynchus mykiss*), Pacific Lamprey (*Entosphenus tridentatus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please contact me at kalyn.bocast@wildlife.ca.gov if you need additional information.

Please confirm that you have received this email.

Sincerely,

Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077