



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: January 20, 2022

To: Humboldt County Planning Commission

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

Subject: **Forever Loving Humboldt, Inc.**
Application Number PLN-12436-CUP
Assessor's Parcel Number (APN) 211-374-014
Myers Flat area

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
January 20, 2022	Conditional Use Permit	Abbie Strickland

Project Description The applicant is seeking a Conditional Use Permit for 32,500 square feet of existing commercial cannabis cultivation, consisting of 22,000 square feet of outdoor cultivation and 10,500 square feet of mixed light cultivation. Water for irrigation is sourced from two groundwater wells, which are registered as riparian diversions due to their proximity to the water course. The Applicant estimates 475,000 gallons are needed for irrigation annually. Drying occurs on-site in an existing barn, with other processing activities occurring off-site at a licensed processing facility. Electricity is sourced from PGE and a generator.

Project Location: The project is located in Humboldt County, in the Myers Flat area, on the south side of Browns Road, approximately 2,741 feet from the intersection of Dyerville Loop Road and Browns Road, on the property known as 510 Browns Road, Myers Flat.

Present Plan Land Use Designations: Residential Agriculture (RA5-20) Density: twenty acres per dwelling unit, Slope Stability: Moderate instability (2).

Present Zoning: Unclassified (U)

Application Number: PLN-12436-CUP

Assessor Parcel Numbers: 211-374-014

Applicant

Forever Loving Humboldt, Inc.
Dennis Chase
P.O. Box 233
Alderpoint, CA 95511

Owner

Dennis Chase
510 Brown Road
Myers Flat, CA 95554

Agent

NorthPoint Consulting Group
Praj White
1117 Samoa Blvd
Arcata, CA, 95521

Environmental Review: The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.

State Appeal Status: The proposed project is NOT appealable to the California Coastal Commission

Major Issues: Inconsistency with Humboldt County Code, lack of adequate information to support making required findings for approval and unresolved violations.

Forever Loving Humboldt, Inc.

PLN-12436-CUP
APN: 211-374-014

Recommended Commission Action:

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

Find the project exempt from environmental review pursuant to State CEQA Guidelines Section 15270, make the finding that the project site is in violation of Humboldt County Code and that the applicant has not provided the County the information necessary to make the required findings for approval and deny the Forever Loving Humboldt, Inc., project.

Executive Summary: For Planning Commission consideration is an application under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) for a Conditional Use Permit for 32,500 square feet of existing commercial cannabis cultivation of which 10,500 square feet is outdoor cultivation and 22,000 square feet is mixed light commercial cannabis cultivation. The Forever Loving Humboldt, inc., application was submitted on December 23, 2016.

Staff is recommending denial of the project because the applicant has repeatedly violated various provisions of Humboldt County Code and State Law. The submitted application does not include evidence to support making the required findings under Section 312-17.1 of the Humboldt County Code (required findings for all permits). This project is not consistent with section 314-55.4.8.1, which states that permittees and operators shall conduct all commercial cannabis activities in compliance with all applicable state laws and County ordinances.

California Department of Fish and Wildlife Violations

On May 17, 2016, a site inspection was conducted by the California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and the State Water Resources Control Board (SWRCB). The inspection identified various violations resulting in the issuance of a Notice of Violation by CDFW and the SWRCB.

On May 20, 2016, a *Notice of Violation* issued by CDFW identified the following violations of Fish and Game Code:

i.	Construction of two onstream ponds on unnamed tributaries to Elk Creek.
ii.	Construction and Maintenance of five road/stream crossings on unnamed tributaries to Elk Creek.
iii.	Filling of a stream channel with sediment from pond failure and/or dam construction.
iv.	Excavation of 250 linear feet of stream channel.

An *Environmental Impact Assessment* was prepared by CDFW for the subject parcel following the observation of nine unpermitted streambed alterations and one sediment discharge to waters of the state. The document analyzes the direct impacts the violations have incurred on Elk Creek, the tributaries of Elk Creek, and the South Fork Eel River. As stated in the report, the violations of Fish and Game Code have resulted in (1) substantial degradation of the Elk Creek and its unnamed tributaries, (2) impairment of natural hydrology and unpermitted impoundment and diversion of Waters of the State for irrigation, (3) delivery of sediment downstream deleterious to

aquatic habitat, and (4) direct discharge of large volumes of water and sediment to Waters of the State.

On December 3, 2021, the assigned planner contacted CDFW and found that *Notice of Violation* issued by CDFW had been resolved. However, CDFW stated that ground disturbance that occurred between June 2021 and October 2021, would require a site visit from CDFW to inspect near stream alterations.

California State Water Resources Control Board Violations

On October 12, 2016, the RWQCB issued a *Clean Up and Abatement Order* (CAO) for the following violations identified during the site inspection.

i.	Construction of private roads lacking adequate stream crossings, erosion control, or sediment containment features.
ii.	The operation of heavy equipment in the watercourses and the lack of or inadequate stream crossings, represent a direct and unauthorized discharge to tributaries to Elk Creek.
iii.	The failure of one of the reservoirs, which has been subsequently reconstructed, resulted in the placement of a large pile of earthen spoils in a wetland and the discharge of the turbid water to tributaries of the Elk Creek.
iv.	RWQCB staff also estimated 1 million gallons (141,726 cubic feet) of earthen material was deposited in streambeds and wetlands.

The CAO required the applicant to clean up and abate the graded and disturbed areas to prevent further sediment laden discharge, and uncontrolled drainage from private roads, into Elk Creek which is a Class I watercourse. The Order also required the applicant to restore the impacted wetland to its original state and submit the following information by the associated deadline:

By October 15, 2016 , the Dischargers shall stabilize the Property to prevent erosion and discharge of sediment to Elk Creek and its tributaries during the 2016-2017 wet weather period. The stabilization shall be based on an Interim Erosion and Sediment Control Plan (hereafter "Interim Plan") prepared by an appropriately licensed Professional.
By November 15, 2016 , the Dischargers shall provide a report of completion for approval by the Assistant Executive Officer of the Regional Water Board. This report shall include a summary and photographs of the completed erosion and sediment control measures.
By January 15, 2017 , the Dischargers shall propose a Restoration and Monitoring Plan (hereafter "RMP").
No more than 60 days after approval of the RMP by the Regional Water Board Assistant Executive Officer, begin implementation of the RMP.
By August 31, 2017 , the Dischargers shall fully implement and complete the RMP.
By September 30, 2017 , submit a Completion Report for the RMP for approval by the Assistant Executive Officer of the Regional Water Board.

On January 15, 2017, the applicant submitted a *Restoration and Monitoring Plan* to the SWRCB Office of Enforcement which addressed the need for the following corrective actions and

included a timeline to complete all actions by October 2018, although the deadline to submit the report was September 30, 2017.

- 1) Remove all illegally placed earthen material and woody debris from streams;
- 2) Restore the vegetative and hydrological functions of the damaged streams to ensure the long-term recovery of the affected streams;
- 3) Restore natural slope contours to ensure dispersed surface flows;
- 4) Replant the slopes and streamside areas with native vegetation to reduce the potential for sediment delivery; and,
- 5) Provide streamside protection, replant streamside areas with native species to reduce the potential for sediment delivery.

On July 31, 2019, the applicant was issued a *Notice of Required Action* by SWRCB Office of Enforcement for failure to adhere to the established deadline and submit the Restoration and Monitoring Plan Completion Report (Completion Report) by September 30, 2017. The applicant was granted an extension to submit the requested materials by August 30, 2019.

On August 30, 2019, the applicant's consultant submitted a *Restoration and Monitoring Completion Report* (Completion Report) to the SWRCB Office of Enforcement.

On July 17, 2020, the applicant was issued a *Notice of Violation* by the SWRCB. The Notice documented four violations of the Clean Up and Abatement Order (1) the applicant had not completed the corrective actions outlined in the RMP, (2) the submitted *Completion Report* failed to document the completion of the RMP which constitutes a violation of the CAO, (3) failure to assess impacts to Elk Creek, its unnamed tributaries, and the wetland area from the unauthorized activities on the Property and restoration of all wet meadows and wetlands, and (4) failure to provide compensatory mitigation for any temporal and permanent impacts to wet meadows, wetlands, and to unnamed tributaries to Elk Creek that resulted from unauthorized activities. The applicant was directed to immediately provide an amended RMP to address the four violations and provide a timeline for implementation and completion of the restoration activities and submittal of the final RMP Completion Report.

Email correspondence between SWRCB Office of Enforcement staff and NorthPoint Consulting reflects continued efforts by the SWRCB Office of Enforcement to obtain the requested documentation by October 1, 2021. The applicant did complete a Botanical Survey and Wetland Delineation. As of December 1, 2021, the revised Restoration Plan incorporating the Botanical Survey and Wetland Delineation has not been submitted to the SWRCB Office of Enforcement as required to resolve the Clean Up and Abatement Order.

Humboldt County Code Violations

On January 4, 2018, the applicant received an Interim Permit from the County of Humboldt which authorized the continued cultivation of 10,500 square feet of outdoor cultivation and 22,000 square feet of mixed light cultivation. The *Compliance Agreement* associated with the Interim Permit advised the applicant that any expansion beyond the existing cultivation area would be a violation of the Interim Permit, Humboldt County Code, and State Law and may result in the cancellation or revocation of the permit.

On February 13, 2020, the applicant submitted a Cultivation Declaration reducing their cultivation area to zero square feet. The applicant acknowledges that any expansion or deviation from the declared cultivation may lead to cancellation or revocation of the permit.

On December 28, 2020, the applicant is issued a Violation Letter for the unauthorized cultivation of 36,116 square feet in violation of the Cultivation Declaration. The applicant submits a penalty payment of \$11,232 to resolve the violation.

On May 19, 2021, a search warrant is served by the Sheriff's Office with the Code Enforcement Unit in attendance. Numerous violations of Humboldt County Code are identified, and the applicant is found to be operating out of compliance with the approved *Operations Plan* and *Site Plan*. A Violation Letter is issued to the applicant on July 9, 2021, for the unauthorized mixed light cultivation of 5,287 square feet. At this time the applicant is also issued a Compliance Agreement by the Code Enforcement Unit to resolve the violations identified during the service of the warrant. On July 21, 2021, the applicant submits a penalty payment of \$21,148. Although the Compliance Agreement was issued with the Violation Letter, as of November 24, 2021, the Compliance Agreement remained unreturned, and the violations remained unresolved.

Based on aerial imagery, the applicant began conducting ground disturbing activities in June of 2021 and continued to do so through October of 2021. Five greenhouses were relocated to a newly graded flat on the northeastern section of the parcel. The greenhouses were relocated in proximity to a verified wetland, in violation of Humboldt County Code 314-61.1.12 which states that a preliminary on-site inspection shall be performed prior to any grading, construction, or other development permit issuance to determine if the project area contains SMAs or other wet areas. The applicant did not consult with the Planning Department prior to changing the site configuration. Additionally, by expanding the projects footprint, prior to permit approval, the applicant violated the terms of the executed *Compliance Agreement*.

This project is not consistent with section 314-55.4.8.1, which states that permittees and operators shall conduct all commercial cannabis activities in compliance with all applicable state laws and County ordinances.

Summary: The submitted application does not include enough evidence to support making the required findings under Section 312-17.1. Because the applicant has violated Humboldt County Code and various provisions of state law, the project is not consistent with 314-55.4.8.1, which states that permittees and operators shall conduct all commercial cannabis activities in compliance with all applicable state laws and County ordinances.

ALTERNATIVES: The Planning Commission could elect to direct staff to continue to work with the applicant to resolve the outstanding issues and continue processing the application in accordance with HCC Section 312-4.1 et seq. However, due to the extended amount of time that the violations have remained unresolved, staff does not recommend this alternative.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number: 22-
Records Number: PLN-12436-CUP
Assessor's Parcel Number: 210-054-008**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and denying the Forever Loving Humboldt, Inc., Conditional Use Permit.

WHEREAS, Forever Loving Humboldt, Inc., submitted an application on December 23, 2016, for a Conditional Use Permit for 32,500 square feet of pre-existing outdoor and mixed light commercial cannabis cultivation: and

WHEREAS, the property has been operated in violation of the county ordinance and state law; and

WHEREAS, the project is statutorily exempt from environmental review pursuant to Section 15270 of the State CEQA Guidelines (projects which are disapproved); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on January 20, 2022, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

1. FINDING: **Project Description:** A Conditional Use Permit for 32,500 square feet of pre-existing outdoor and mixed light commercial cannabis cultivation.

EVIDENCE: a) Project File: PLN-12436-CUP

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The project is statutorily exempt from CEQA as it is a project which is not approved.

EVIDENCE: a) Section 15270 of the CEQA Guidelines

FINDINGS FOR SPECIAL PERMIT

3. FINDING The proposed development is not consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE a) The applicant has violated Humboldt County Code Section 314-55.4.8.1 which states that permittees and operators shall conduct all commercial cannabis activities in compliance with all applicable state laws and County ordinances. The applicant has been unresponsive to the County and States direction to resolve the violations.

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
- Denies the Conditional Use Permit for Forever Loving Humboldt, Inc., based upon the Findings and Evidence.

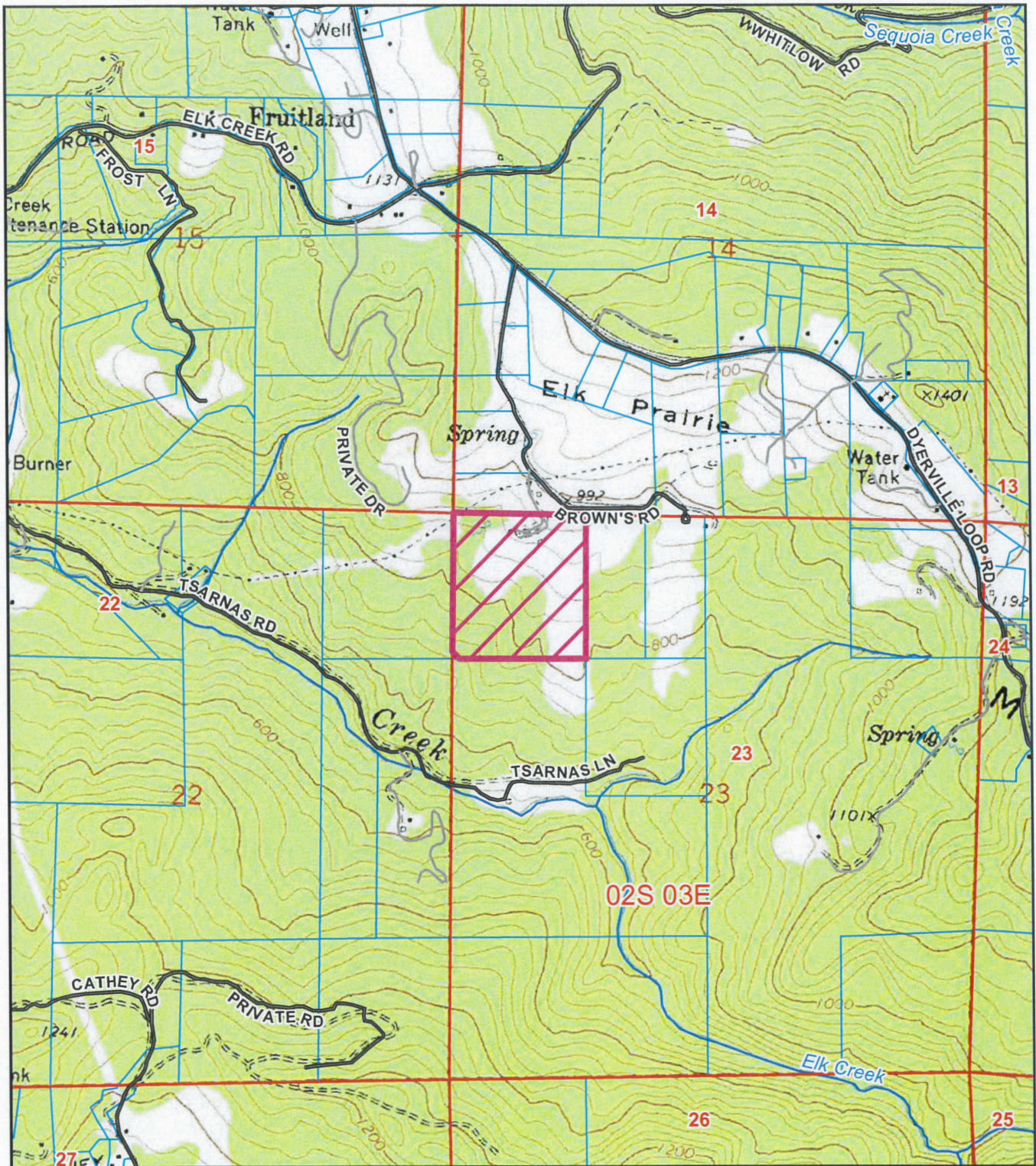
Adopted after review and consideration of all the evidence on January 20, 2022.

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.

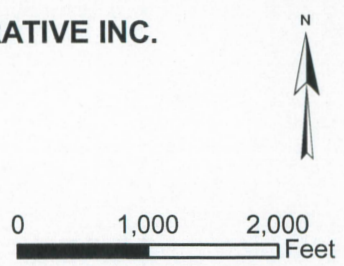
 John Ford, Director
 Planning and Building Department

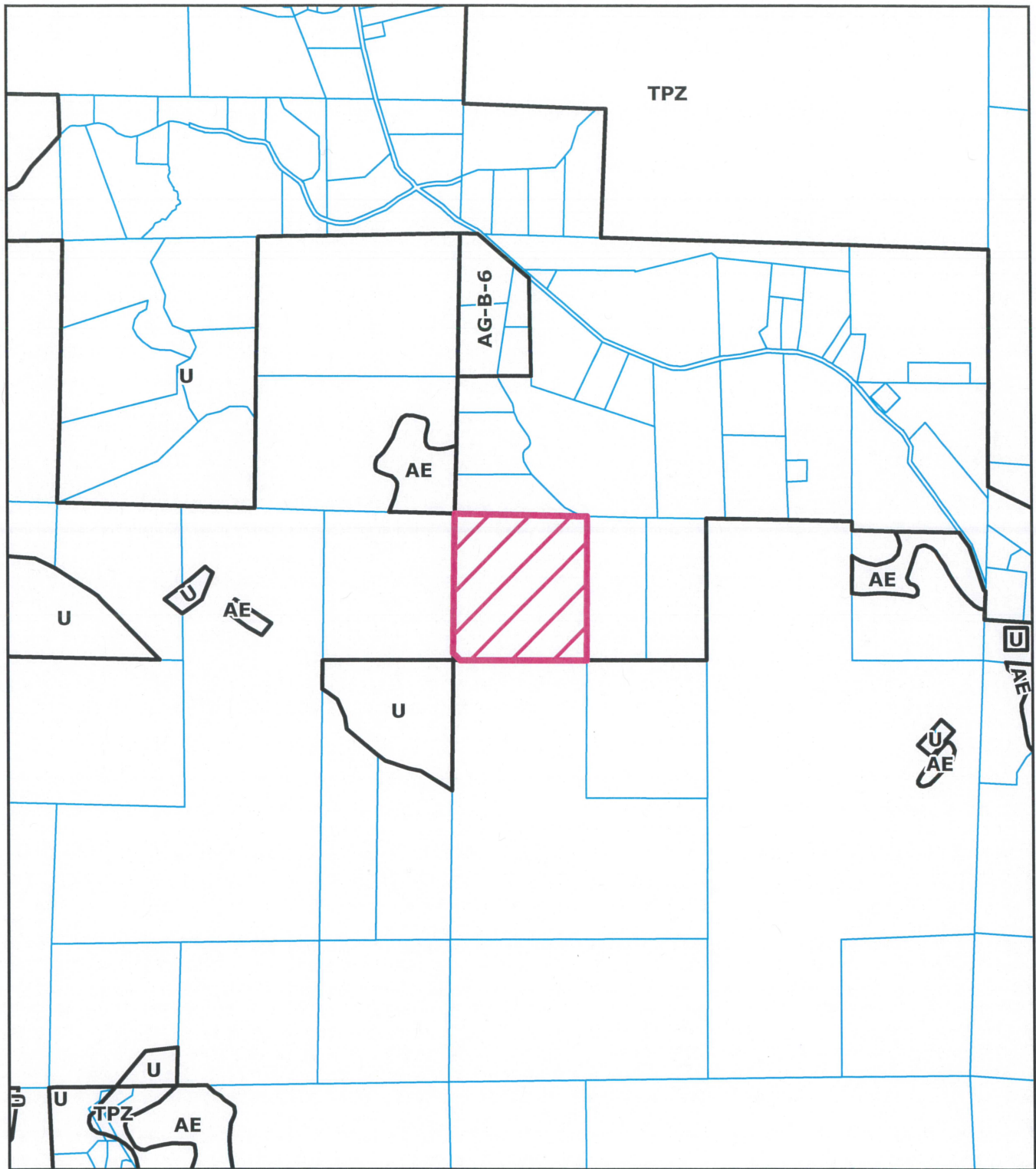


TOPO MAP
PROPOSED FOREVER LOVING HUMBOLDT COOPERATIVE INC.
MYERS FLAT AREA
CUP-16-686
APN: 211-374-014
T02S R03E S23 HB&M (MYERS FLAT)

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.



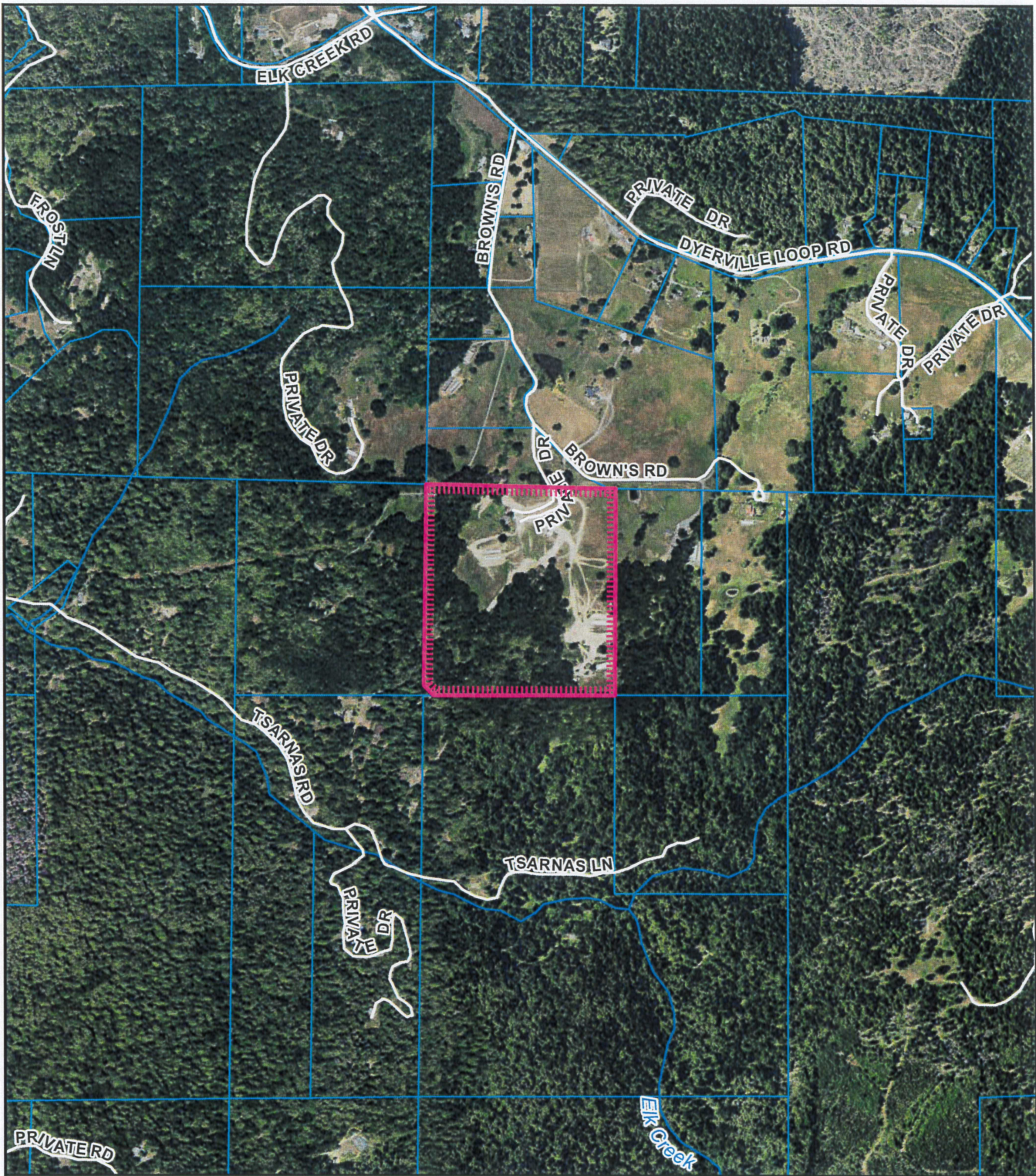


ZONING MAP
PROPOSED FOREVER LOVING HUMBOLDT COOPERATIVE INC.
MYERS FLAT AREA
CUP-16-686
APN: 211-374-014
T02S R03E S23 HB&M (MYERS FLAT)

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 FOREVER LOVING HUMBOLDT COOPERATIVE INC.
MYERS FLAT AREA
CUP-16-686
APN: 211-374-014
T02S R03E S23 HB&M (MYERS FLAT)

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.



ATTACHMENT 1
Violation Timeline

Existing State Violations Timeline

Application Number: PLN-12436-CUP

Property Owner: Dennis Chase

Date	Action
May 17, 2016	Inspection by the RWQCB and CDFW inspect the property and find: <ul style="list-style-type: none"> - Construction of private roads lacking adequate stream crossings, erosion control, or sediment containment features. - The operation of heavy equipment in the watercourses and the lack of, or inadequate stream crossings, represent a direct and unauthorized discharge to tributaries to Elk Creek. - Excavation of two watercourses to create reservoirs. - The failure of one of the reservoirs, which has been subsequently reconstructed, resulted in the placement of a large pile of earthen spoils in a wetland and the discharge of the turbid water to tributaries of the Elk Creek. - RWQCB staff also estimated 1 million gallons of earthen material was deposited in streambeds and wetlands
May 20, 2016	<i>Notice of Violation</i> issued by the California Department of Fish and Wildlife for the following violations of Fish and Game Code: <ul style="list-style-type: none"> - Construction of two onstream ponds on unnamed tributaries to Elk Creek - Construction and Maintenance of five road/stream crossings on unnamed tributaries to Elk Creek. - Filling of a stream channel with sediment from pond failure and/or dam construction. - Excavation of 250 linear feet of stream channel.
June 7, 2016	<i>Environmental Impact Assessment</i> completed by CDFW documenting the direct impact the violations have incurred on the aquatic habitats of Elk Creek, tributaries of Elk Creek, and the South Fork Eel River.
October 12, 2016	<i>Clean Up and Abatement Order (CAO)</i> issued by the RWQCB with the following timeline for the applicant to adhere to: By October 15, 2016- Applicant shall submit Interim Erosion and Sediment Control Plan By November 15, 2016- Applicant shall provide a report of completion for the above-mentioned plan. By January 15, 2017- Applicant will submit a Restoration and Monitoring Plan (within 60 days of approval of the RMP the applicant shall implement the RMP). By September 30, 2017- submit a Completion Report for the RMP to be approved by the RWQCB.
November 14, 2016	Manhardt Consulting submits the <i>Interim Erosion and Sediment Control Plan</i> to the RWQCB
January 15, 2017	Applicant submits <i>Restoration and Monitoring Plan (RMP)</i> to the RWQCB
June 14, 2019	RWQCB staff contact NorthPoint Consulting to obtain the Completion Report that was required to be submitted by September 30, 2017. Staff are unable to verify completion of the work or submittal of the Completion Report.

July 31, 2019	RWQCB submits a <i>Notice of Required Action</i> to Dennis Chase for failure to submit a Completion Report for the Restoration and Monitoring Plan (RMP). The new deadline to submit the RMP is August 30, 2019.
August 30, 2019	NorthPoint Consulting submits RMP Completion Report to the RWQCB. The RWQCB deems the report inadequate, and the CAO remains unresolved.
July 17, 2020	<i>Notice of Violation</i> (NOV) issued for the failure to comply with the Clean Up and Abatement Order. RWQCB Staff request timeline for completion of work required to resolve violations.
October 8, 2020	NorthPoint Consulting and RWQCB hold meeting. Applicant will submit the following: <ol style="list-style-type: none"> 1. Wetland Delineation 2. Rare Plant Survey 3. Assessment of prior erosion control and restoration measures 4. Restoration of Area 4 as outlined in the RMP and obtain County Permit.
March 2021- September 2021	Gary Dickenson, RWQCB Engineer, contacts the applicant and NorthPoint six (6) times requesting timeline for submittal of the information required to resolve CAO.
December 2, 2021	NorthPoint Consulting and Applicant are officially notified that the project will be heard before the Planning Commission on December 16, 2021, with a recommendation of denial.
December 3, 2021	NorthPoint Consulting submits revised <i>Completion Report</i> to the RWQCB. No response has been received.

Humboldt County Code Violation Timeline

February 13, 2020	Applicant submits TCR- Reduces cultivation to 0 square feet
December 28, 2020	Violation Letter #1 issued for unauthorized cultivation of 36,116 square feet in violation of TCR.
January 29, 2021	Applicant submits payment of \$11,232
April 15, 2021	Interim Permit issued for 2021
May 19, 2021	Warrant served and the following violations identified (not comprehensive): <ul style="list-style-type: none"> -Grading without permits -Mixed Light Cultivation totals 32,500 square feet (in violation of permit as 10,500 square feet of that total was required to be outdoor cultivation). - Solid Waste Violations -Hazardous Spill -Burned Cannabis Waste -Building Code Violations
July 9, 2021	Violation Letter #2 – issued for unauthorized mixed light cultivation identified during the execution of the warrant. The Code Enforcement Compliance Agreement is simultaneously issued.
July 21, 2021	Applicant submits \$21,148 payment for violation but does not sign and submit the Code Enforcement Compliance Agreement.

October 2021	Violation #3: Aerial Imagery finds that Applicant has expanded project footprint in violation of the executed Compliance Agreement. Grading has occurred without the required permits and in proximity to confirmed wetland. Compliance Agreement has not been submitted; violations remain unresolved.
November 18, 2021	Assigned Planner submits Denial Notice to the applicant, informing them that the project will be heard at the December 16, 2021, Planning Commission Hearing with a recommendation of denial.
November 24, 2021	Assigned Planner meets with applicant and agent from NorthPoint to discuss violation history. Assigned Planner requests additional documentation regarding the progress made to resolve CAO issued by the RWQCB and correspondence from the RWQCB directing the applicant to move cultivation infrastructure prior to obtaining the required County permits and approvals.
November 29, 2021	Assigned Planner contacts RWQCB to inquire about the CAO. The CAO remains unresolved, and RWQCB provides documentation to the Assigned Planner confirming that RWQCB staff did not direct the applicant to move infrastructure and begin grading without County approval. Applicant submits signed Code Enforcement Compliance Agreement.
December 3, 2021	Assigned Planner contacts CDFW to determine if the NOV issued by their department in 2016 has been resolved. The NOV is confirmed to have been resolved, although monetary civil penalties are still owed. CDFW identifies newly graded area and indicates a site visit by CDFW will be required to inspect near stream alterations. NorthPoint Consulting submits status report to Gary Dickenson of RWQCB. No response is received.

ATTACHMENT 2
CDFW Notice of Violation



May 20, 2016

CERTIFIED MAIL:

#7011 3500 0002 2331 2608

Mr. Dennis Allen Chase Jr.
510 Brown Road
Myers Flat, CA 95554

Subject: Notice of Violation of Fish and Game Code Sections 1602, 5650, 5937

Dear Mr. Chase:

On May 17, 2016, California Department of Fish and Wildlife (Department) staff visited Assessor's Parcel Number 211-374-14, located in the Elk Creek watershed in Humboldt County. During this visit, Department staff observed the activities described below, which are subject to Fish and Game Code (FGC) Section 1602.

- Construction of two on-stream ponds on unnamed tributaries to Elk Creek.
- Construction and maintenance of five road/stream crossings on unnamed tributaries to Elk Creek
- Filling of a stream channel with sediment from pond failure and/or dam construction.
- Excavation of 250 linear feet of stream channel.

FGC Section 1602 requires a person to notify the Department before:

- 1) substantially diverting or obstructing the natural flow of a river, stream, or lake;
- 2) substantially changing the bed, channel, or bank of a river, stream, or lake;
- 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or
- 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake.

The Department has determined that notification was required because the activities described above substantially altered streambeds, streambanks and channels, and substantially diverted stream flow from unnamed tributaries to Elk Creek.

In addition, Department staff observed the activities described below, which are subject to FGC Section 5650.

- Placement of dirt and debris where they can pass into waters of the state.
- Sediment discharge into streams from road construction and maintenance, channel excavation, pond construction and dam failure.
- Placement of petroleum products where it can pass into waters of the state.

Conserving California's Wildlife Since 1870

FGC Section 5650(a) states: "...it is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of this State any of the following: ... (6) any substance or material deleterious to fish, plant life, or bird life."

In addition, Department staff observed the activities described below, which are subject to FGC Section 5937.

- Construction of two on-stream ponds that do not allow sufficient water to pass at all times due to inoperable culvert outlet and/or no spillway.

FGC Section 5937 states: "the owner of any dam shall allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around or through the dam, to keep in good condition any fish that may be planted or exist below a dam."

Any and all violations of FGC Sections 1602, 5650, or 5937 specified above may result in civil or criminal prosecution.

To prevent additional FGC violations, you will need to immediately stop all diversion of water for marijuana cultivation, marijuana cultivation site development, pond construction, and road construction and maintenance activities, if you have not done so already. In order to remediate the injurious effects of these violations and implement the necessary site restoration activities, you will need to complete the enclosed Lake and Streambed Alteration (LSA) Program's notification package and submit the complete package, notification fees, and a copy of this notice to Senior Environmental Scientist (Specialist) Scott Bauer at the Department of Fish and Wildlife, at 619 2nd Street, Eureka, CA 95501.

The LSA notification shall be submitted no later than **30 days** from the date of this letter.

After the Department receives the LSA notification and fee, it will process the notification and issue a draft LSA Agreement as described in FGC Sections 1602 and 1603. However, the protection measures the Department includes in the draft LSA Agreement will not be subject to arbitration in the event you disagree with any of those measures, and you and the Department cannot resolve the disagreement (FGC Section 1614).

Nothing in this Notice of Violation precludes the Department from pursuing any or all of the following enforcement actions:

- 1) Refer the matter to the District Attorney's Office or the Attorney General's Office for civil or criminal prosecution;

Mr. Chase
May 20, 2016
Page 3 of 3

- 2) Exercise the Department's authority to issue an administrative civil liability complaint pursuant to FGC Section 12025(e).

If you have any questions regarding this letter, please contact Warden Brendan Lynch at (831) 902-9012 or by email at Brendan.Lynch@wildlife.ca.gov.

Sincerely,

WARDEN BRENDAN LYNCH
FOR

Lieutenant DeWayne Little
Watershed Enforcement Team

cc: California Department of Fish and Wildlife

Scott Bauer, Laurie Harnsberger, Gordon Leppig, Curt Babcock, Brendan Lynch
scott.bauer@wildlife.ca.gov, laurie.harnsberger@wildlife.ca.gov,
gordon.leppig@wildlife.ca.gov, curt.babcock@wildlife.ca.gov,
brendan.lynch@wildlife.ca.gov

State Water Resources Control Board
Taro Murano and Yvonne West
taro.murano@waterboards.ca.gov, yvonne.west@waterboards.ca.gov

Northcoast Regional Water Quality Control Board
Diana Henriouille-Henry and Connor McIntee
diana.henriouille@waterboards.ca.gov, connor.mcintee@waterboards.ca.gov

Humboldt County Community Development Department
Steve Santos
ssantos@co.humboldt.ca.us

- * Separate letter sent to Mr. Joel McDonough

ATTACHMENT 3

SWRCB/ RWQCB Documents

- I. Clean Up and Abatement Order**
- II. Notice of Required Action**
- III. Notice of Violation**

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION

CLEANUP AND ABATEMENT ORDER NO. R1-2016-0047

FOR

JOEL T. MCDONOUGH AND DENNIS ALLEN CHASE JUNIOR

ASSESSOR PARCEL 211-374-014-000
HUMBOLDT COUNTY

This Order is issued to Joel T. McDonough and Dennis Allen Chase Jr. (hereafter referred to as Dischargers) based on provisions of Water Code section 13304, which authorizes the North Coast Regional Water Quality Control Board (Regional Water Board) to issue an order requiring the cleanup and abatement of wastes, and Water Code section 13267, which authorizes the Regional Water Board to require the preparation and submittal of technical and monitoring reports (Order).

The Executive Officer finds, with respect to the Dischargers' acts, or failure to act, the following:

- 1. Site Conditions:** Elk Creek is a water of the state, as well as a water of the United States (references hereafter to waters of the United States are inclusive of waters of the state)¹. The Dischargers constructed private roads on Humboldt County Assessor's Parcel Number (APN) 211-377-014-000 (hereafter Property) lacking adequate stream crossings and erosion control or sediment containment features. The Dischargers own and/or lease the Property and also developed and/or used several clearings for cannabis cultivation and associated activities on the Property. The Dischargers also excavated two watercourses on the Property to create reservoirs. The roads and clearings, created without authorization from applicable federal, state, and local agencies, including the Regional Water Board, represent controllable sediment discharge sites. It is likely that runoff from these sites will transport and deliver sediment to Elk Creek, a water of the United States. The operation of heavy equipment in the watercourses and the lack of or inadequate stream crossings, represent a direct and unauthorized discharge to tributaries to Elk Creek. The failure of one of the reservoirs, which has been subsequently reconstructed, resulted in the placement of a large pile of earthen spoils in a wetland and the discharge of the turbid water to tributaries of the Elk Creek.

¹ The Regional Water Board administers and enforces the Clean Water Act (CWA). The CWA regulates what it refers to as "navigable waters" and defines those waters as "waters of the United States." Waters of the United States has been interpreted broadly by the agencies responsible for implementing the CWA to include all traditionally navigable waters and their tributaries. (40 C.F.R. 122.2) The Porter-Cologne Water Quality Control Act (Porter-Cologne) provides the Regional Water Board additional authority to regulate discharges of waste into "waters of the state." (Wat. Code, § 13260.) The term "waters of the state" is defined as "any surface water or groundwater, including saline waters, within the boundaries of the state." (Wat. Code, § 13050, subd. (e).) All waters of the United States that are within the borders of California are also waters of the state for purposes of the Porter-Cologne.

- 2. Purpose of the Order:** This Order requires the Dischargers to clean up and abate the effects of discharges of sediment-laden stormwater from graded/disturbed areas and uncontrolled drainage from private roads into Elk Creek, a Class I watercourse, and to eliminate the threat of future discharges. This Order also requires the Dischargers to restore the impacted wetland to its original state. Investigation and cleanup work required by this Order shall be conducted to comply with the Porter-Cologne Water Quality Control Act (Wat. Code § 13000 *et seq.*), the *Water Quality Control Plan for the North Coast Region* (Basin Plan), State Water Resources Control Board (State Water Board) Resolution 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304* (“Resolution 92-49”), and other applicable State and Regional Water Board plans, policies, and regulations.
- 3. Responsible Parties:** The Dischargers, as the property owners and/or operators and the persons discharging or creating a threat of discharge, with the legal ability to control the activities on the Property that resulted in the discharge and/or threat of discharge, are the responsible party for purposes of this Order. This Order finds that Joel T. McDonough and Dennis Allen Chase Jr. (Dischargers) are the responsible parties:

 - a. Per records from the Humboldt County Assessor-Recorder’s Office, Joel T. McDonough transferred APN 211-374-014-000 to Joel T. McDonough 2011 Trust on April 6, 2011.
 - b. According to and documented in a May 19, 2016 email from California Department of Fish and Game (CDFW) Warden Brendan Lynch, who interviewed the individuals on the Property during a May 17, 2016 inspection/search, Dennis Allen Chase Jr. has an owner-will-carry contract with Joel T. McDonough. Dennis Allen Chase Jr. also stated that he conducted the grading activities and heavy equipment operations himself.
 - c. The Regional Water Board reserves the right to amend this Order to add additional responsible parties when/if those parties are identified.
- 4. Property Location and Description:** The Property consists of one parcel located at 510 Brown Road in Myers Flat. The Property is located in the Elk Creek watershed, east of State Highway 101 in central southern Humboldt County.

 - a. The parcel on the Property lies within Section 23, Township 2S, Range 3E, Humboldt Base and Meridian (HB&M). The centroid of 211-374-014-000 lies approximately at latitude 40°17’1.247”N and longitude 123°48’50.683”W. Grading and road construction activities have occurred throughout the Property.
- 5. Property History:** There is no record of the Property having prior regulatory oversight or history with the Regional Water Board. There is no record of any person obtaining

coverage under Regional Water Board Order No. R1-2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operation with Similar Environmental Effects (Waiver)*. If the Dischargers and/or any tenant(s) or lessee(s) wish to continue cultivation, coverage under this Waiver or under individual waste discharge requirements is required.

- 6. Factual Basis of Order:** The Dischargers' activities and conditions observed onsite, as detailed below, created and/or threaten to create, conditions of pollution in waters of the state by unreasonably impacting water quality and beneficial uses.

Three unnamed tributaries to Elk Creek, a perennial Class I watercourse tributary to South Fork Eel River, are located on the Property and carry stormwater runoff and road surface runoff to unnamed tributaries to Elk Creek. South Fork Eel River is listed as impaired due to sediment and temperature pursuant to Clean Water Act section 303(d). On December 16, 1999, the United States Environmental Protection Agency approved a Total Maximum Daily Load (TMDL) for sediment and temperature that indicates "Cold Water Fishery" as a beneficial use currently impaired in the watershed. The TMDL also indicated that major sources of sediment impairment in the South Fork Eel watershed are road-related and acknowledges the connection between anthropogenic sediment inputs and increases in stream temperatures.

On May 17, 2016, Water Board staff inspected the Property and observed poorly constructed and poorly maintained roads. In some places, the roads cut through watercourses without constructed crossings, and in other places the roads had undersized and/or failing crossings, lacked proper drainage and sediment control features, and displayed evidence of erosion. Staff also estimated 1 million gallons of earthen material was deposited in streambeds and wetlands. Below is a table of fill volumes at different locations throughout the site. The attached staff inspection report describes and documents the basis of the estimates.

Table of Fill Volumes

Site	Average Depth (feet)	Area (acres)	Average Width (feet)	Length (feet)	Diameter (feet)	Total Volume (cubic feet)	Total Volume (Gallons)
Pools in Watercourse 1*	1	N/A	N/A	N/A	1.5	41	306
Wetland fill from pond failure (S2 on Figure 1)	1.5	0.1	N/A	N/A	N/A	6,207	46432
Wetland fill from development of grow pads (Graded area in wetland on Figure 1)	4	0.5	N/A	N/A	N/A	87,120	651703
Watercourse 2 – upper channel (from C3 to the reservoir)	4	N/A	50	250	N/A	8,000	59844
Watercourse 2 - Lower fill from reservoir (see Table 2 below)	4.7	N/A	41	208	N/A	40081	299827
Watercourse 3 (starting at point C4 and continuing to the southwest property boundary)	0.125	N/A	3	740	N/A	277	2072
Total				1198		141726	1,060,184

The Dischargers directly placed earthen fill into tributaries to Elk Creek during the construction of two reservoirs on the Property. This earthen fill will likely further impair water quality and aquatic life. The poor condition of the private roads, particularly the undersized and failing stream crossings, has resulted in discharge and a further threat of discharge of sediment-laden stormwater to the unnamed tributaries that drain into Elk Creek. The excavation conducted directly in the watercourse has contributed a substantial amount of sediment to Elk Creek, as evidence by the sediment deposition along the entire length of the channel. The lack of adequate erosion and sediment controls within the graded areas on the Property and the poorly maintained roads, together with unstable reservoirs, threaten future sediment discharge from uncontrolled stormwater runoff, erosion, and slope failure into Elk Creek.

- 7. Beneficial Uses, Basin Plan Prohibitions, and Water Quality Objectives:** The Basin Plan designates beneficial uses, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporates by reference, plans and policies adopted by the State Water Board. Elk Creek is tributary to South Fork Eel River. Existing and potential beneficial uses for the Weott Hydrologic Subarea of the South Fork Eel River include the following: Municipal and Domestic Supply (MUN); Agricultural Supply (AGR); Industrial Service Supply (IND); Industrial Process Supply (PRO); Groundwater Recharge(GWR); Freshwater Replenishment (FRSH); Navigation (NAV); Hydropower Generation (POW); Commercial and Sport Fishing (COMM); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2);

Cold Freshwater Habitat (COLD); Rare, Threatened, or Endangered Species (RARE); Aquaculture(AQUA); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); Warm Freshwater Habitat (WARM); and Wildlife Habitat (WILD). Beneficial uses of any specifically identified water body generally apply to all of its tributaries.

- a. The Basin Plan contains specific standards and provisions for maintaining high quality waters of the state that provide protection to the beneficial uses listed above. The Basin Plan's Action Plan for Logging, Construction, and Associated Activities (Action Plan) includes two waste discharge prohibitions (Page 4-29.00 of the 2011 Basin Plan)
 - i. Prohibition 1 – “The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited.”
 - ii. Prohibition 2 – “The placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses is prohibited.”
- b. Section 3 of the Basin Plan contains water quality objectives not to be exceeded as a result of waste discharges. The water quality objectives that are considered of particular importance in protecting the beneficial uses from unreasonable effects due to waste discharges from land development and cannabis cultivation activities include the following:
 - i. Suspended Material: “Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.”
 - ii. Settleable Material: “Waters shall not contain substances in concentrations that result in deposition of material that causes nuisance or adversely affect beneficial uses.”
 - iii. Sediment: “The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.”
 - iv. Turbidity: “Turbidity shall not be increased more than 20 percent above naturally occurring background levels. Allowable zones of dilution within which higher percentages can be tolerated may be defined for specific discharges upon the issuance of discharge permits or waiver thereof.”
 - v. Temperature: “Temperature objectives for COLD interstate waters, WARM interstate waters, and Enclosed Bays and Estuaries are as specified in the ‘Water

Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays of California' including any revisions thereto. A copy of this plan is included verbatim in the Appendix Section of this Plan. In addition, the following temperature objectives apply to surface waters:

- a. The natural receiving water temperature of intrastate waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses.
- b. At no time or place shall the temperature of any COLD water be increased by more than 5°F above natural receiving water temperature.
- c. At no time or place shall the temperature of WARM intrastate waters be increased more than 5°F above natural receiving water temperature."

8. State Water Board Resolutions: The State Water Board has adopted Resolution No. 92-49. Resolution 92-49 sets forth the policies and procedures to be used during an investigation and cleanup of a polluted site, and requires that cleanup levels be consistent with State Water Board Resolution 68-16, the *Statement of Policy with Respect to Maintaining High Quality Waters in California* ("Resolution 68-16"). Resolution 92-49 requires the waste to be cleaned up in a manner that promotes attainment of either background water quality, or the best water quality which is reasonable if background levels of water quality cannot be restored. "[A]ny such alternative cleanup level shall: (1) Be consistent with maximum benefit to the people of the state; (2) Not unreasonably affect present and anticipated beneficial use of such water; and (3) Not result in water quality less than that prescribed in the Water Quality Control Plans and Policies adopted by the State and Regional Water Boards[.]" Resolution 92-49 directs that investigations and cleanup and abatement proceed in a progressive sequence. To the extent practical, it directs the Regional Water Board to require and review for adequacy written work plans for each element and phase, and the written reports that describe the results of each phase of the investigation and cleanup.

9. Failure to Obtain Necessary Permits: Regional Water Board staff determined that the grading and clearing activities at the Property occurred without coverage under any of the following regulatory permits:

- a. National Pollutant Discharge Elimination System (NPDES) permit for land disturbance of an acre or more (Construction General Permit Order no. 2009-0009-DWQ);
- b. Clean Water Act (CWA) section 404 permit from the Army Corps of Engineers;
- c. CWA section 401 Water Quality Certification from the Regional Water Board;

- d. Application for coverage under Regional Water Board Order No. R1-2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operation with Similar Environmental Effects.*
- e. Department of Fish and Wildlife Streambed Alteration Agreement; or
- f. Grading permit issued by Humboldt County.

10. Legal Authority to Require Cleanup and Abatement: Water Code section 13304, subdivision (a) states, in relevant part:

A person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall, upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.... Upon failure of a person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.

- a. "Waste" is defined by Water Code section 13050, subdivision (d) as, *sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.*
- b. Earthen fill, sediment, and sediment-laden runoff when discharged to waters of the state, is deemed a "waste" as defined in Water Code section 13050. The Dischargers caused or permitted waste to be discharged or deposited into unnamed tributaries to Elk Creek or where it will be, or has the potential to be, discharged to surface waters draining to Elk Creek, which is considered a water of the state.
- c. "Pollution" is defined by Water Code section 13050, subdivision (l)(1) as, *an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following:*
 - (A) The waters for beneficial uses;*
 - (B) Facilities which serve these beneficial uses.*

- d. The construction of unauthorized reservoirs, the discharge of fill directly into watercourses, and the clearing and grading activities conducted by the Dischargers have resulted in the unauthorized discharge and threat of continued discharge of wastes into waters of the state in violation of Water Code sections 13260² and 13376³ and has created, or threatens to create, a condition of pollution by unreasonably affecting the beneficial uses of Elk Creek. Several watercourses on the Property drain into Elk Creek, a tributary to the South Fork Eel River. The beneficial uses of the South Fork Eel River discussed in Finding 7 also apply to Elk Creek and all of its tributaries.
 - i. Discharges of sediment and other inert material alter the hydrologic and sediment transport regimes of surface waters by affecting the flow of water and establishment of vegetation. Such changes may lead to adverse conditions such as flooding, increases in suspended sediment and turbidity, accelerated erosion of the watercourse bed or banks, and localized accumulation of deleterious materials. Additionally, such discharges directly threaten wildlife habitat and aquatic species (RARE, MIGR, SPWN, COLD, COMM, and WILD). Increased sedimentation and turbidity can result in increased treatment and/or maintenance costs for downstream agricultural and municipal users that withdraw and treat the water (AGR and MUN). Sediment-laden stormwater discharges to surface waters and the resulting turbidity can also affect the recreational and aesthetic enjoyment of the surface waters (REC-1 and REC-2).
 - ii. The discharge of organic and earthen material in the South Fork Eel River watershed is especially problematic because, as noted above, the South Fork Eel River watershed is listed as an impaired water body under Section 303(d) of the Clean Water Act due to sedimentation/siltation and temperature. The sources of the impairment are identified in the TMDL road-related as well as episodic inputs from washouts and mass wasting. Road-related sediment delivery impacts the migration, spawning, reproduction, and early development of cold water fish such as spring and fall run chinook salmon and steelhead trout.
 - iii. Suspended sediment in surface waters can cause harm to aquatic organisms by abrasion of surface membranes, interference with respiration, and sensory perception in aquatic fauna. Suspended sediment can reduce photosynthesis and survival of aquatic life by limiting the transmittance of light. The Basin Plan contains a water quality objective for sediment which requires that the

2. Pursuant to Water Code section 13260, subd. (a)(1), “[a] person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state...” shall file a report of waste discharge.

3. Pursuant to Water Code section 13376, “[a] person who discharges pollutants or proposes to discharge pollutants to the navigable waters of the United States within the jurisdiction of this state or a person who discharges dredged or fill material or proposes to discharge dredged or fill material into the navigable waters of the United States within the jurisdiction of this state shall file a report of the discharge in compliance with the procedures set forth in Water Code section 13260. Unless required by the state board or a regional board, a report need not be filed under this section for discharges that are not subject to the permit application requirements of the Federal Water Pollution Control Act, as amended.”

suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses. As stated above, sediment is a pollutant that can have substantial biological, chemical, and physical effects on receiving waters. These include (1) increased turbidity (loss of clarity) and resulting decreased light transmittance, biological productivity, and aesthetic value; and (2) physical suffocation through burial of bottom dwelling (benthic) organisms, and salmonid eggs, and alevin (newly spawned salmon or trout still carrying its yolk). Sediment can also physically damage gills causing fish mortality; increased physiological stress; reduce reproduction; impair normal feeding and predator avoidance behaviors, resulting in impacts to commercial and recreational fishing resources; increase water temperature, and fill in lagoons and wetlands converting them from aquatic to terrestrial habitat. It should be noted that these water quality impacts occur both during sediment transport and sediment deposition. In addition to the problems associated with suspended sediment, sediment is also an excellent transport mechanism for toxics (e.g., metals and synthetic organics), which bind to sediment particles (REC-1, REC-2, COLD, SPWN, RARE, MIGR, COMM, MUN, and WILD).

11. Cleanup and Abatement Action Necessary: The construction of unauthorized reservoirs, the discharge of fill directly into watercourses, and the clearing and grading activities, which contribute untreated stormwater from the Property has discharged, and threatens to discharge, sediment into watercourses from the Property to Elk Creek. conducted by the Dischargers have The Property lacks constructed stream crossings and has several undersized and inadequate stream crossings and poorly designed roads, leaving high potential for further sediment discharge to the watercourses during wet weather events. Cleanup and abatement is necessary to ensure that the existing condition of pollution is cleaned up, that threatened unauthorized discharges to waters of the state originating from the Property are prevented, background water quality conditions are restored, and that any impacts to beneficial uses are mitigated. The current condition of pollution is a Class II violation, as outlined in the State Water Resources Control Board Water Quality Enforcement Policy (Enforcement Policy) and the issuance of a cleanup and abatement order pursuant to Water Code section 13304 is appropriate and consistent with policies of the Regional Water Board.

12. Technical Reports Required: Water Code section 13267, subdivision (a) provides that the Regional Water Board may investigate the quality of any waters of the state within its region in connection with any action relating to the Basin Plan. Water Code section 13267, subdivision (b) provides that the Regional Water Board, in conducting an investigation may require a dischargers to furnish, under penalty of perjury, technical or monitoring program reports. The technical reports required by this Order are necessary to ensure compliance with this Order and to protect the waters of the state. The technical reports are further necessary to demonstrate that appropriate methods will be used to cleanup waste discharged to surface waters and surface water drainage

courses and to ensure that cleanup complies with Basin Plan requirements and State Water Board Resolution No. 92-49. In accordance with Water Code section 13267, subdivision (b) the findings in this Order provide the Dischargers with a written explanation with regard to the need for remedial actions and reports and identify the evidence that supports the requirement to implement cleanup and abatement activities and submit the reports. The Dischargers named in this Order own and/or operate the site from which waste was discharged, and thus is appropriately responsible for providing the reports.

13. California Environmental Quality Act: Issuance of this Order is being taken for the protection of the environment and to enforce the laws and regulations administered by the Regional Water Board as such is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with California Code of Regulations, title 14, sections 15061, subdivision (b)(3), 15306, 15307, 15308, and 15321. This Order generally requires the Dischargers to submit plans for approval prior to implementation of cleanup, abatement and restoration activities at the site. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment. CEQA review at this time would be premature and speculative, as there is simply not enough information concerning the Dischargers' proposed remedial activities and possible associated environmental impacts. To the extent that the Order requires earth disturbing and re-vegetation activities not to exceed five acres in size and to assure restoration of stream habitat and prevent erosion, this Order is exempt from provisions of CEQA pursuant to California Code of Regulations, title 14, section 15333. If the Regional Water Board determines that implementation of any plan required by this Order will have a significant effect on the environment that is not otherwise exempt from CEQA, the Regional Water Board will conduct the necessary and appropriate environmental review prior to implementation of the applicable plan. The Dischargers will bear the costs, including the Regional Water Board's costs, of determining whether implementation of any plan required by this Order will have a significant effect on the environment and, if so, in preparing and handing any documents necessary for environmental review. If necessary, the Dischargers and a consultant acceptable to the Regional Water Board shall enter into a memorandum of understanding with the Regional Water Board regarding such costs prior to undertaking any environmental review.

REQUIRED ACTIONS

IT IS HEREBY ORDERED, pursuant to Water Code sections 13267 and 13304, that Joel T. McDonough and Dennis Allen Chase Jr. (Dischargers) shall clean up the wastes and abate the impacts to water quality in accordance with the scope and schedule set forth below and shall provide the following information. The Dischargers shall obtain all necessary permits for the activities required in this Order.

1. **By October 15, 2016**, the Dischargers shall stabilize the Property to prevent erosion and discharge of sediment to Elk Creek and its tributaries during the 2016-2017 wet weather period. The stabilization shall be based on an **Interim Erosion and Sediment Control Plan** (hereafter "Interim Plan") prepared by an appropriately licensed professional. The Interim Plan shall include, but not be limited to, the following:
 - a. Identification of all locations where sediment has discharged to waters of the state;
 - b. Using the above information, identify all areas of immediate concern, implement interim measures at each area of concern necessary to stabilize the Property during the 2016-2017 wet weather period. Measures to be included, but not limited to:
 - i. Install an adequate number of water breaks designed to reduce road surface erosion by diverting stormwater runoff from the road surface and directing it to a safe discharge area;
 - ii. Disconnect road drainage from Elk Creek and its unnamed tributaries; and
 - iii. Stabilize all disturbed areas with erosion control mulches, blankets, mats, tarps, walls or other erosion controls to protect the disturbed soil surface from the forces of rain drop impact and overland flow.
3. **By November 15, 2016**, the Dischargers shall provide a report of completion for approval by the Assistant Executive Officer of the Regional Water Board. This report shall include a summary and photographs of the completed erosion and sediment control measures.
4. **By January 15, 2017**, the Dischargers shall propose a **Restoration and Monitoring Plan** (hereafter "RMP"). The RMP shall include but not be limited to:
 - a. An assessment of the impacts to Elk Creek, its unnamed tributaries, and the wetland area from the unauthorized activities on the Property, including all areas that have been developed or disturbed, and identify controllable sediment sources requiring cleanup and abatement. The assessment shall be completed by

- an appropriately qualified professional, and must at a minimum address channel hydrology, bank erosion, riparian habitat and loss thereof, channel and slope stability, locations where fill material has been placed or discharged, active or potential erosion and appropriate sizing and installation of culverts to carry the 100-year predicted flow and debris for all stream crossings and roads on the Property, and the surface drainage of roads and other graded areas. The assessment shall include aerial photographs and/or satellite images, photographs, reports, topographic maps, or drawings, etc., of Property conditions prior to conducting the unauthorized activities, and include a detailed map of existing features accurately depicting topography, all graded surfaces, watercourses, drainages, and stream crossings, instream structures. Assessment findings shall serve as the basis for the RMP;
- b. A proposal for Property restoration including how long-term impacts from the roads and site runoff will be abated (i.e. re-grading and reengineering, graveling or paving road surface, etc.), as well as a plan to remove the instream reservoirs and restore all wet meadows, wetlands and to the unnamed tributaries to Elk Creek to conditions prior to the Dischargers' unauthorized activities.
 - c. A proposal to provide compensatory mitigation to compensate for any temporal and permanent impacts to wet meadows, wetlands, and to unnamed tributaries to Elk Creek that resulted in from unauthorized activities;
 - d. Best management practices to be applied to all current and planned work associated with unauthorized activities on the Property impacting, or having the potential to impact, Elk Creek and its unnamed tributaries. The RMP shall contain, at a minimum, design specifications and/or designs for stream restoration, surface drainage controls, erosion control methods throughout restoration, compaction standards, an implementation schedule, a monitoring and reporting plan, and success criteria meeting the requirements specified herein. The RMP shall incorporate use of appropriate native or endemic species in any revegetation efforts; and
 - e. An implementation schedule that includes detailed project milestones that includes a time schedule for submitting applications for all applicable local, state, and federal permits necessary to fulfill the requirements of this Order and time period for completing implementation once those permits are obtained.
5. **No more than 60 days** after approval of the RMP by the Regional Water Board Assistant Executive Officer, begin implementation of the RMP.
 6. **By August 31, 2017**, the Dischargers shall fully implement and complete the RMP.
 7. **By September 30, 2017**, submit a **Completion Report** for the RMP for approval by the Assistant Executive Officer of the Regional Water Board. The Completion Report shall include accurate depictions of all completed construction and/or abatement

measures and documentation included in the RMP to restore and prevent any further impacts to the Elk Creek and its unnamed tributaries to demonstrate the RMP has been fully implemented. This report shall include as-built drawings, prepared, signed and stamped by a licensed professional and will clearly show any changes to the original construction specifications.

GENERAL REQUIREMENTS AND NOTICES

8. **Duty to Use Qualified Professionals:** The Dischargers shall provide documentation that plans, and reports required under this Order are prepared under the direction of appropriately qualified professionals. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. The Dischargers shall include a statement of qualification and registration numbers, of the responsible lead professionals in all plans and reports required under this Order. The lead professional shall sign and affix their registration stamp to the report, plan, or document. The required activities must be implemented by the appropriately qualified/licensed professionals as otherwise required by law.
9. **Signatory Requirements:** All technical reports submitted by the Dischargers shall include a cover letter signed by the Discharger(s), or a duly authorized representative, certifying under penalty of law that the signer has examined and is familiar with the report and that to his/her knowledge, the report is true, complete, and accurate. The Dischargers shall also state whether they agree with any recommendations/proposals and whether they approve implementation of said proposals. Any person signing a document submitted under this Order shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."
10. **Notice of Onsite Work:** The Dischargers or their authorized agent(s) shall notify Regional Water Board staff at least 48 hours prior to any onsite work, testing, or sampling that pertains to environmental remediation and investigation and is not routine monitoring, maintenance, or inspection. The Dischargers may contact the Office of Enforcement using the general phone line at (916) 341-5272 or contact the person listed below.

11. **Notice of Change in Ownership or Occupancy:** The Dischargers shall file a written report on any changes in the Property's ownership or occupancy. This report shall be filed with the State or Regional Water Board no later than 30 days prior to a planned change and shall reference the number of this Order.

12. **Submissions:** All monitoring reports, technical reports or notices required under this Order shall be submitted to:

Ms. Erin Mustain, P.E.
1001 I Street, 16th Floor
Sacramento, CA 95814
(916) 445-9379
Erin.Mustain@waterboards.ca.gov

13. **Other Regulatory Requirements:** The Dischargers shall obtain all applicable local, state, and federal permits necessary to fulfill the requirements of this Order prior to beginning the work. For example, Fish and Game Code (FGC) section 1602 requires a person or entity to notify California Department of Fish and Wildlife (CDFW) before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. The failure to notify CDFW constitutes a violation of FGC section 1602.

14. **Cost Recovery:** Pursuant to Water Code section 13304, the State or Regional Water Board is entitled to, and may seek reimbursement for, all reasonable costs it actually incurs investigating and abating the effects of the unauthorized discharges of waste and to oversee/supervise the cleanup of such waste, or other remedial action, required by this Order. The Dischargers shall enroll in the State Water Board's Cost Recovery Program and shall reimburse the State of California for all reasonable costs actually incurred by the State or Regional Water Board.

15. **Delayed Compliance:** If for any reason, the Dischargers are unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Executive Officer, the Dischargers may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as a delay is recognized and prior to the compliance date. An extension may be granted by revision of this Order or by a letter from the Executive Officer. The Regional Water Board acknowledges that local, state, and federal permits may cause a delay beyond the control of the Dischargers and will take all the available relevant facts into consideration when considering whether or not to grant an extension request.

16. **Potential Liability:** If the Dischargers fails to comply with the requirements of this Order, this matter may be referred to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability. Failure to comply with this Order may result in the assessment of an administrative civil liability up to \$10,000 per violation per day, pursuant to California Water Code sections 13268, 13350, and/or 13385. The Regional Water Board reserves its right to take any enforcement actions authorized by law, including but not limited to, violation of the terms and condition of this Order.
17. **No Limitation of Water Board Authority:** This Order in no way limits the authority of the Regional Water Board to institute additional enforcement actions or to require additional investigation and cleanup of the Property consistent with the Water Code. This Order may be revised as additional information becomes available.
18. **Modifications:** Any modification to this Order shall be in writing and approved by the Regional Water Board, including any potential extension requests.

Any person aggrieved by this or any final action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et al. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality, or will be provided upon request.

This Order is effective upon the date of signature.

Digitally signed
by Matthias
St. John
Date: 2016.10.11
14:49:26 -07'00'

A digital signature block for Matthias St. John. It features a blue wavy graphic behind the name 'Matthias St. John'. To the right of the name, the text reads 'Digitally signed by Matthias St. John Date: 2016.10.11 14:49:26 -07'00''. Below the signature, the name 'Matthias St. John' and title 'Executive Officer' are printed.

Matthias St. John
Executive Officer

16_0047_MyersFlat_CAO

Attachment 1 –May 17, 2016, McDonough Property Inspection Report

NOTICE OF REQUIRED ACTION

July 31, 2019

Mr. Dennis A. Chase, Jr.
Forever Loving Humboldt Cooperative, Inc.
510 Brown Road
Myers Flat, CA 95554

VIA CERTIFIED MAIL
NO. 7018 0680 0000 1017 7769

Mr. Joel T. McDonough
1842 O Street
Eureka, CA 95501-3070

VIA CERTIFIED MAIL
NO. 7018 0680 0000 1017 7752

NOTICE OF REQUIRED ACTION AT 510 BROWN ROAD, MYERS FLAT, CALIFORNIA, HUMBOLDT COUNTY ASSESSOR PARCEL NUMBER (APN) 221-374-014-000

Dear Mr. Chase and Mr. McDonough:

This letter describes action that you must take at the above described property. Failure to take such action may result in this office bringing a formal enforcement action, which can include monetary penalties.

On June 14, 2019, State Water Board staff attempted to contact Mr. Chase by telephone. Because no one answered the phone, staff left a voicemail message regarding the failure to submit a Completion Report for the Restoration Monitoring Plan (RMP) for the above-referenced parcel. The Completion Report is required by the California North Coast Regional Water Quality Control Board's (Regional Water Board) Cleanup and Abatement Order R1-2016-0047 (CAO). As directed by the CAO, the Completion Report for the RMP was required to be submitted by September 30, 2017. The Regional Water Board and the State Water Board do not have record of receiving the Completion Report. As such, the submittal of the Completion Report is late and provides a basis for a potential enforcement action.

Additionally, on June 14, 2019, State Water Board staff contacted your consultant, Mr. Robert Jensen, North Point Consulting Group, Inc., via telephone and email regarding the status of the Completion Report for the RMP. In a June 27, 2019 email, Mr. Jensen reported that he was unable to verify completion and submittal of the Completion Report.

Pursuant to Water Code section 13350, penalties of \$5,000 may be assessed for each day that the Completion Report is not timely submitted as required by the CAO. As such, you are encouraged to submit the late document as soon as possible.

Required Action

1. Mr. Chase and Mr. McDonough, each of you are requested to call or e-mail Mr. Gary Dickenson to confirm that each of you received this letter. Mr. Dickenson's contact information is below.
2. Submit the required Completion Report for the RMP to Mr. Dickenson immediately, and in no case later than **August 30, 2019**.

Contact Information

For any questions on this matter, please contact Mr. Dickenson by phone at (916) 341-5424, or via email at gary.dickenson@waterboards.ca.gov.

Documents and evidence requested may be submitted by email or by mail to:

State Water Resources Control Board – Office of Enforcement
Attn: Gary Dickenson
801 K St., Suite 2300
Sacramento, CA 95814

Contact Mr. Dickenson to confirm your receipt of this letter. He will provide written confirmation to you of his receipt of documents. If you send Mr. Dickenson documents but do not receive confirmation within 2 business days, please follow up.

Should you have additional questions, please contact Mr. Dickenson to schedule a meeting.

Sincerely,



Dylan Seidner
Supervisor of Cannabis Enforcement Unit
Office of Enforcement

cc: *(via email only)*

North Coast Regional Water Quality Control Board

Mr. Kason Grady

kason.grady@waterboards.ca.gov

State Water Resources Control Board

Office of Enforcement

Mr. Gary Dickenson

gary.dickenson@waterboards.ca.gov

Daniel S. Kippen, Esq.

dan.kippen@waterboards.ca.gov

Robert Jensen

Northpoint Consulting Group, Inc.

robert@northpointeureka.com

NOTICE OF VIOLATION

July 17, 2020

Mr. Dennis A. Chase, Jr.
Forever Loving Humboldt Cooperative, Inc.
510 Brown Road
Myers Flat, CA 95554

VIA CERTIFIED MAIL
NO. 7018 0680 0000 1017 8476

Mr. Joel T. McDonough
1842 O Street
Eureka, CA 95501-3070
hrcjoel@yahoo.com

VIA EMAIL AND CERTIFIED MAIL
NO. 7018 0680 0000 1017 8469

**NOTICE OF VIOLATION OF CLEANUP AND ABATEMENT ORDER NO. R1-2016-0047,
510 BROWN ROAD, MYERS FLAT, CALIFORNIA, HUMBOLDT COUNTY ASSESSOR
PARCEL NUMBER (APN) 211-374-014-000**

Dear Messrs. Chase and McDonough:

You are receiving this Notice of Violation because, based on information available to the State Water Resources Control Board (State Water Board), you have failed to comply with required actions included in Cleanup and Abatement Order R1-2016-0047 (CAO).

On October 11, 2016, the Executive Officer of the North Coast Regional Water Quality Control Board (North Coast Water Board) issued the CAO requiring Dennis A. Chase, Jr. and Joel T. McDonough (hereafter collectively "Dischargers") to cleanup and abate the effects of discharges of sediment-laden stormwater from graded/disturbed areas and uncontrolled drainage from private roads located on Humboldt County Assessor's Parcel Number 211-374-014-000 (Property) into Elk Creek and to eliminate the threat of future discharges. In addition, the CAO required Dischargers to restore the impacted wetland to its original state. Actions required in the CAO included the development, submission, and implementation of an Interim Erosion and Sediment Control Plan and report of completion, a Restoration and Monitoring Plan (RMP), and a Completion Report for the RMP.

Specific requirements for the RMP included, but were not limited to:

- An assessment of the impacts to Elk Creek, its unnamed tributaries, and the wetland area from the unauthorized activities on the Property.

- A proposal for Property restoration including how long-term impacts from the roads and site runoff will be abated, as well as a plan to remove the instream reservoirs and restore all wet meadow, wetlands and unnamed tributaries to Elk Creek to conditions prior to the Dischargers' unauthorized activities.
- A proposal to provide compensatory mitigation to compensate for any temporal and permanent impacts to wet meadows, wetlands, and unnamed tributaries to Elk Creek that resulted from unauthorized activities.
- An implementation schedule with detailed project milestones, including a time schedule for submitting applications for all applicable local, state, and federal permits necessary to fulfill the requirements of the CAO and time period for completing implementation once permits are obtained.

Violations:

Violations of the CAO requirements are presented below:

1 – Failure to fully implement and complete the RMP by August 31, 2017. Based on the RMP Completion Report (Completion Report) submitted by Northpoint Consulting Group, Inc., dated August 30, 2019, not all restoration activities proposed in the RMP were completed to that date. Restoration activities that were not conducted included 1) installation of grade control structures (check dams) to stabilize stream gradient and control gullying of a stream channel located in Area 3 (as identified in the RMP); 2) removal of greenhouse flats and re-contouring the hill slope to its natural terrain in Area 4; 3) replacement of ditch-relief culvert at the headwaters of a Class III stream with a rock armored crossing located in Area 4; and 4) installation of drainage improvements to the gravel road located in Area 4.

2 – Failure to submit the Completion Report for the RMP by September 30, 2017. Although a document was submitted which was identified as a “Completion Report,” it failed to document the completion of the RMP as required by the CAO. Therefore, because an insufficient Completion Report was submitted, it constitutes a violation of the CAO.

3 – Failure to assess impacts to Elk Creek, its unnamed tributaries, and the wetland area from the unauthorized activities on the Property and restoration of all wet meadows and wetlands. The extent of land development impacts to wet meadows and wetland areas have not been assessed on the Property. Specifically, the areas of land development activities that were not assessed for impacts to wetlands and restoration include 1) greenhouse pads located at Area 2; 2) pond located at Area 3; and 3) greenhouse pads and roads located at Area 4.

4 – Failure to provide compensatory mitigation for any temporal and permanent impacts to wet meadows, wetlands, and to unnamed tributaries to Elk Creek that resulted from unauthorized activities. As presented in violation #3 above, land development impacts to wet meadows and wetlands were not fully assessed on the Property. Compensatory mitigation is required for any wetland areas that are not restored. To date, no compensatory mitigation for permanent impacts to wetlands has been proposed.

Pursuant to Water Code section 13268, 13350, and/or 13385, failure to comply with the issued CAO may result in the assessment of an administrative civil liability up to \$10,000 per violation per day.

Required Action:

Immediately provide an amended RMP to address the four violations of the CAO described above. The amended RMP shall also provide a time schedule for implementation and completion of restoration activities and for submittal of a final Completion Report for the RMP. Within 30 days of completing the restoration activities, submit a final Completion Report for the RMP.

All plans or reports submitted by the Dischargers shall include a cover letter signed by at least one of the Dischargers or a duly authorized representative, certifying under penalty of law that the signer has examined and is familiar with the plan or report and that to their knowledge, the information is true, complete, and accurate. Any person signing the plan or report shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Failure to submit the signed plans and reports constitutes a violation of the CAO which can result in monetary penalties.

Contact Information:

For any questions on this matter, please contact Gary Dickenson by phone at (916) 341-5424, or via email at gary.dickenson@waterboards.ca.gov.

Documents requested may be submitted by email (at the above-mentioned email address) or by mail to:

State Water Resources Control Board – Office of Enforcement
Attn: Gary Dickenson
801 K St., Suite 2300
Sacramento, CA 95814

Contact Mr. Dickenson to confirm your receipt of this letter. He will provide written confirmation to you of his receipt of documents. If you send Mr. Dickenson documents but do not receive confirmation within 2 business days, please follow up.

Should you have additional questions, please contact Mr. Dickenson to schedule a meeting.

Sincerely,



Dylan Seidner
Supervisor of Cannabis Enforcement Unit
Office of Enforcement

cc: *(via email only)*

North Coast Regional Water Quality Control Board

Mr. Kason Grady

kason.grady@waterboards.ca.gov

State Water Resources Control Board

Office of Enforcement

Mr. Gary Dickenson

gary.dickenson@waterboards.ca.gov

Daniel S. Kippen, Esq.

dan.kippen@waterboards.ca.gov

Northpoint Consulting Group, Inc.

info@northpointeureka.com

ATTACHMENT 4

Applicants Documentation in Response to CAO and NOV's



Civil Engineering
Surveying
Water Resources Management
Water & Wastewater Engineering
Construction Management
Environmental Sciences
Landscape Architecture
Land Planning

January 15, 2017

Erin Mustain, P.E.
North Coast Regional Water Quality Control Board
1001 I Street, 16th Floor
Sacramento, CA 95814

Subject: Restoration and Monitoring Plan
Dennis Chase Property
510 Brown Road, Myers Flat, Ca 95554
Cleanup and Abatement Order R1-2016-1147

Dear Ms. Mustain,

Please see the enclosed Restoration and Monitoring Plan for the Dennis Chase property. Included is a detailed proposal of restoration work, including plan sets, implementation schedule, monitoring and reporting plan, and pre-restoration photographs of the project.

If you have any questions or need additional information, please contact me at (707) 444-3800 ext. 7442 or rjensen@manhard.com.

Cordially,

A handwritten signature in blue ink, appearing to read 'Robert Jensen', is written over a light blue horizontal line.

Robert Jensen
Environmental Planner

**Restoration and Monitoring Plan
Dennis Chase Property
January 15, 2017**

PROJECT: Final Stream and Slope Restoration and Monitoring Plan
Cleanup and Abatement Order (CAO) #R1-2013-0064, WDID No. 1B13096NHU

Address: 510 Brown Road
Myers Flat, CA

PARCEL: Assessor Parcel Number: 211-374-014

ACRES: Approximately 44 acres (per Humboldt County WebGIS)

DURATION: March 15, 2017 – December 31, 2018 (Implementation of Restoration and Monitoring Plan)

INTRODUCTION

This project is in response to the Notice of Violation and issuance of Cleanup and Abatement Order (CAO) No. R1-2016-1147 issued by the North Coast Regional Water Quality Control Board (NCRWQCB) on May 17, 2016. The order requires development and implementation of a Restoration and Monitoring Plan (RMP) for Assessor's Parcel Number (APN) 211-374-014, located at 510 Brown Road in Myers Flat. The CAO was issued by the NCRWQCB in response to observed water quality violations associated with cannabis cultivation activities, including on-stream reservoirs and sediment discharge into unnamed tributaries of Elk Creek. The CAO requires the dischargers to develop a RMP to restore the disturbed tributaries, remove the instream impoundments, control sediment and erosion on the site, and develop a Monitoring and Reporting Plan.

SITE LOCATION

The project site (Site) is located approximately 5 miles east of Myers Flat, California in Section 23, Township 2 South, Range 3 East, in the Myers Flat 7.5' USGS Quadrangle. The parcel is approximately 44 acres in size (per the Humboldt County Web GIS).

PROJECT HISTORY

On May 17, 2016, the NCRWQCB staff inspected the Site accompanied by representatives from multiple agencies, including the California Department of Fish and Wildlife (CDFW). Aerial photography analysis suggests that some or all of the conditions observed on the May 17, 2016 site inspection occurred between 2015 to the time of the visit. NCRWQCB staff observed numerous violations including poorly constructed and poorly maintained roads, undersized and/or failing crossings, earthen material deposited into streambeds and wetlands, and the construction of two instream ponds.

As directed by the CAO, an *Interim Erosion and Sediment Control Plan* was implemented prior to October 15, 2016 and the onset of the 2016-2017 wet season. Sediment control measures included the following work: removal of the upper instream dam and stream crossing; removal of the lower instream impoundment, including realignment of the stream channel; and stabilization of all exposed soil surfaces with fiber rolls, erosion control blankets, straw, and native grass seed. A *report of completion* was submitted on November 15, 2016 for the erosion and sediment control work performed.

Erosion control monitoring has consisted of regular inspections by Manhard to examine installed stormwater BMP's, erosion and sedimentation. Inspections began once the interim erosion control plan measures had been installed, and are currently ongoing. Regular site visits occur on a monthly basis or after significant storm events. Each inspection report addressed the current condition and effectiveness of each erosion control measure and determine if corrective actions were needed.

IMPACT ASSESSMENT

Due to the complexity of the Project and the number of number of restoration activity sites, the Project is divided into four areas of focus (see Chase Property RMP Plan Set, Page 3, for reference). Area 1 includes the Class II stream and pond located at the northwest corner of the property; Area 2 includes the two greenhouse flats located in the northwest region of the property, including the sediment plume located to the south; Area 3 contains the Class III stream and pond located near the center of the property, including the surrounding roads, drainages, and grading; and Area 4 encompasses the Class III stream and graded greenhouse flats located in the southeast portion of the property.

The unauthorized streambed modifications and earthwork impacted three unnamed tributaries to Elk Creek, a perennial Class I watercourse tributary to the South Fork Eel River. These unnamed tributaries carry stormwater runoff and sediment to Elk Creek, and eventually to the South Fork Eel River. The South Fork Eel River is listed as impaired due to sediment and temperature pursuant to Clean Water Act section 303(d). The following Impact Assessment provides a detailed account of the violations listed in the CAO prior to the implementation of the Interim Erosion Control Plan.

The streambed modifications and earthen fill placement had the effect of altering the hydrology and riparian habitat of the three unnamed tributaries. The earthen dams created in Areas 1 and 3 formed ponds approximately 5,000 square feet (sf) and 4,000 sf in size respectively. The creation of the ponds impacted the established riparian vegetation and approximately a dozen mature trees. The ponds were not properly engineered to contain the instream volume, and lacked adequate overflow spillways. Both ponds showed signs of flow overtopping their impoundments. Left in place, the

earthen dams would have led to complete failure of the ponds, causing significant channel scouring and sediment delivery, impacting stream hydrology and riparian plant and animal species.

Approximately 60 feet below the dam in Area 1, the stream channel was filled by a stream crossing created from graded fill material. Additionally, graded material was cast along an 80-foot length of stream bank below the crossing. These channel modifications and uncontained sediment would have caused significant sediment delivery to the watercourse.

Adjacent to the pond in Area 3, a 50-foot length of the original stream channel was completely filled with sediment, effectively diverting surface flow and spring seepage out of the natural watercourse and into the pond. The stream channel and riparian area below the pond were heavily disturbed for approximately 150 linear feet below the pond. Left untreated, the diverted channel would have caused gully erosion, delivering substantial sediment to the Elk Creek tributary.

Above the pond in Area 3, the upper hillslope was heavily graded for 250 linear feet, creating a rough channel leading from a spring and wet depression above. The road above crosses the wet depression and had a 24-inch culvert that was plugged with sediment. Directly below and west of the pond in Area 3, a sediment debris plume approximately 30 feet wide by 350 feet long was created during construction of the pond. The sediment plume did not show signs of delivering to a watercourse; however, an adjacent spring and wetland area contributes surface flow to the sediment plume.

The unauthorized earthwork and stream channel modifications have caused significant hydrological changes to these tributaries. The complete removal of the pond in Area 1, and the realignment of the channel in Area 3 were necessary to prevent catastrophic failure and further riparian damage. Additional restoration work is required to stabilize the stream channels to control sediment transport, and restore riparian vegetation.

RESTORATION PROPOSAL

As required by the CAO, a Restoration Proposal (below), Plan Set (Attachment 2), and Implementation Schedule (Attachment 1) has been developed. The Restoration Proposal will accomplish the following tasks:

- 1) Remove all illegally placed earthen material and woody debris from streams;
- 2) Restore the vegetative and hydrological functions of the damaged streams to ensure the long-term recovery of the affected streams;
- 3) Restore natural slope contours to ensure dispersed surface flows;
- 4) Replant the slopes and streamside areas with native vegetation to reduce the potential for sediment delivery; and,
- 5) Provide streamside protection, replant streamside areas with native species to reduce the potential for sediment delivery.

The Restoration Proposal below details work performed in the Interim Restoration and Monitoring Plan prior to October 15, 2016, and includes additional restoration measures required to stabilize each of the four riparian areas disturbed.

Area 1 - Northwest Class II Stream and Pond

Area 1 of the project includes removal of the northwest pond, approximately 5,000 square feet in area, and restoration of the stream channel below. The pond was created when an earthen dam, approximately 10 feet in height, was installed in a Class II tributary to Elk Creek. Approximately 60 feet below the dam, the stream channel was filled by a graded stream crossing. Emergency efforts as part of the Interim Erosion Control Plan included excavating the dam and re-establishing the original stream channel through the stream crossing below. The stream banks were set back to a stable gradient, and perched fill material at risk of delivering sediment was removed. Riprap was installed at the grade change - location of the former dam - to control the stream channel gradient and to mimic the natural hydrology of the channel. Jute matting was installed temporarily along the stream channel for erosion control, and all exposed surfaces were seeded with native grasses and straw. Straw fiber rolls were installed on graded slopes to Best Management Practice (BMP) specifications.

In order to completely restore the site, the proposed restoration work includes removing the temporary jute netting and fiber rolls, and revegetating the riparian area with native trees. Sediment deposits below the dam will be removed by hand, as well as graded spoils deposited along the stream channel. Tree species to be planted include canyon live oak (*Quercus chrysolepis*), tanoak (*Notholithocarpus densiflorus*), and Douglas-fir (*Pseudotsuga menziesii*). Based on the composition of adjacent riparian areas, the understory vegetation consisted primarily of native perennial grasses prior to disturbance. The channel banks and bed will be planted with perennial native grasses and willow cuttings where necessary to promote bank stabilization.

Area 2 - Northwest Greenhouse Flats and Adjacent Sediment Plume

Area 2, located in the northwestern region of the property, contains two graded flats with greenhouses, and a sediment debris plume approximately 30 feet wide by 350 feet long that was created during construction of the pond in Area 3. The greenhouse flats and sediment plume have not delivered sediment to a watercourse; however, restoration work is necessary to stabilize the areas. Interim Erosion Control Plan work included re-contouring the sediment plume to prevent water from concentrating and causing gulying, and seeding of the exposed surfaces.

The proposed restoration work includes re-engineering and combining the two graded flats into a single stable flat. The resulting fill slopes will be seeded with native grass. The sediment plume will be evaluated in the spring of 2017 to determine if leaving the sediment in place and improving surface drainage by hand will be the best course of action. The contouring work performed in October 2016 (see Interim Erosion Control Plan) appeared to be effective in stabilizing the sediment plume. If surface erosion is observed in the spring of 2017, equipment will be used to remove excessive sediment and the surface will be graded to disperse surface flow. All exposed soil surfaces will be reseeded with native grasses, and the impacted wetland areas will be planted with rush (*Juncus ssp*).

Area 3 - Center Class III Stream and Pond

Area 3 of the project includes the pond located in the center of the property, the stream channel adjacent to the pond, and the culvert and wet depression located north of the pond. The approximately 4,000 square foot pond was created at the headwaters of a Class III stream, which receives spring and surface runoff from upslope. The pond is located approximately 15 feet west of the stream centerline, and was constructed by excavating an approximately 50-foot-wide by 75-foot-long depression in the natural hillslope. Adjacent to the pond, a 50-foot length of the original stream

channel was completely filled, effectively diverting surface flow out of the natural watercourse and into the pond. The stream channel and riparian area below the pond were heavily disturbed for approximately 150 linear feet, with considerable sediment delivery risk. Above the pond, the upper hillslope was heavily graded for 250 linear feet, creating a channel leading from a depression area above. The road above crosses the wet depression and had a 24-inch culvert that was 90% plugged with sediment.

Interim Erosion Control work included reducing the depth of the pond so it may serve as a sediment control basin for road and surface runoff, and disconnecting it from the adjacent Class III stream. A spillway was installed as a precautionary measure in the event the pond fills from rainwater. The adjacent Class III stream channel was re-established in its natural channel, and no longer diverts flow to the pond. Sediment and perched material was removed from the channel below the pond, and the channel banks were set back to a stable gradient to the greatest extent feasible. The channel above the pond was re-contoured and jute matting was installed temporarily along with fiber rolls to control sediment. The culvert above was removed and replaced with an armored rock crossing, and all exposed surfaces were seeded with native grasses.

Upon inspection of the stream realignment after heavy rain events in November and December, the channel exhibited signs of downcutting and gulying despite the erosion control measures installed. Based on historic aerial imagery and visual accounts, the watercourse has a history of gulying and erosion. The proposed restoration work includes adding a series of grade control structures, or check dams, in the watercourse to stabilize the stream gradient, and control gulying. The check dams will be installed at a frequency and spacing to effectively reduce flow and promote deposition along the treated section so erosion flows cannot continue to downcut into the native ground beneath. The check dams will be constructed of large rock and will keyed into the watercourse to prevent undercutting and flanking. The channel banks and bed will be planted with perennial native grasses and willow cuttings to promote bank stabilization. Additionally, any slash remaining from the interim erosion work will be mulched or spread throughout the restored site providing habitat and protection from erosion.

Tree species to be planted include canyon live oak (*Quercus chrysolepis*) and tanoak (*Notholithocarpus densiflorus*). The banks of the watercourse will be planted with native wetland species already occurring on site, namely chain fern (*Woodwardia fimbriata*) and rush (*Juncus* spp). Based on the composition of adjacent riparian areas, the understory vegetation consisted primarily of native perennial grasses prior to disturbance. Irrigation of trees and shrubs will be performed at least once a week during the dry season for the first year.

Area 4 - Southeast Greenhouse Flats and Class III Stream

Area 4 of the project includes the graded greenhouse flats, Class III stream, and appurtenant roads located in the southeast portion of the property. The small stream crossing and 24-inch culvert on the Class III stream was removed and the channel re-established at the natural stream gradient as part of the Interim Erosion Control work.

The three greenhouse flats do not pose an immediate sediment delivery risk to a watercourse; however, the proposed restoration activities include removing the flats and re-contouring the hillside to its natural terrain. The existing greenhouses and fencing on the three graded greenhouse flats will be removed, and the fill slopes will be excavated and the material placed and compacted against the

cutbanks of the flats to reestablish the natural contour. The soil will be compacted to engineered specifications and all exposed surfaces will be planted with perennial native grass. Additionally, the 12-inch plastic ditch relief culvert at the headwaters of the Class III stream will be replaced with a rock armored crossing. The gravel road will be outsloped and rolling dips will be installed where necessary to break surface flow.

Best Management Practices (BMPs) will be incorporated during construction to mitigate the potential for sediment transport to streams. These measures include conducting work during dry weather conditions and low flow periods and the immediate re-vegetation of disturbed soils following construction. See the BMP detail Sheet 8 in the RMP plan set for BMP specifications.

IMPLEMENTATION SCHEDULE

The intent of the RMP is to fully restore the contours, vegetation, and habitat of the original site. All grading and earthwork will be performed May through October of 2017, and all finished BMP's will be completed by October 15, 2017. Riparian planting along the watercourse will occur the spring of 2018. The shrubs will be watered upon installation and thereafter as needed during summer drought conditions. Trees planted in riparian zones in Areas 1 and 3 will be planted during the dormant period of December through late February. The trees will be watered weekly during the dry season for the year, and during severe drought conditions thereafter up to two years.

PROJECT DURATION

Implementation of the Final Plan will begin on March 15, 2017, assuming all permit approvals are in place (Attachment 2, Implementation Schedule). The RMP will be completely implemented by October 2018, or until the riparian vegetation has reestablished to the Success Criteria. The operating hours for installation of the RMP will be from sunrise to sunset or approximately 7:00 am – 6:00 pm, Monday through Friday, or as feasible. As described above, stormwater inspections will begin once the RMP measures are installed or the first rainfall event occurs, or whichever happens first.

MONITORING AND REPORTING

The restoration site will be monitored for a period of one year. Monitoring will consist of regular inspections made by Manhard Consulting staff. Inspections will begin once a majority of the RMP measures have been implemented (approximately October 2017 or soon thereafter) and continue through the rainy season. Features to be assessed for success/failure include, but are not limited to, the following: stability of recontoured areas, erosion and sediment controls, road treatments, instream work, and revegetation efforts. Site visits will occur once per month or within 24 hours of a 3" rainfall event¹ (on weekdays only). Once 3 consecutive rain events greater than 3" have occurred without any deficiencies (regular maintenance excluded), the interval period for site inspections will be reduced to within 24 hours of a 5" rainfall event (or larger). All deficiencies will be addressed within 48 hours of discovery.

An inspection report will be completed for each inspection. The inspection report will address the current condition of each restoration and erosion control measure and determine if corrective actions are needed. The report shall document narratively and photographically the results of the inspections,

¹ Rain events are differentiated by 48 hours of no precipitation.

including any need for preventative or corrective actions. Manhard Consulting will retain the inspection reports on file and will make the reports available upon request from the NCRWQCB.

Annual site visits will be conducted in late spring after the seedlings have undergone mild stress. Each seedling will be evaluated for health and vigor, for pest insects, browsing damage, and competing vegetation. Monitoring will allow the opportunity for corrective action. Dead or diseased trees will be removed and replanted. If recruitment of hardwoods is shown to be low, additional planting may be initiated (gaps greater than 12 foot in diameter will be planted with madrone, tanoak and/or canyon live oak). Additional protective or corrective actions to protect plantings from insect pests or animal damage will be identified and incorporated as needed. The results of the restoration planting will be documented in the annual monitoring reports, which shall be submitted to the NCRWQCB by December 31st.

SUCCESS CRITERIA

All plantings shall have a minimum of 85% success of thriving growth at the end of two years. In addition, the restoration area shall be free of highly invasive weed species². In the event that re-vegetation efforts fail, replanting shall be performed, and post-project monitoring shall continue until re-vegetated areas show an 85% success rate.

RESOURCES

California Invasive Plant Council. California Invasive Plant Database. Available at: <http://www.calipc.org/paf/>

Humboldt County Code. Zoning Ordinance, Title III – Land Use and Development. 314-8.1 *Unclassified Zone*. Printed February, 2005.

Sanctuary Forest. 2004. Options and Obstacles: Living with Low Water Flows in the Mattole River Headwaters.

Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/>. Accessed [12/27/2013].

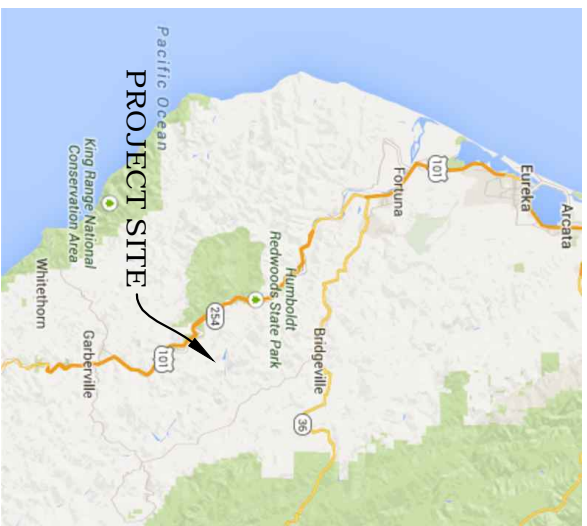
Pacific Watershed Associates. 2015. Handbook for Forest, Ranch and rural roads.

² The California Invasive Plant Council (Cal-IPC) uses a rating system that recognizes three levels of threat for noxious weeds. Those species considered highly invasive are those that have severe ecological impacts on physical processes, plant and animal communities, and vegetation structure. Their reproductive biology and other attributes are conducive to moderate to high rates of dispersal and establishment.

ATTACHMENT 1

Restoration and Monitoring Plan Development and Implementation Schedule

DATE	ACTIVITY	COMMENTS
October 15, 2016	Implement Interim Erosion Control Plan	Complete emergency sediment control measures and install BMP's and winterization devices. Continue monitoring the site through the rainy, winter season as described in the Interim Plan.
November 15, 2016	Submit Report of Completion	Detailed report and photographs of Interim Erosion Control Measures.
January 15, 2017	Submit Restoration and Monitoring Plan to NCRWQCB	Once the final plan is approved, plan implementation will begin in NCRWQCB within thirty (60) days.
June 1, 2017 – August, 2017	RMP implementation	Begin initial implementation activities as early as May 1, 2017. Complete grading and installation of erosion control features no later than October 15, 2017.
October 15 – November 15, 2017	Revegetation of Site	Planting of herbaceous plants & shrubs and trees – hardwoods to regenerate on their own Seasonally appropriate time for revegetation of site
December 2017 – February 2018	Revegetation window for Doug fir	Planting of Doug fir per the planting plan to occur during this time period.
December 31, 2017	Annual Report due	Monitoring begins once implementation is complete.
April – June 2018	Revegetation window for hardwoods & herbaceous species	Planting of hardwoods and herbaceous species per the planting plan to occur during this time period.
January 1, 2018 - December 31, 2018, or until revegetation success criteria are met	Monitoring Inspections	Monitoring of the site as described in the RMP will continue until December 31, 2018, or until revegetation success criteria are met. Any changes, revisions, failures will be described in the annual monitoring reports.



VICINITY MAP
NOT TO SCALE

DIRECTIONS TO SITE:
 FROM EUREKA, CA
 -TAKE US-101 S FROM EUREKA FOR APPROX. 50 MILES
 -FOLLOW US-101 S TO CA-254 S IN MYERS FLAT AND TAKE EXIT 656.
 -CONTINUE ON CA-254 S FOR APPROX. 5.5 MILES TO THE PROJECT LOCATION.

UNAUTHORIZED CHANGES & USES:

THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL CHANGES MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.

CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL AND THE COUNTY OF HUMBOLDT HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DESIGN PROFESSIONALS.

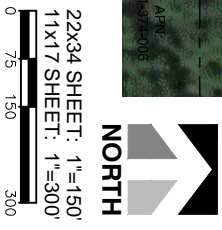
GENERAL NOTES:

1. THESE NOTES SHALL APPLY TO ALL DRAWINGS U.O.N. OR SHOWN.
2. SITE MAPPING IS BASED ON INFORMATION FROM AERIAL PHOTOS, USGS QUADRANGLE MAPS, AND DATA COLLECTED FROM GPS EQUIPMENT. THE BASE MAP PRESENTED HEREIN IS TO BE USED AS A REFERENCE DOCUMENT AND IS AN APPROXIMATION OF EXISTING CONDITIONS TO BE USED FOR SITE RESTORATION.
3. ALL MATERIALS AND WORKMANSHIP SHALL BE ACCORDING TO PROVISIONS OF THE STANDARD SPECIFICATIONS AND STANDARD PLANS, CALIFORNIA DEPARTMENT OF TRANSPORTATION, LATEST EDITION; AND COUNTY OF HUMBOLDT PUBLIC WORKS DEPARTMENT STANDARDS.
4. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
5. ALL WORK SHALL BE PERFORMED BY A STATE OF CALIFORNIA LICENSED CONTRACTOR.
6. THE OWNER SHALL SECURE ALL NECESSARY PERMITS FROM THE HUMBOLDT COUNTY BUILDING DEPARTMENT AND OTHER APPLICABLE AGENCIES.
7. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND GRADES AT JOB SITE BEFORE PROCEEDING, AND SHALL CONTACT THE ENGINEER IMMEDIATELY WITH ANY DISCREPANCIES.
8. PRIOR TO PERMIT CLOSEOUT HUMBOLDT COUNTY BUILDING DEPARTMENT REQUIRES A CERTIFICATION LETTER FROM THE ENGINEER. THE CERTIFICATION WILL STATE ACCEPTANCE OF EROSION CONTROL MEASURES, CERTIFICATION OF PLACEMENT OF FILL MATERIAL AND COMPLETION OF WORK.
9. CONTRACTOR SHALL HOLD ON-SITE PRE-CONSTRUCTION MEETING WITH THE ENGINEER PRIOR TO ANY WORK. THROUGHOUT CONSTRUCTION THE ENGINEER SHALL REVIEW AND APPROVE PROPOSED CONSTRUCTION REVISIONS AS REQUESTED BY CONTRACTOR, REGIONAL WATER QUALITY CONTROL BOARD, DEPARTMENT OF FISH AND WILDLIFE, AND AS REQUIRED BY THE HUMBOLDT COUNTY PLANNING & BUILDING DEPARTMENTS.
10. ENGINEER MAY MODIFY LOCATION, QUANTITY, AND TYPE OF EROSION CONTROL MEASURES AT TIME OF GRADING DEPENDING ON SITE CONDITIONS AS THE PROJECT PROCEEDS.
11. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. MANHARD CONSULTING LTD. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.

CHASE

PROPERTY RESTORATION PLAN

APN: 211-374-014



SITE GRADING & CLEANUP NOTES:

1. CUT AND FILL SLOPES SHALL BE 2:1 MAXIMUM, UNLESS OTHERWISE SHOWN ON THE PLANS.
2. FINISHED GRADING SHALL BE AS INDICATED ON THE PLANS.
3. TOPSOIL AND ALL UNSUITABLE MATERIAL SHALL BE REMOVED FROM ALL AREAS TO RECEIVE CONCRETE, ASPHALT, OR FILL. UNSUITABLE MATERIAL INCLUDES SOILS WITH HIGH ORGANIC MATERIAL, DARKER TOPSOILS AND OVER SATURATED SOILS.
4. ALL FILL SHALL BE COMPACTED TO A MINIMUM OF 90% EXCEPT WHERE 95% RELATIVE COMPACTION REQUIRED WITHIN 24" OF FINISH GRADE AS SPECIFIED IN SECTION 19-5.03 OF CALTRANS STANDARD SPECIFICATIONS (LATEST EDITION)
5. ALL EARTHWORK AND GRADING SHALL BE COMPLETED IN ACCORDANCE WITH CHAPTER 18 & APPENDIX "J" OF THE 2013 CALIFORNIA BUILDING CODE AND SECTION 19 OF CALTRANS STANDARD SPECIFICATIONS (LATEST EDITION).
6. ALL GROUND BARED BY CONSTRUCTION ACTIVITIES SHALL RECEIVE EROSION CONTROL TREATMENT AS SPECIFIED IN THE SOIL LOSS & POLLUTION PREVENTION NOTES (SHEET EC).
7. NO CONSTRUCTION SHALL OCCUR BETWEEN OCTOBER 15TH AND APRIL 15TH WITHOUT PRIOR APPROVAL OF THE COUNTY OF HUMBOLDT.
8. ALL EXPORT MATERIAL SHALL BE TAKEN TO A PROPER DISPOSAL SITE.
9. ALL DEBRIS NOTED FOR REMOVAL ON THIS PLAN SHALL BE TAKEN TO A PROPER DISPOSAL SITE AND RECEIPTS SHALL BE COLLECTED AND CATALOGED.

CONTRACTOR NOTES:

1. THE CONTRACTOR SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF PROJECT CONSTRUCTION, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, AND THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND SHALL NOT BE LIMITED TO NORMAL WORKING HOURS.
2. THE CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE ENGINEER.
3. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS DEPICTED HEREON PRIOR TO ORDERING ANY MATERIALS AND PRIOR TO COMMENCING CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER PRIOR TO PROCEEDING WITH WORK.

SHEET INDEX:

- 1 - GENERAL NOTES & VICINITY MAP
- 2 - SOIL LOSS & POLLUTION PREVENTION PLAN NOTES
- 3 - SITE AREA KEY
- 4 - AREA 1 - EXISTING CONDITIONS & PROPOSED IMPROVEMENTS
- 5 - AREA 2 - EXISTING CONDITIONS & PROPOSED IMPROVEMENTS
- 6 - AREA 3 - EXISTING CONDITIONS & PROPOSED IMPROVEMENTS
- 7 - AREA 4 - EXISTING CONDITIONS & PROPOSED IMPROVEMENTS
- 8 - TYPICAL DETAILS

PROJECT INFORMATION:

CLIENT:
 DENNIS CHASE JR.
 510 BROWN ROAD
 MYERS FLAT, CA 95554

PROPERTY OWNER:
 JOEL McDONOUGH
 510 BROWN ROAD
 MYERS FLAT, CA 95554

OWNERS AGENT:
 MANHARD CONSULTING
 611 "I" STREET, SUITE A
 EUREKA, CA 95501
 (707) 444-3800

SITE ADDRESS:
 APN: 211-374-014
 510 BROWNS ROAD
 MYERS FLAT, CA 95554

PROJECT DESCRIPTION:

VIOLATION RESOLUTION TO AN ENFORCEMENT ACTION ON MAY 17, 2016. ADDRESSING ITEMS IN VIOLATION OF FISH AND GAME CODE 1602. THE PROJECT CONSISTS OF THE FOLLOWING:
 -POND & STREAM CROSSING REMOVAL
 -STREAM CHANNEL RESTORATION
 -ROAD DECOMMISSIONING AND GRADING
 -STREAM CROSSING REPLACEMENT
 -HILL SLOPE RESTORATION

DUE TO THE NEED FOR IMMEDIATE SEDIMENT CONTROL MEASURES, RESTORATION WORK HAS BEEN PRIORITIZED ACCORDING TO SEDIMENT DELIVERY POTENTIAL AND HAS BEEN APPLIED APPROPRIATELY THROUGH AN EMERGENCY LAKE AND STREAMBED ALTERATION AGREEMENT.

TREES TO BE REMOVED = N/A
 EARTHWORK QUANTITIES = ±500 CY

WATER = PRIVATE
 SEWER = PRIVATE

PARCEL SIZE = ±44 ACRES

ZONING: = U
 CURRENT GENERAL PLAN: = AR (FRWK)

BUILDING SETBACKS:

FRONT	20'	SRA	30'
SIDE	10'		30'
REAR	5'		30'

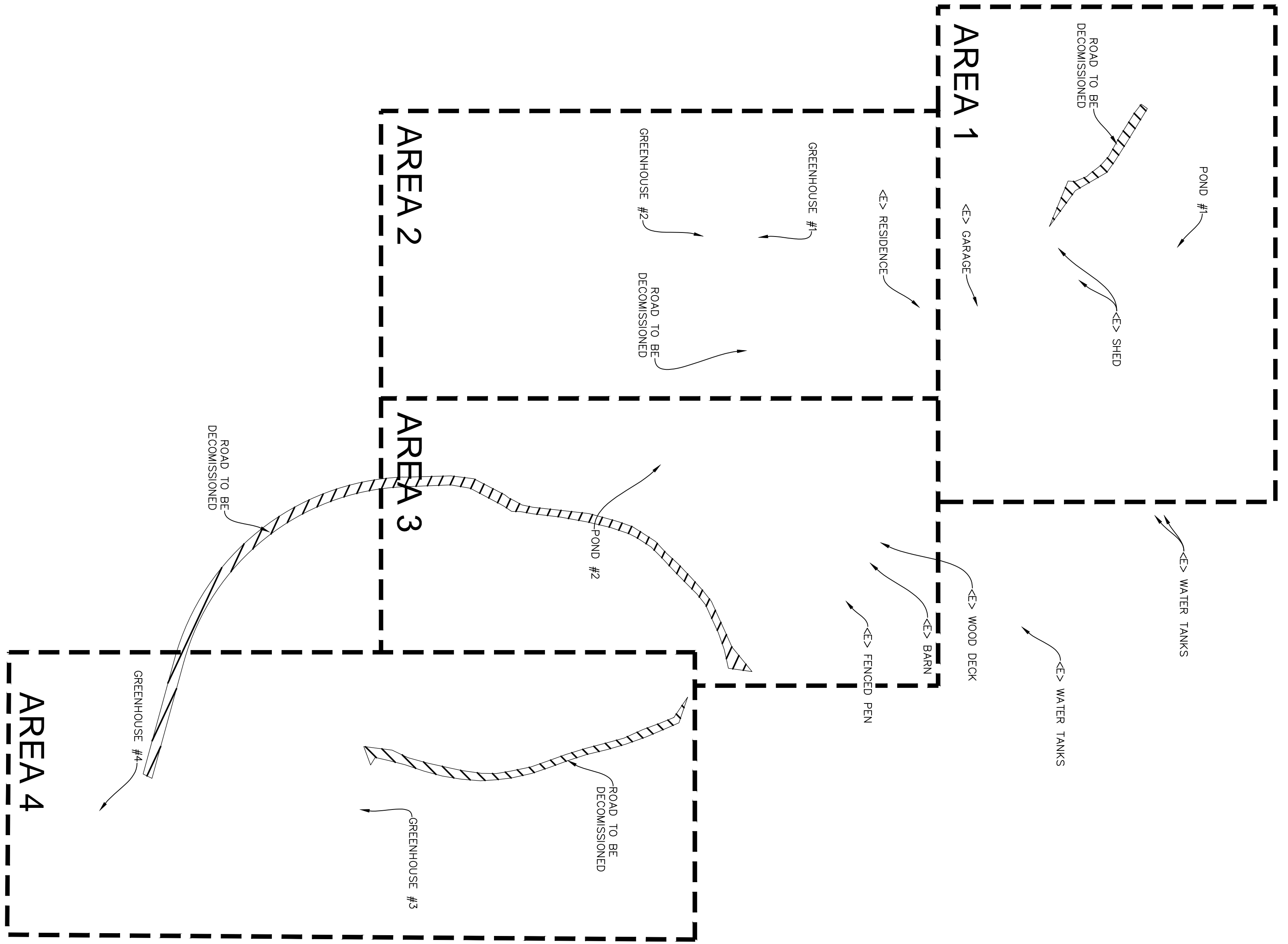
MAX. BLDG. HT. = NONE SPECIFIED
 MAX. GROUND COVERAGE = 40%

SRA AREA: = YES
 IN COASTAL ZONE: = NO
 IN 100' TR FLOOD ZONE: = NO

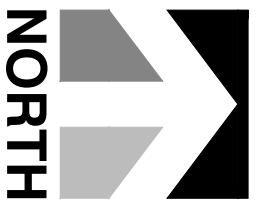
CHASE PROPERTY - RESTORATION PLAN
APN:211-374-014 MYERS FLAT, CA
GENERAL NOTES & VICINITY MAP



DATE	REVISIONS	DRAWN BY



22X34 SHEET: 1"=100'
 11X17 SHEET: 1"=200'



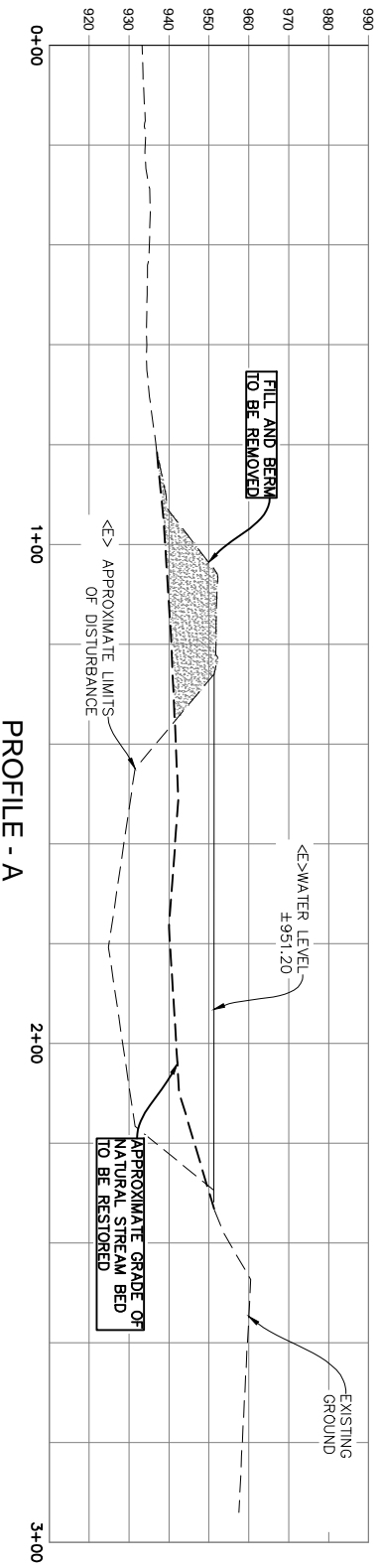
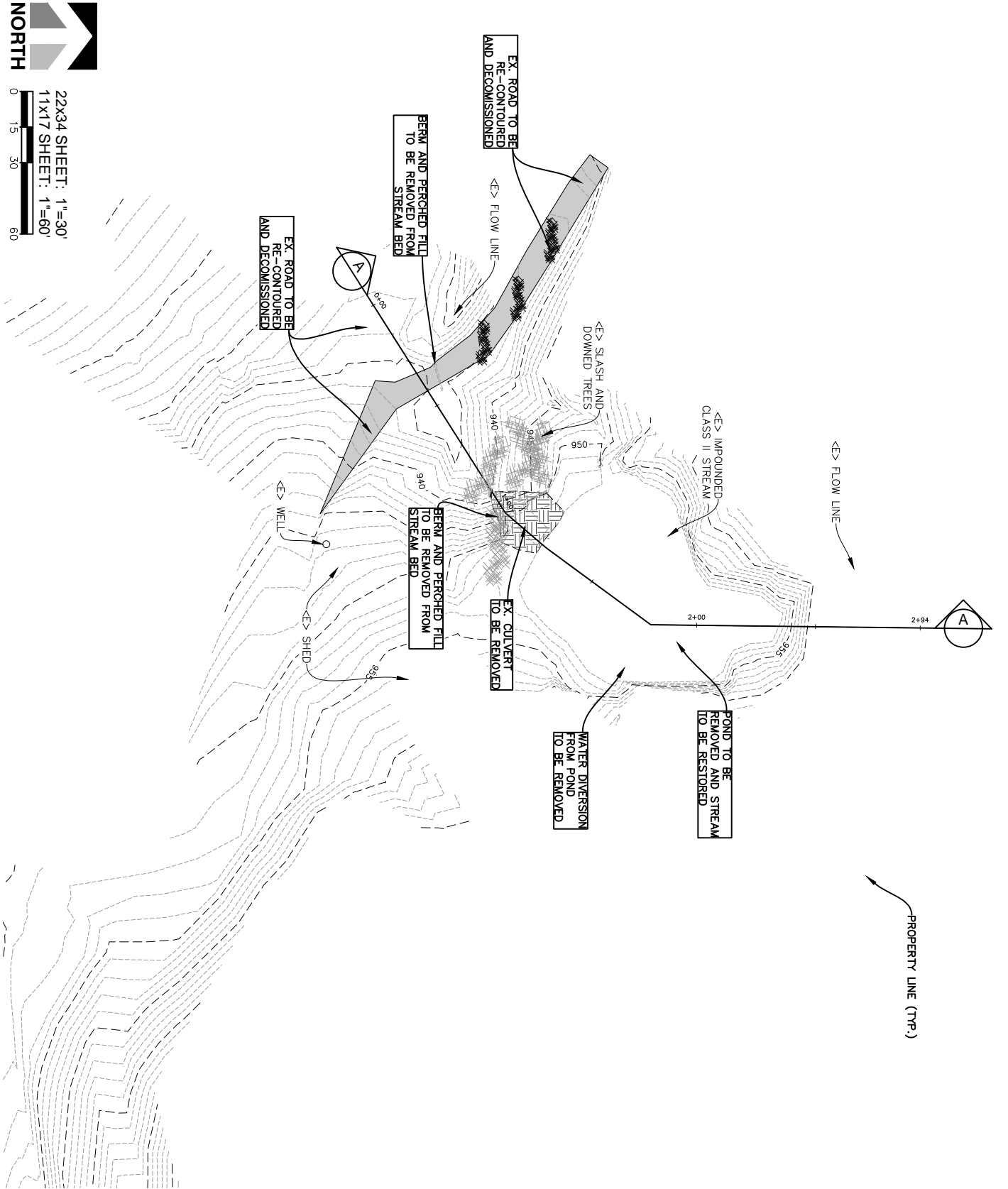
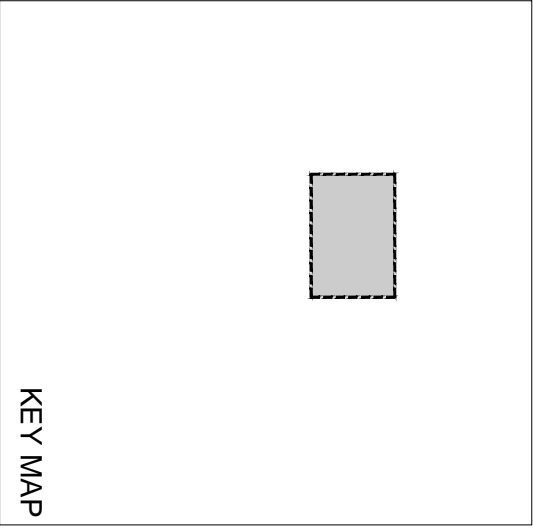
SHEET INDEX:

- 1 - GENERAL NOTES & VICINITY MAP
- 2 - INTERIM EROSION CONTROL PLAN NOTES
- 3 - SITE AREA KEY
- 4 - AREA 1 - EXISTING CONDITIONS & PROPOSED EROSION CONTROL MEASURES
- 5 - AREA 2 - EXISTING CONDITIONS & PROPOSED EROSION CONTROL MEASURES
- 6 - AREA 3 - EXISTING CONDITIONS & PROPOSED EROSION CONTROL MEASURES
- 7 - AREA 4 - EXISTING CONDITIONS & PROPOSED EROSION CONTROL MEASURES
- 8 - TYPICAL DETAILS

DATE	REVISIONS	DRAWN BY

LEGEND	
	SURVEYED CONTOUR & ELEVATION
	EXISTING FEATURE
	EXISTING ROAD GRADE
	EXISTING ROAD OUTSLOPE SECTION
	EXISTING ROAD INSLOPE SECTION
	EXISTING DIRECTION OF ROAD CROSS-SLOPE
	PROPOSED OUTSLOPE SECTION
	PROPOSED DIRECTION OF CROSS-SLOPE
	PROPOSED ROLLING DIP
	EXISTING SLASH PILE LOCATION
	PROPOSED SLASH PILE LOCATION
	EXISTING WATERCOURSE/FLOWLINE
	PROPOSED FIBER ROLLS
	PROPOSED IMPROVEMENT/REHABILITATION MEASURES
	INSTALL SEDIMENT BASIN

- FINAL RESTORATION PLAN NOTES:**
1. ALL REFUSE AND OTHER LOOSE DEBRIS SHALL BE REMOVED AND DISPOSED OF PROPERLY.
 2. EXCAVATED SPOILS SHALL BE HAULED OFF-SITE OR USED IN RE-CONTOURING OF AREA 4.
 3. DOWNED TIMBER SHALL BE CHIPPED ON SITE OR RETAINED FOR WILDLIFE HABITAT.
 4. REMOVE ALL SLASH AND DISTRIBUTE ALONG DECOMMISSIONED ROADS WHEN FEASIBLE.
 5. RE-CONTOUR TO MATCH ORIGINAL GRADE USING EXCAVATED FILL MATERIAL FROM DISTURBED AREAS.
 6. FOR PHOTOGRAPHIC RECORD OF PROJECT LOCATION & SURROUNDING AREAS SEE ATTACHED DOCUMENT.
 7. ALL EXPOSED SURFACES SHALL BE SEEDED AND STRAWED WITH NATIVE GRASS MIX



CHASE PROPERTY
510 BROWNS RD. MYERS FLAT, CA 95554/APN:211-374-014
AREA 1 - RESTORATION AND MONITORING PLAN

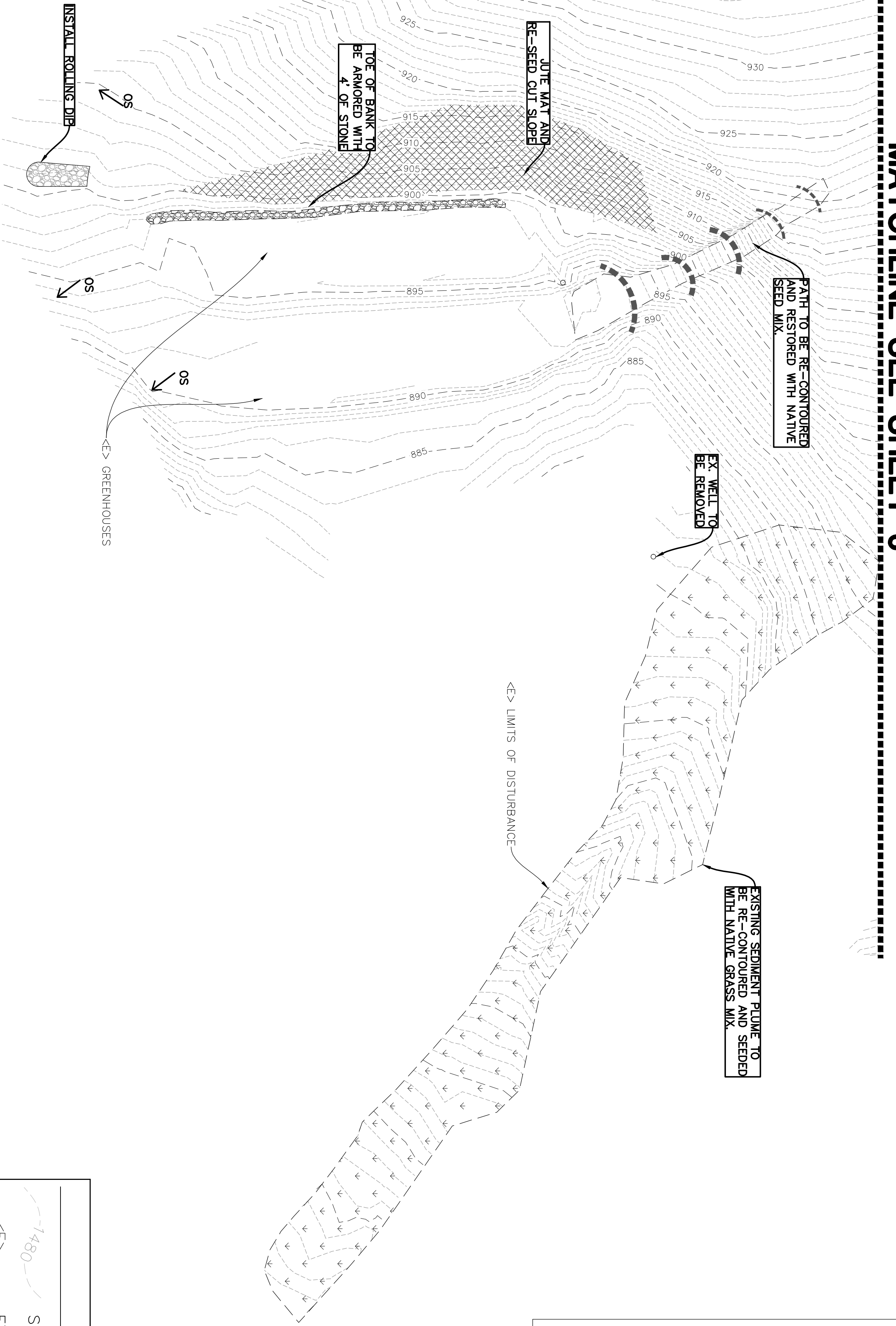
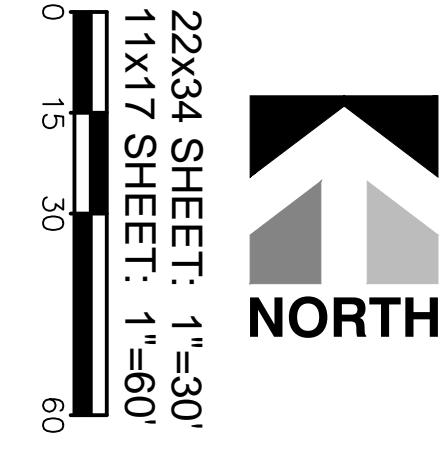
Manhard CONSULTING
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Construction Managers • Environmental Scientists • Landscape Architects • Planners

DATE	REVISIONS	DRAWN BY

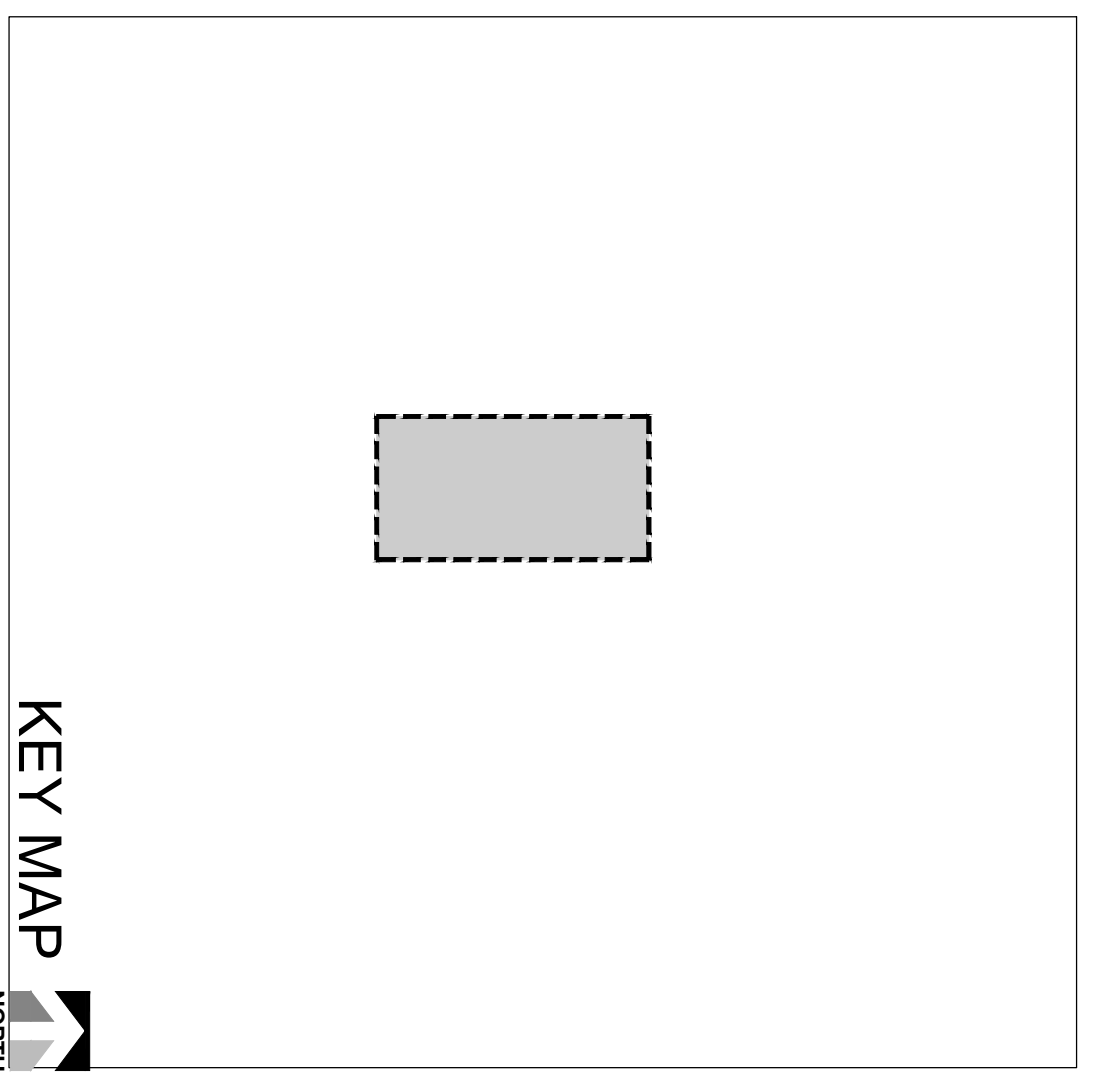
PROJ. NO.: RCL
PROJ. ASSOC.: DA
DRAWN BY: STP
DATE: 1-12-17
SCALE: AS SHOWN
SHEET 4 OF 7
CHAMFCA01
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MATCHLINE SEE SHEET 4

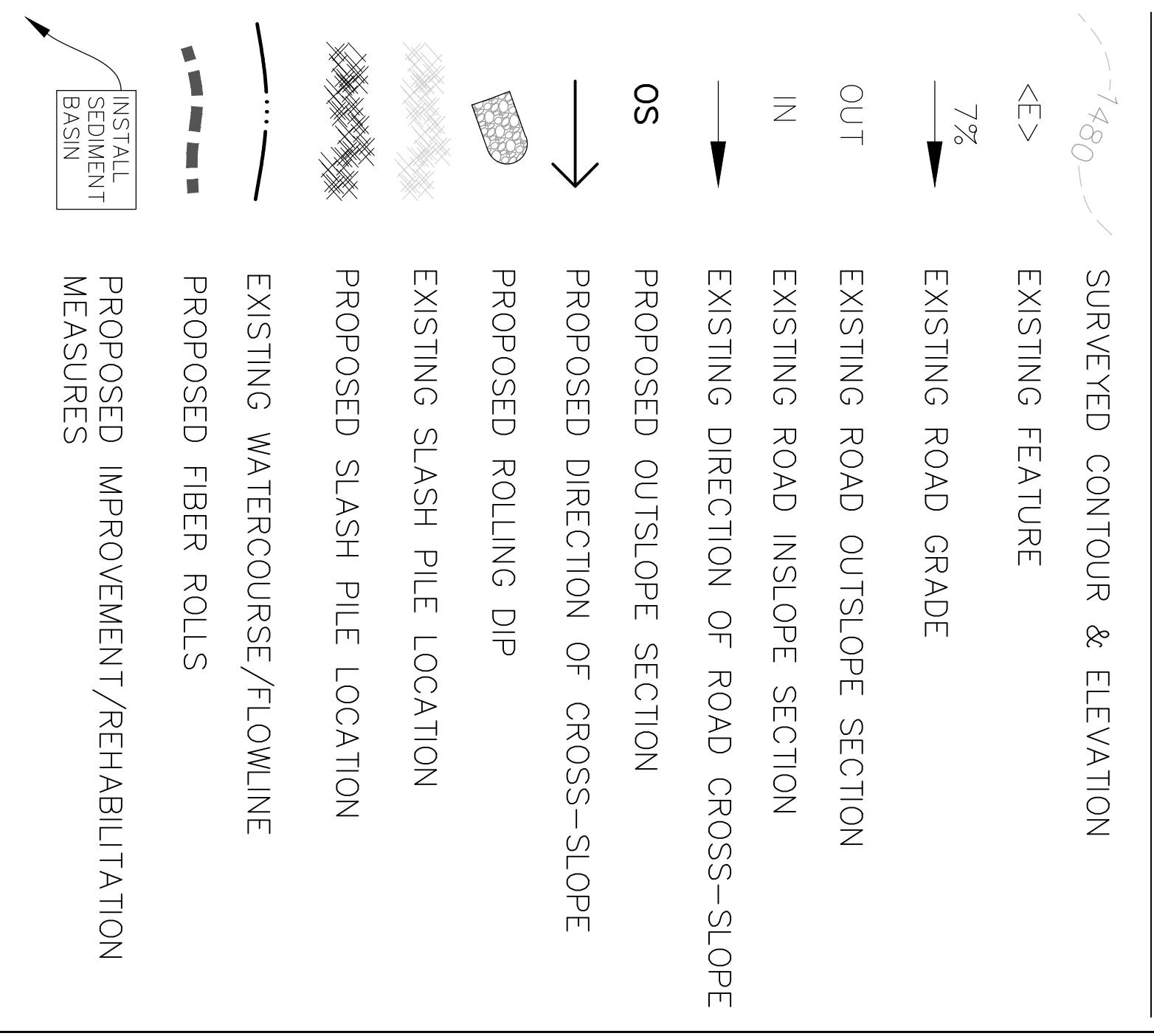
MATCHLINE SEE SHEET 6



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LEGEND



CHASE PROPERTY

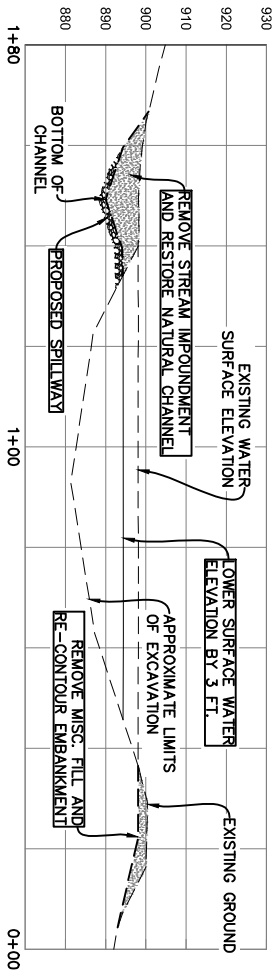
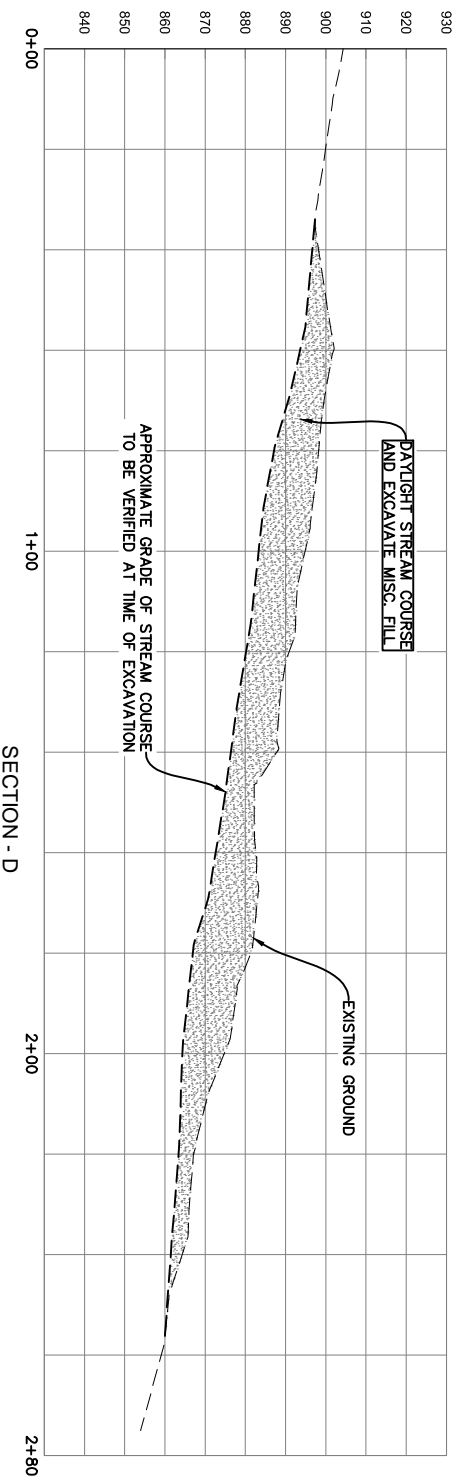
510 BROWNS RD. MYERS FLAT, CA 95554/APN:211-374-014
AREA 2 - RESTORATION AND MONITORING PLAN



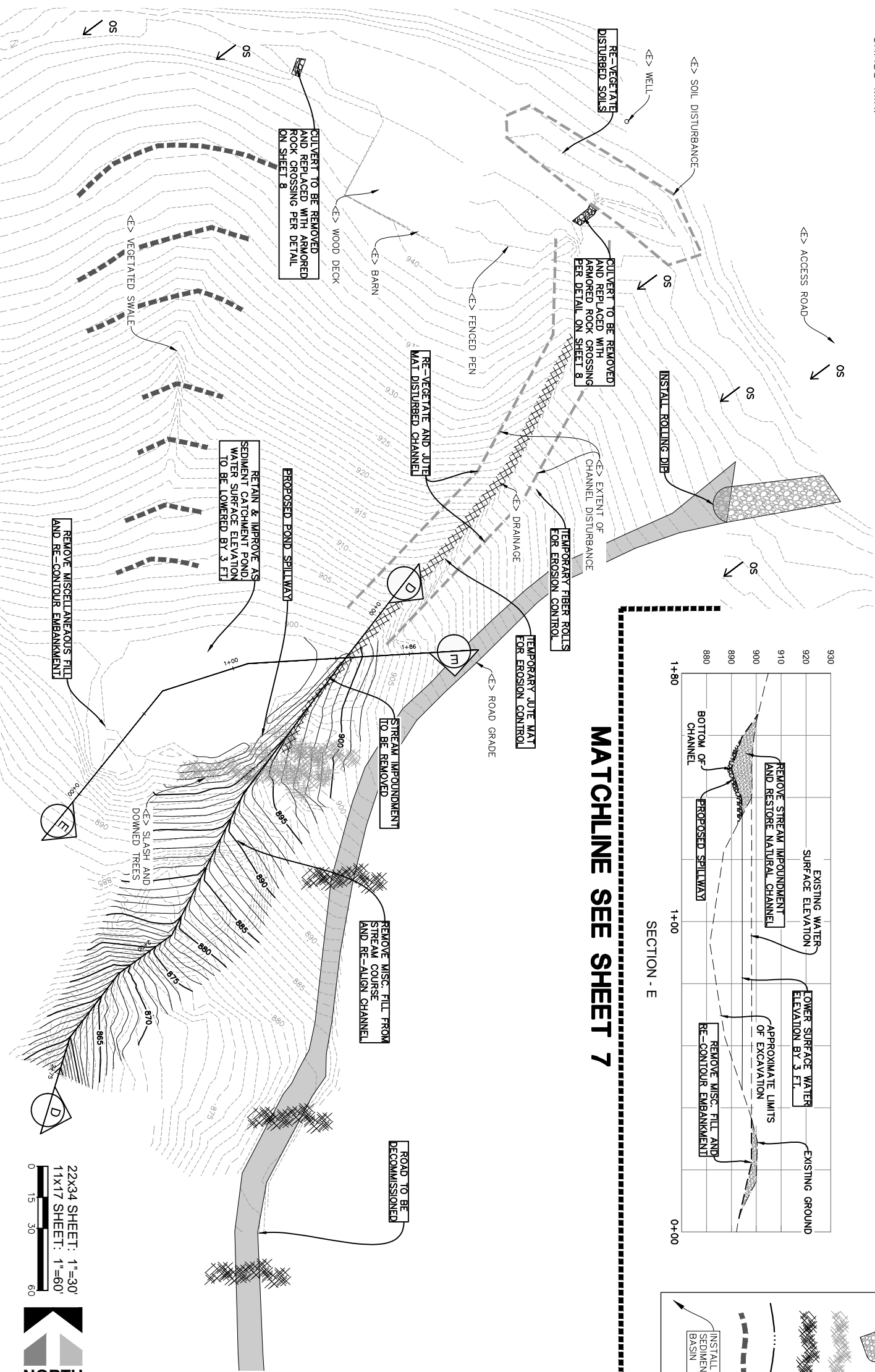
DATE	REVISIONS	DRAWN BY

PROJ. NO.: RCL
 PROJ. ASSOC.: PA
 DRAWN BY: STP
 DATE: 1-12-16
 SCALE: 1"=XX'
5 OF **7**
 SHEET
 CHAM/CAOT

- FINAL RESTORATION PLAN NOTES:**
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 - 7.



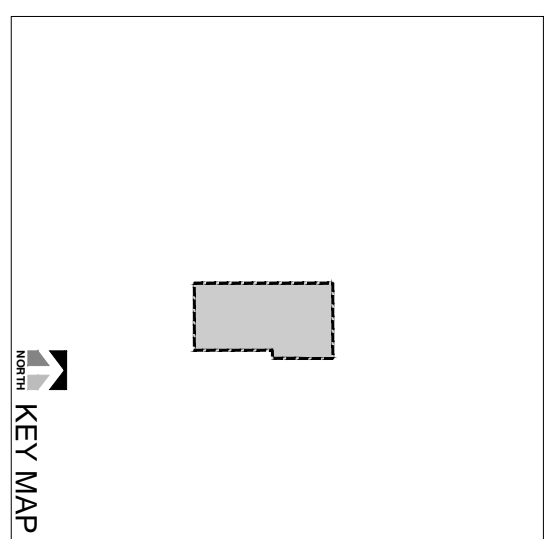
MATCHLINE SEE SHEET 7



MATCHLINE SEE SHEET 5

LEGEND

	SURVEYED CONTOUR & ELEVATION
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	EXISTING ROAD GRADE
	EXISTING ROAD OUTSLOPE SECTION
	EXISTING ROAD INSLOPE SECTION
	EXISTING DIRECTION OF ROAD CROSS-SLOPE
	PROPOSED OUTSLOPE SECTION
	PROPOSED DIRECTION OF CROSS-SLOPE
	PROPOSED ROLLING DIP
	EXISTING SLASH PILE LOCATION
	PROPOSED SLASH PILE LOCATION
	EXISTING WATERCOURSE/FLOWLINE
	PROPOSED FIBER ROLLS
	PROPOSED IMPROVEMENT/REHABILITATION MEASURES



22x34 SHEET: 1"=30'
11x17 SHEET: 1"=60'
0 15 30 60
NORTH

CHASE PROPERTY
510 BROWNS RD. MYERS FLAT, CA 95554/APN:211-374-014
AREA - RESTORATION AND MONITORING PLAN

PROJECT NO.:	RCU
PROJECT ASSOC.:	DA
DRAWN BY:	SDP
DATE:	1-12-17
SCALE:	AS SHOWN

6 OF 7
SHEET

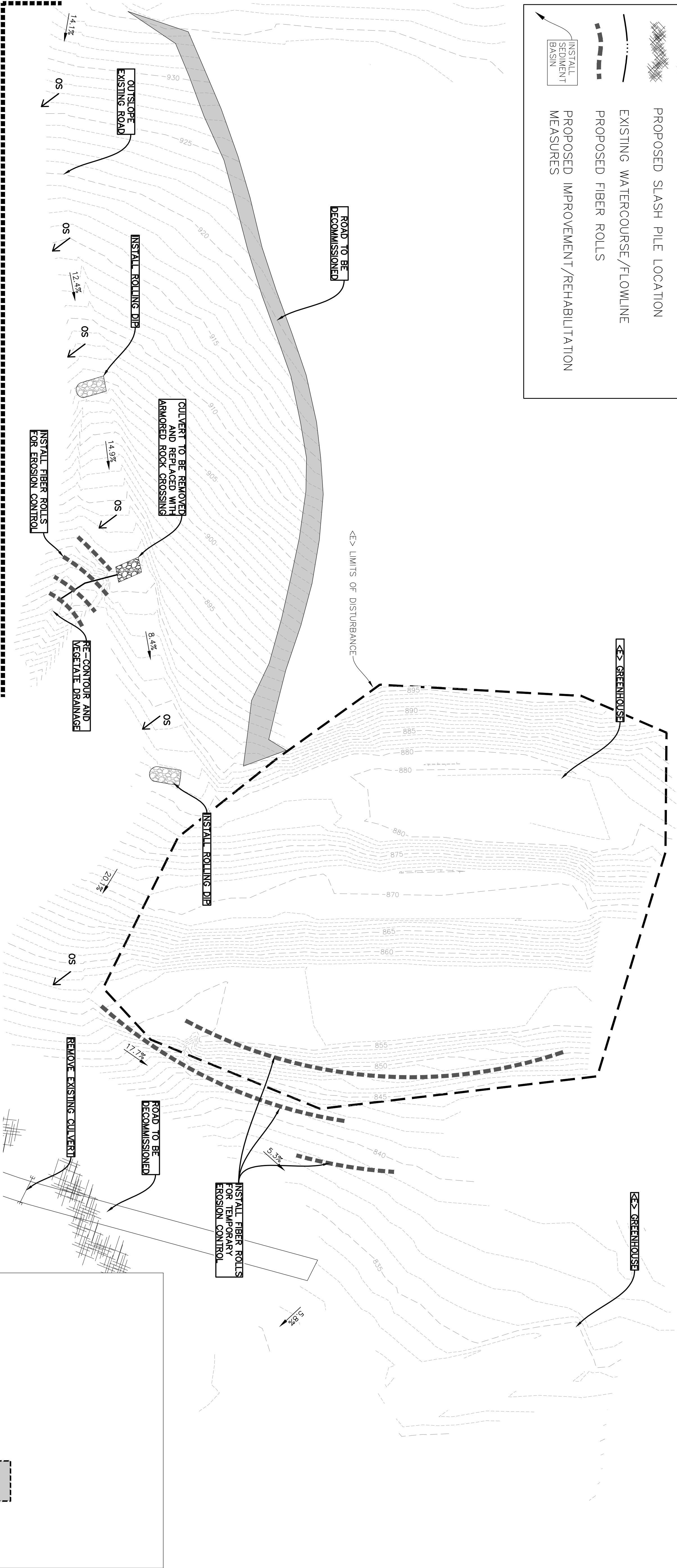
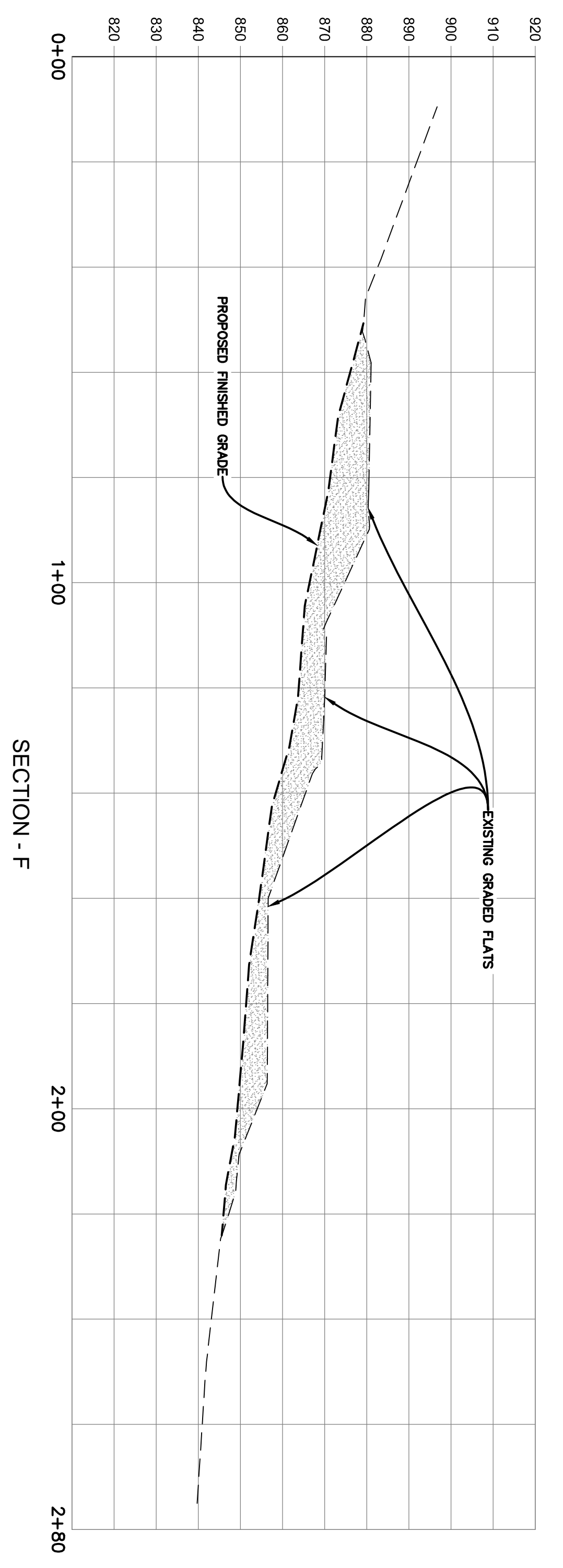
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Construction Managers • Environmental Scientists • Landscape Architects • Planners

DATE	REVISIONS	DRAWN BY

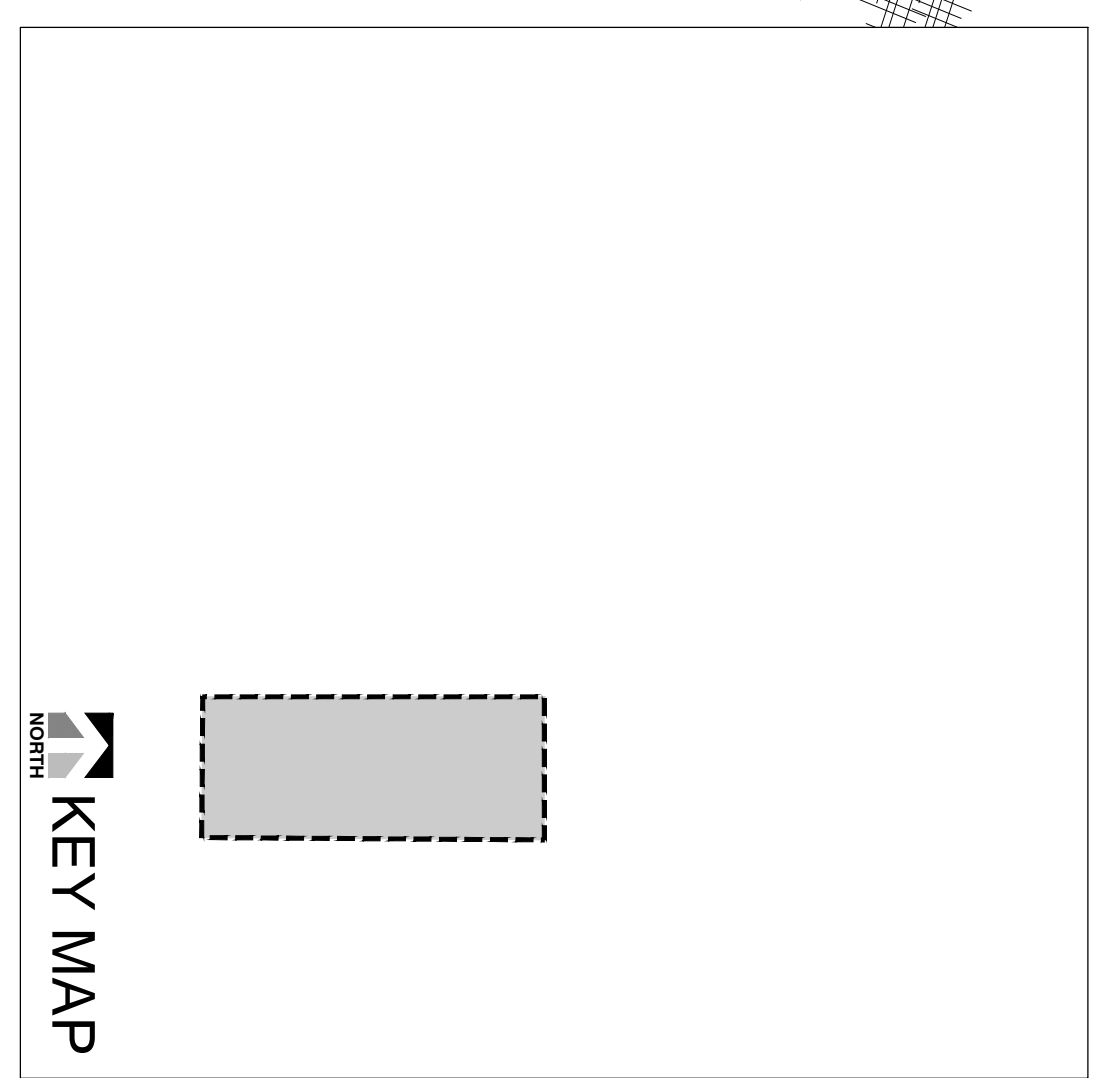
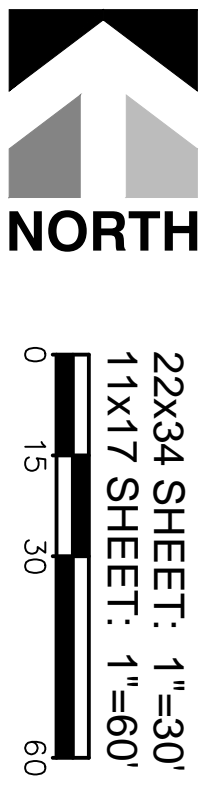
LEGEND

	SURVEYED CONTOUR & ELEVATION
	EXISTING FEATURE
	EXISTING ROAD GRADE
	EXISTING ROAD OUTSLOPE SECTION
	EXISTING ROAD INSLOPE SECTION
	EXISTING DIRECTION OF ROAD CROSS-SLOPE
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- FINAL RESTORATION PLAN NOTES:**
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MATCHLINE SEE SHEET 6

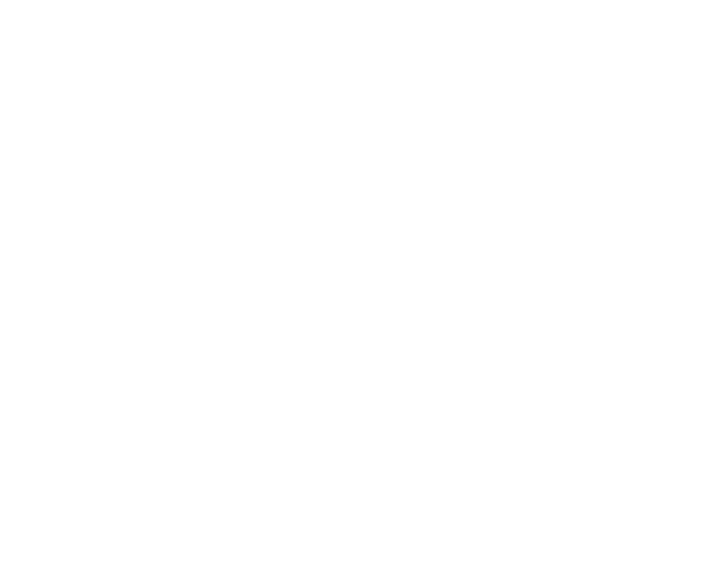
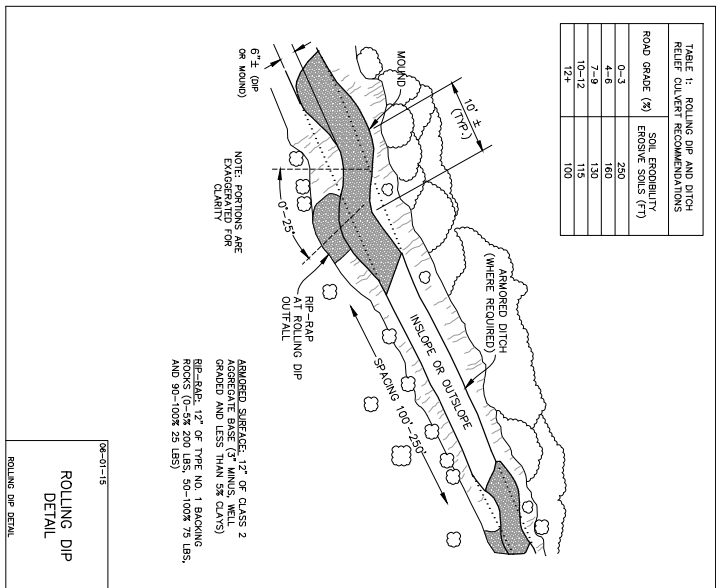
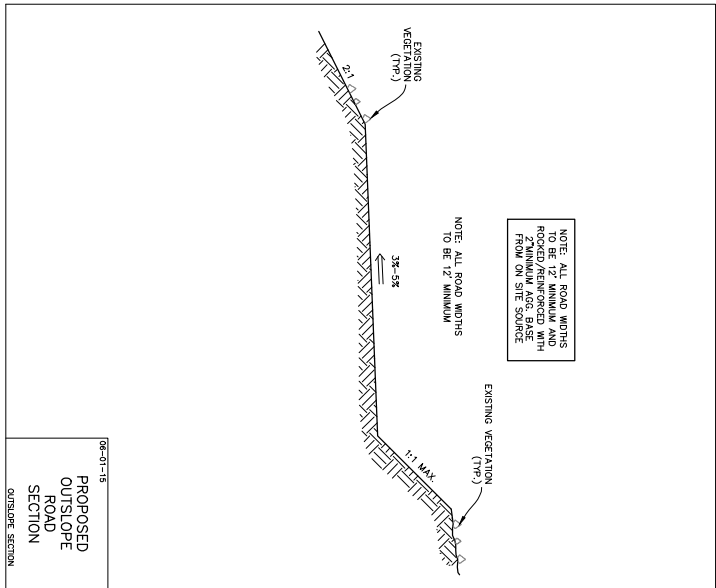
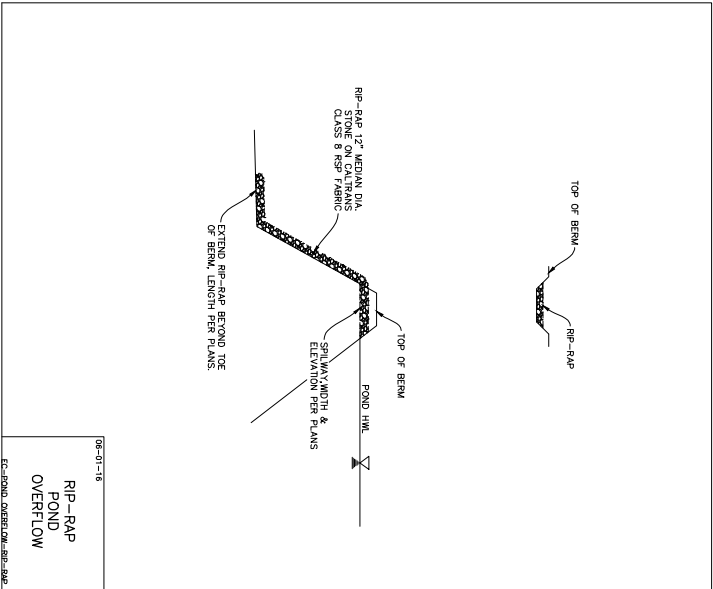
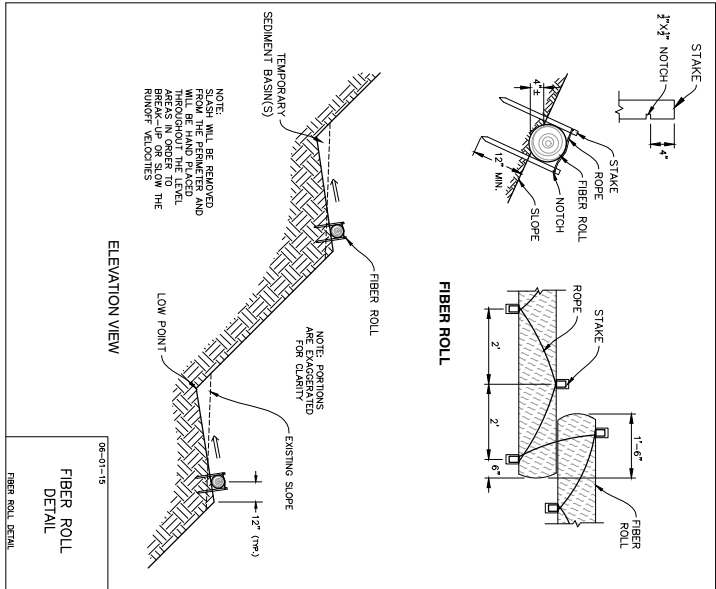
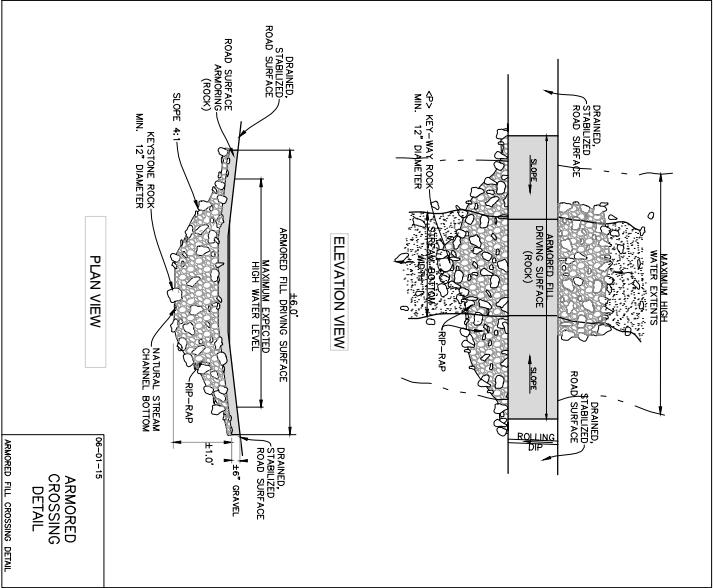
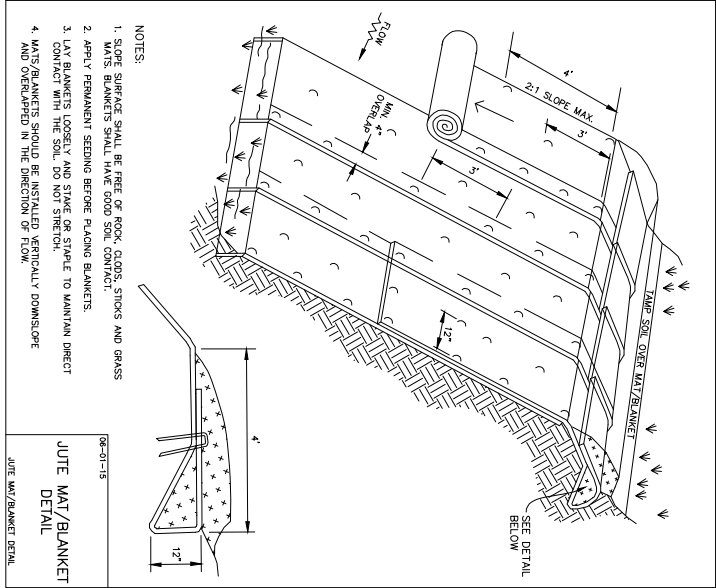


CHASE PROPERTY
 510 BROWNS RD. MYERS FLAT, CA 95554/APN:211-374-014
AREA 4 - RESTORATION AND MONITORING PLAN

PROJ. NO.:	RCJ
PROJ. ASSESSOR:	PA
DRAWN BY:	STP
DATE:	1-12-17
SCALE:	AS SHOWN

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DATE	REVISIONS	DRAWN BY



CHASE PROPERTY
 510 BROWNS RD. MYERS FLAT, CA 95554/APN:211-374-014
 RESTORATION AND MONITORING PLAN BMP DETAILS

PROJ. NO.: RCJ
 PROJ. ASSOC.: PA
 DRAWN BY: SJU
 DATE: 1-12-17
 SCALE: N/A

CHAMFCAD1
 8
 SHEET

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DATE	REVISIONS	DRAWN BY



Dennis Chase

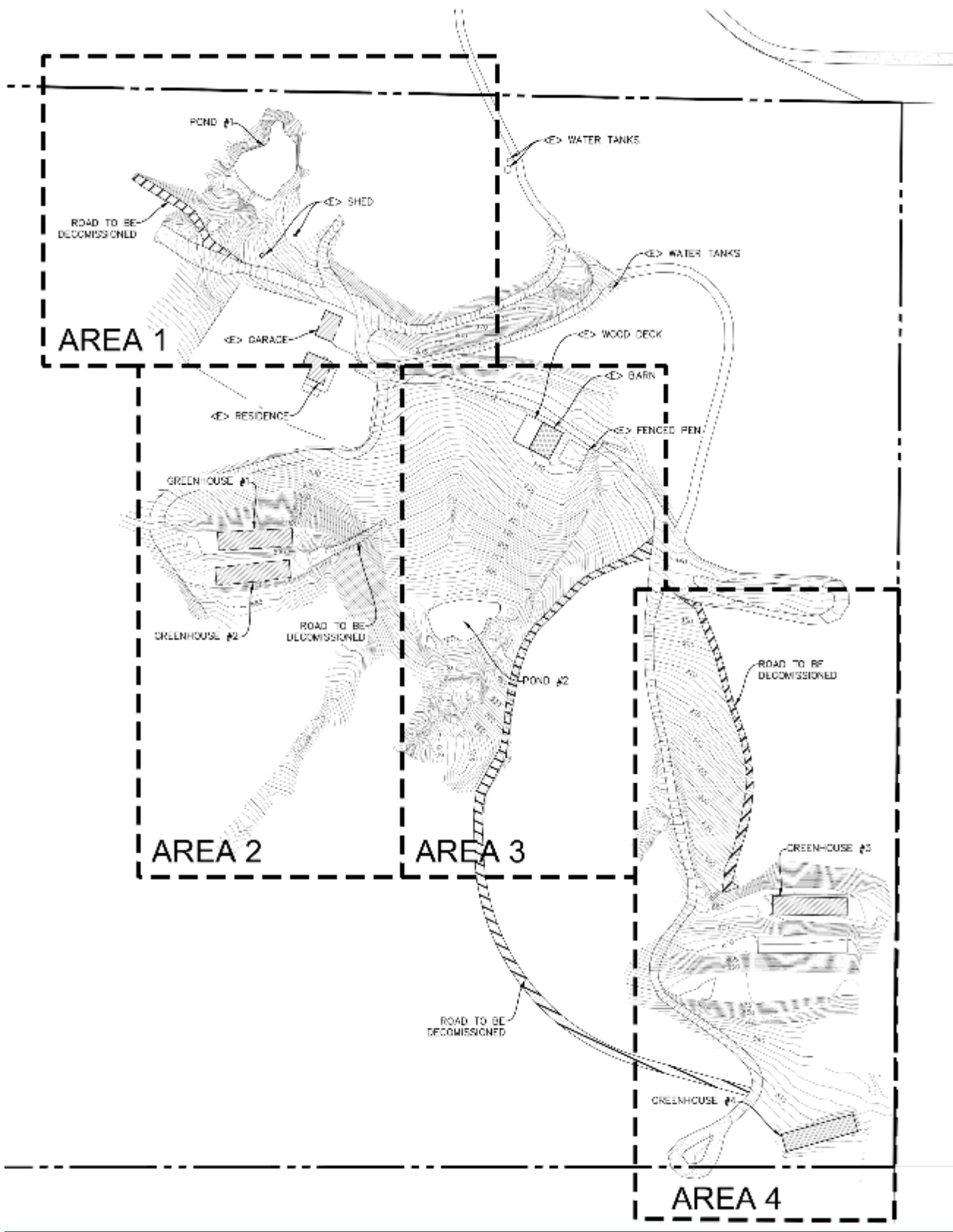
Restoration and Monitoring Plan

Pre- Restoration Photographs

NCRWQCB Cleanup and Abatement Order R1-2016-0047

Humboldt County APN 211-374-014

January 15, 2017





Area 1

Area 1



Pond on Class II tributary to Elk Creek, looking down stream.



Dam fill in background has been removed. See Interim Restoration Control Plan for post-removal photographs.

Area 1



Overflow culvert for pond extending from dam fill.



Downstream of dam fill looking up channel.

Area 1

Fill crossing below the dam, looking north, up stream. Crossing has been removed. See Interim Restoration Control Plan for post-removal photographs



Fill crossing below the dam, looking west to the graded road.

Area 1



Road graded into hillslope, looking west. The watercourse runs parallel, left of the trees. The perched sediment will be removed by hand.



Road grading located east of the stream. The road will be hydrologically disconnected from the stream.



Area 2

Area 2



Greenhouse flats and road fill, looking west. The two flats will be combined into a single flat.



Greenhouse flats and road fill, looking north. The road will be decommissioned and fill removed.

Area 3



Sediment debris plume below pond, approximately 350 feet long.



Toe of sediment debris plume below pond, looking up slope.



Area 3

Area 3

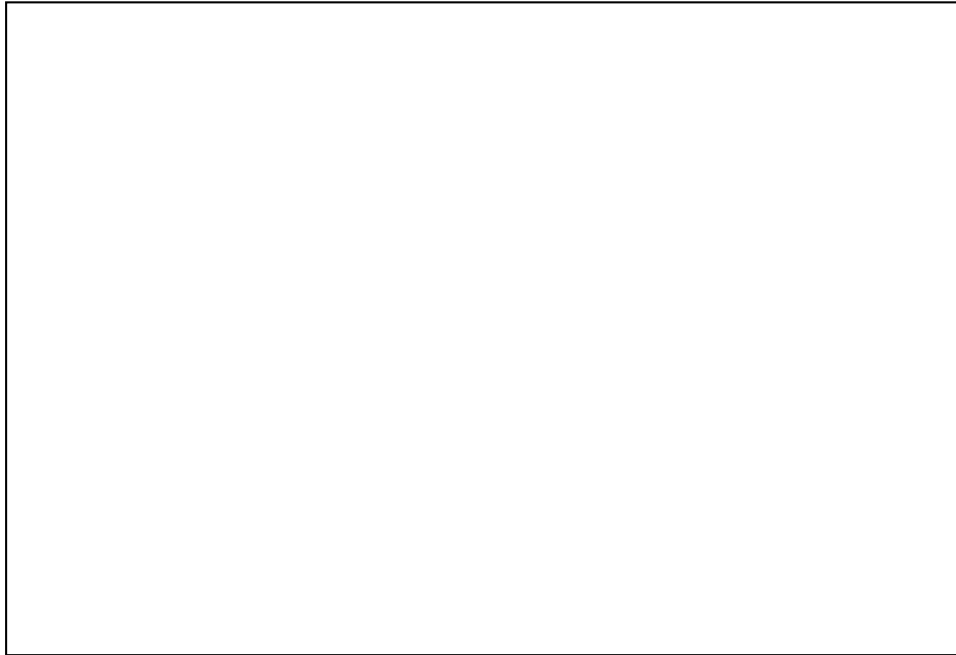


Plugged 24" CMP (center) draining the wet depression area, looking down channel. The culvert has been replaced with an armored rock crossing. See Interim Restoration Control Plan for photographs.

Heavily graded channel leading to the pond. The channel will be re-contoured and grade control points will be established to stabilize the channel and reduce incising.

Area 3

The channel originally continued straight, but grading has diverted the channel right, toward the pond.



Graded channel leading to pond. The original channel, askew to the left, has been filled.

Area 3

The original channel, left of center, has been re-established. See Interim Restoration Control Plan for photographs.



Channel below pond, looking upslope. The entire riparian area was heavily disturbed.

Area 3



Stream channel below the pond, looking downslope to bottom of grading.



Pond looking east, showing the fillslope and berm.



Area 4

Area 4

Three greenhouse flats, looking north. The flats will be regraded and contoured to original grade.



Bottom greenhouse flat, looking west.

Area 4

Three greenhouse flats, looking east.

12" culvert at head of Class III stream, draining the inboard ditch and surface flow. The culvert will be replaced with an armored rock crossing.

Area 4



Downslope of culvert is heavily disturbed. A Class III stream channel develops below.

*Secondary access road, looking north. Leads from pond #2 to Area 4.
The road will be decommissioned.*

Area 4



Lower reach of secondary access road. The road fill and 24" culvert has been removed. See Interim Restoration Control Plan for post-removal photographs

The fertilizer and fuel containers near the secondary access road have been removed.



Civil Engineering
Surveying
Water Resources Management
Water & Wastewater Engineering
Construction Management
Environmental Sciences
Landscape Architecture
Land Planning

November 14, 2016

Erin Mustain, P.E.
North Coast Regional Water Quality Control Board
1001 I Street, 16th Floor
Sacramento, CA 95814

Subject: Interim Erosion and Sediment Control Plan - Report of Completion
Dennis Chase Property
510 Brown Road, Myers Flat, CA 95554
Cleanup and Abatement Order R1-2016-1147

Dear Ms. Mustain,

Please see the enclosed Report of Completion for the Interim Erosion and Sediment Control Plan for the Dennis Chase property. I have included a copy of the Interim Erosion and Sediment Control Plan as well as a photo log of the erosion control work, completed on October 12, 2016.

If you have any questions or need any additional information, please contact me at (707) 444-3800 ext. 7442 or rjensen@manhard.com

Cordially,

A handwritten signature in blue ink that reads 'Robert Jensen'.

Robert Jensen
Project Manager



Civil Engineering
Surveying
Water Resources Management
Water & Wastewater Engineering
Supply Chain Logistics
Construction Management
Environmental Sciences
Landscape Architecture
Land Planning

Interim Erosion and Sediment Control Plan
Report of Completion
Dennis Chase Property
November 11, 2016

This Report of Completion for the Interim Erosion and Sediment Control Plan is being submitted in accordance with the actions required in Cleanup and Abatement Order R1-2016-1147. The North Coast Regional Water Quality Control Board inspected the property at 510 Brown Road (Humboldt County Assessor's Parcel 211-374-014) on May 17, 2016 and identified water quality violations associated with cannabis cultivation activities, including on-stream reservoirs and sediment discharge into unnamed tributaries of Elk Creek.

The Interim Erosion and Sediment Control Plan (attached) was implemented prior to October 15, 2016 and the onset of the 2016-2017 wet season. Sediment control measures included the following work: removal of the upper instream dam and stream crossing; removal of the lower instream impoundment, including realignment of the stream channel; and stabilization of all exposed soil surfaces with fiber rolls, erosion control blankets, straw, and native grass seed.

Due to the complexity of the project and number of number of work sites, the project was divided into four areas of focus (see Chase Property Interim Erosion and Sediment Control Plan, Page 3, for reference). Area 1 includes the Class II stream and pond located at the northwest corner of the property; Area 2 includes the two greenhouse flats located in the northwest region of the property, including the sediment plume located to the south; Area 3 contains the Class III stream and pond located near the center of the property, including the surrounding roads, drainages, and grading; and Area 4 encompasses the Class III stream and graded greenhouse flats located in the southeast portion of the property.

Area 1 - Northwest Class II Stream and Pond

Area 1 of the project includes removal of the northwest pond, approximately 5,000 square feet in area, and restoration of the stream channel below. The pond was created when an earthen dam, approximately 10 feet in height, was installed in a Class II tributary to Elk Creek. Approximately 60 feet below the dam, the stream channel was filled by a graded stream crossing. Erosion control work included excavating the earthen dam and re-establishing the original stream channel through the stream crossing below. The stream banks were set back to a stable gradient, and perched fill material at risk of delivering sediment was removed. Large rock was installed at the grade change to control the stream channel gradient and to mimic the natural hydrology of the channel. Jute matting was installed temporarily along the stream channel for erosion control, and

all exposed surfaces were seed with native grasses and a 2"-4" layer of straw was spread across the disturbed surfaces. Straw fiber rolls were installed on graded slopes to Best Management Practice (BMP) specifications.

Area 2 - Northwest Greenhouse Flats and Adjacent Sediment Plume

Area 2 contains the two (2) greenhouses and graded flats, located in the northwestern region of the property. The greenhouse flats and road are not at risk of delivering sediment to a watercourse; however, seed and straw were applied to exposed surfaces. Located south of the greenhouse flats, a sediment debris plume approximately 30 feet wide by 350 feet long was previously created during construction of the adjacent pond. Erosion control work included re-contouring the sediment plume to prevent standing water and gullyng, and all exposed soil surfaces were seeded with native grass mix and covered in a 2"-4" layer of straw. Straw fiber rolls were installed on graded slopes to BMP specifications.

Area 3 - Center Class III Stream and Pond

Area 3 of the project includes the pond located in the center of the property, the stream channel adjacent to the pond, and the culvert and wet depression located north of the pond. The approximately 4,000 square foot pond was created at the headwaters of a Class III stream, which receives surface runoff from upslope. The pond is located approximately 15 feet west of the stream centerline, and was constructed by excavating an approximately 50-foot-wide by 75-foot-long depression in the natural hillslope. Adjacent to the pond, a 50-foot length of the original stream channel was completely filled, effectively diverting surface flow out of the natural watercourse and into the pond. The stream channel and riparian area below the pond were heavily disturbed for approximately 150 linear feet, with considerable sediment delivery risk. Above the pond, the upper hillslope was heavily graded for 250 linear feet, creating a channel leading from a depression area above. The road above crosses the wet depression and has a 24-inch culvert that was 90% plugged with sediment.

Sediment control work included reducing the depth of the pond so it may serve as a sediment control basin for road and surface runoff, and disconnecting it from the adjacent Class III stream. A spillway was installed as a precautionary measure in the event the pond fills from rainwater. The adjacent Class III stream channel was re-established in its natural channel, and no longer diverts flow to the pond. Sediment and perched material was removed from the channel below the pond, and the channel banks were set back to a stable gradient where feasible.

The channel above the pond was re-contoured and jute matting was installed temporarily along with fiber rolls to control sediment. The culvert above was removed and replaced with an armored rock crossing, and all exposed surfaces were seeded with native grasses and a 2"-4" layer of straw was spread across the disturbed surfaces.

Area 4 - Southeast Greenhouse Flats and Class III Stream

Area 4 of the project includes the greenhouse flats, Class III stream, and appurtenant roads located in the southeast portion of the property. The three greenhouse flats do not pose an immediate sediment delivery risk to a watercourse; however, straw and seed were applied to exposed surfaces. The 12-inch plastic culvert at the headwaters of the Class III stream will remain until the summer of 2017 when it will be replaced with a rock armored crossing. Interim erosion control measures included removing sediment below the culvert at risk of delivering, and applying seed and straw to all exposed surfaces. Woody debris was placed on the lower secondary access road leading to the lower greenhouses to prevent vehicle access. The small stream crossing and 24-inch culvert on the Class III stream was removed and the channel re-established at the natural stream gradient.

Monitoring Activities

The installed BMP's and erosion control work will be monitored throughout the 2016-2017 wet season to ensure the effectiveness of the Interim Erosion Control Plan measures. The property will be visited by erosion control monitors on monthly intervals, particularly after peak rain events, to take note of BMP's requiring maintenance or replacement. Please see the attached photo log of sediment control measures implemented prior to October 15, 2016 for reference of BMP's and erosion control work to be monitored.



Dennis Chase

Interim Sediment Control Plan

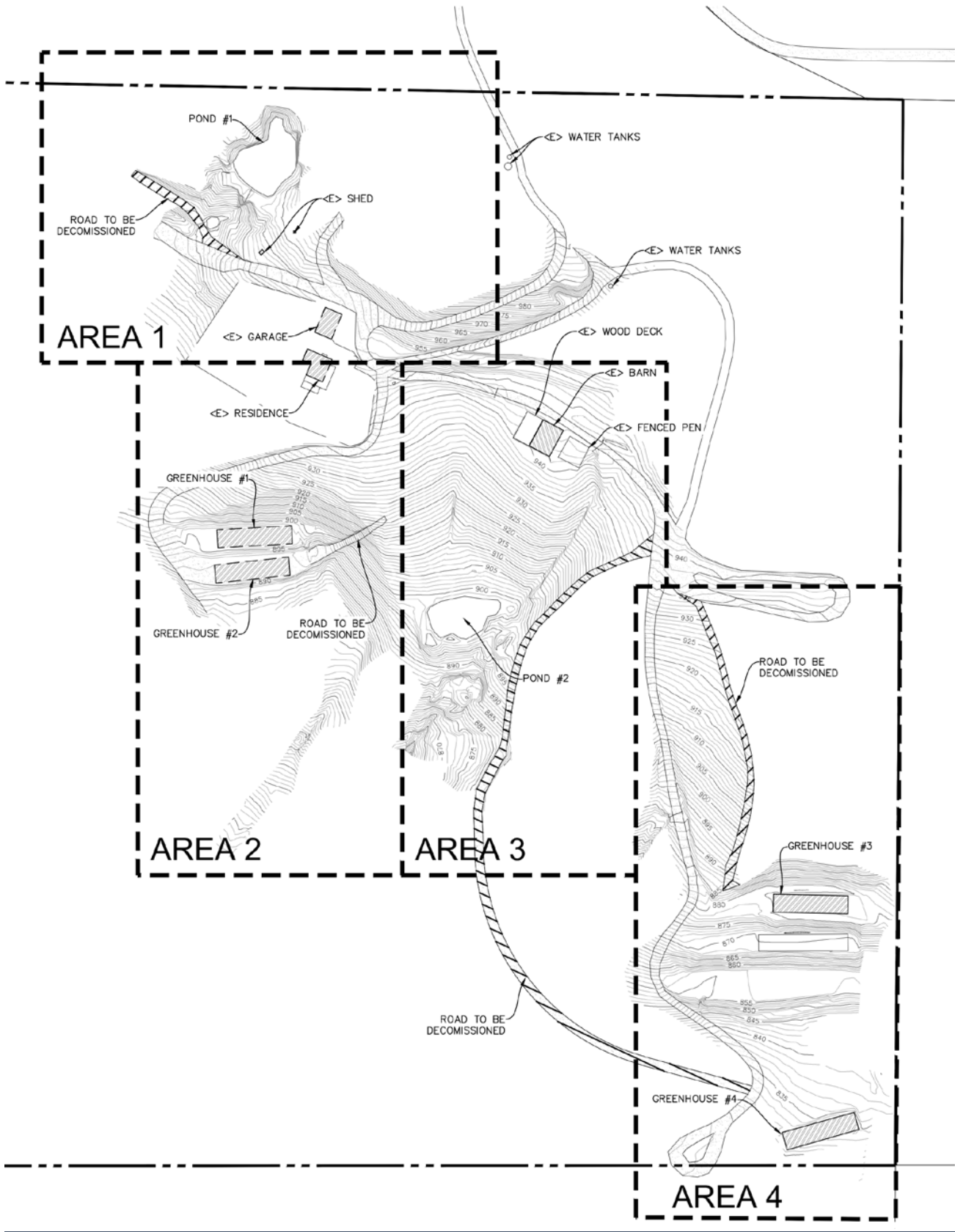
Completion Report

Photographs

Cleanup and Abatement Order R1-2016-1147

Humboldt County APN 211-374-014

November 11, 2016



Area 1

Formerly the location of the upper pond, the dam has been removed and the stream channel has been re-established in its natural channel. The stream banks are set back to a stable gradient, fiber rolls installed on slopes draining to stream, seed and straw applied, and temporary fiber mat installed on channel banks. Photos taken post-rain event on 10/14/16.



Area 1

The stream crossing impoundment has been removed and channel banks set back to stable gradient. Rock has been installed as a gradient control point in the channel. Fiber rolls were installed on slopes along the stream, and all exposed areas were covered with seed and straw. Photos taken 10/14/16.



Area 2

The sediment plume below the pond has been graded and re-contoured. Fiber rolls were installed to BMP specifications and all exposed areas were covered with seed and straw. Photos taken 10/12/16.



Area 3- upper swale and crossing

The 24" CMP has been removed and a rock armored crossing was installed (center). Photos taken 10/12/16



Area 3- upper drainage

The drainage above pond has been re-contoured into natural hillslope, and woody debris was installed in the drainage to slow sediment transport and prevent vehicle travel. The natural channel below has been re-established and disconnected from the pond. Fiber rolls were installed to capture sediment including temporary fiber mat, seed, and straw. Photos taken 10/12/16.



Area 3- pond

The pond depth has been reduced and an overflow was installed to reduce the pond volume. The pond will remain as a sediment catchment basin for the adjacent hillslope. Fiber rolls were installed to capture sediment including seed and straw. Upper photo taken 10/14/16, lower photo 10/12/16.



Area 3- lower channel

The impoundment has been removed and the natural channel re-established and disconnected from the pond. Temporary fiber mat was installed along the channel including straw and seed. Photos taken 10/12/16.



Area 3- lower channel

Lower channel seen post storm event 10/14/16 with fiber rolls installed.



Area 3- lower road

The lower road and hillslope were covered with seed and straw, and fiber rolls were installed. Woody debris was set in the road to deter vehicles. Photos taken 10/12/16.



Area 4

The lower stream crossing has been removed and straw and seed has been applied to all exposed surfaces. Upper photo taken on 10/14/16, lower on 10/12/16.



RESTORATION MONITORING PLAN COMPLETION REPORT

In fulfillment of
Cleanup and Abatement Order R1-2016-0047 (CAO)

Prepared for:

Mr. Dennis Chase
Forever Loving Humboldt Cooperative, Inc.
and
State Water Resources Control Board



Prepared by:



NORTHPOINT
CONSULTING GROUP, INC.

Robert Jensen
Project Manager
robert@northpointeureka.com
(707) 798-6438

August 30, 2019

GENERAL INFORMATION

DISCHARGER: Dennis Chase
Forever Loving Humboldt Cooperative, Inc.

SITE ADDRESS: 510 Brown Road
Meyers Flat, CA 95554

PARCEL: Assessor Parcel Number: 211-374-014

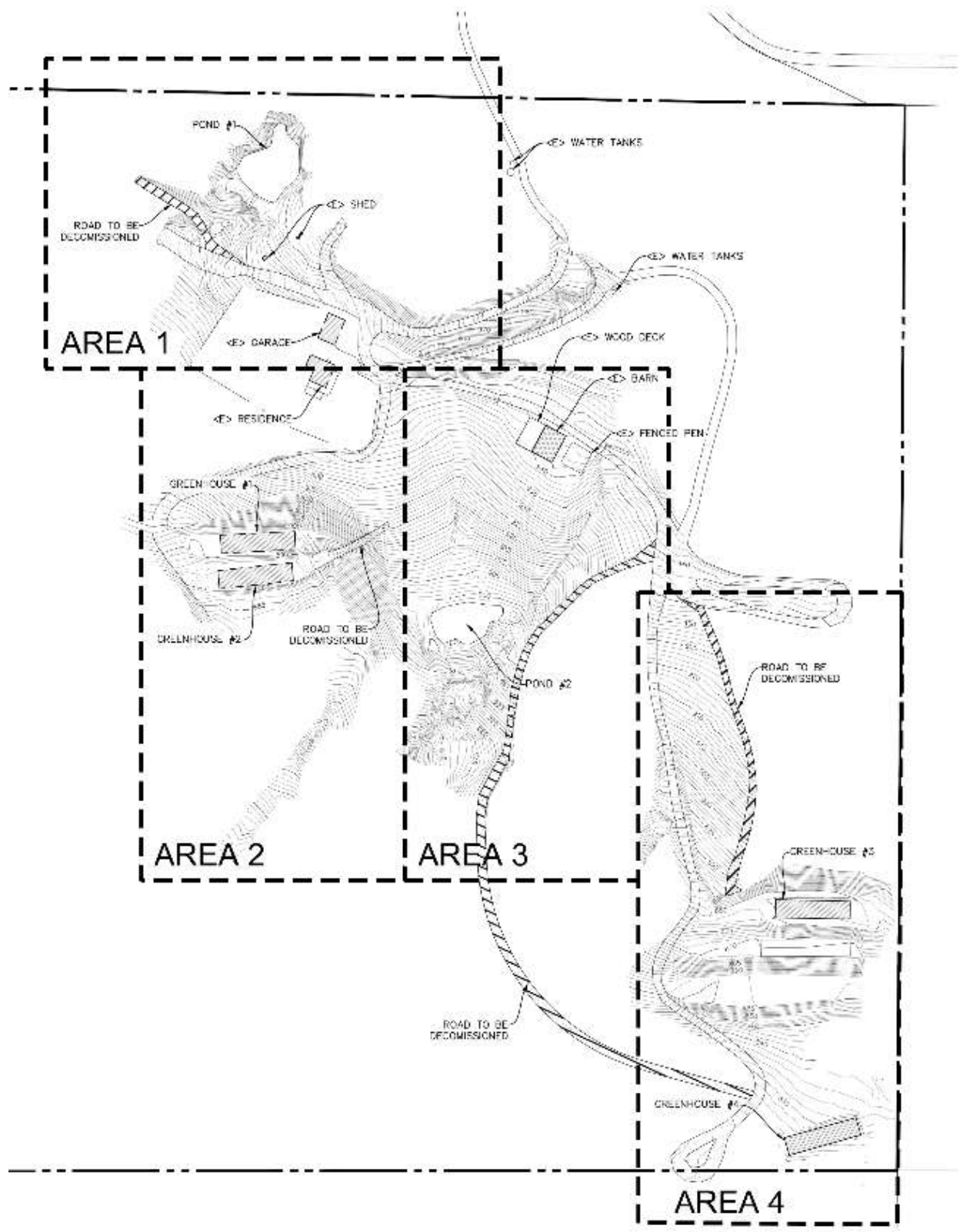
BACKGROUND

On May 17, 2016, NCRWQCB staff inspected the subject property accompanied by representatives from multiple agencies, including the California Department of Fish and Wildlife (CDFW). NCRWQCB staff observed numerous violations including poorly constructed roads, undersized and/or failing crossings, earthen material deposited into streambeds and wetlands, and the construction of two instream ponds. Subsequently, Cleanup and Abatement Order (CAO) No. R1-2016-1147 was issued on September 30, 2016.

As directed by the CAO, an *Interim Erosion and Sediment Control Plan (IESCP)* was implemented prior to October 15, 2016 and the onset of the 2016-2017 wet season. Sediment control measures covered much of the proposed work in the restoration plan, including the removal of the upper instream dam and stream crossing; removal of the lower instream impoundment, including realignment of the stream channel; and stabilization of all exposed soil surfaces with fiber rolls, erosion control blankets, straw, and native grass seed. A *report of completion* for the IESCP was submitted on November 15, 2016. The complete Restoration Monitoring Plan (RMP) was submitted on January 15, 2017 which included measures to restore the disturbed tributaries, remove the instream impoundments, and control sediment, much of which was implemented under the IESCP work completed in 2016.

This Restoration Monitoring Plan (RMP) Completion Report is being submitted in accordance with the actions required in Cleanup and Abatement Order and the Restoration Monitoring Plan. Although the report was purportedly submitted by Manhard Consulting in late 2017, there is incomplete record of the submittal due to the closure of that consulting firm. NorthPoint Consulting Group has been contracted by the discharger to re-assess the completed restoration work and develop this Completion Report for the SWRCB.

For consistency with the Restoration Plan, this report is divided into four areas of focus (see the map below for detail). Area 1 includes the Class II stream and pond located at the northwest corner of the property; Area 2 includes the two greenhouse flats located in the northwest region of the property, including the sediment plume located to the south; Area 3 contains the Class III stream and pond located near the center of the property, including the surrounding roads, drainages, and grading; and Area 4 encompasses the Class III stream and graded greenhouse flats located in the southeast portion of the property.



PRE-RESTORATION CONDITIONS

The illicit grading and streambed modifications detailed in the CAO impacted three unnamed tributaries to Elk Creek, a perennial Class I watercourse tributary to the South Fork Eel River. These unnamed tributaries carry stormwater runoff and sediment to Elk Creek, and eventually to the South Fork Eel River. The South Fork Eel River is listed as impaired due to sediment and temperature pursuant to Clean Water Act section 303(d).

Prior to the implementation of the *IESCP* and RMP, the earthen fill placement had the effect of altering the hydrology and riparian habitat of the three unnamed tributaries. The earthen dams created in Areas 1 and 3 formed ponds approximately 5,000 square feet (sf) and 4,000 sf in size respectively. The ponds were not properly engineered to contain the instream volume, and lacked adequate overflow spillways. Both ponds were at risk of causing significant channel scouring and sediment delivery should they fail, potentially impacting stream hydrology and riparian plant and animal species.

Additionally, in Areas 1 and 3, the stream channels were altered by grading or filling the channels with material. These channel modifications and uncontained sediment were at significant risk of sediment delivery to the Elk Creek tributary. And directly below and west of the pond in Area 3, a sediment debris plume approximately 30 feet wide by 350 feet long was created during construction of the pond, although there was no risk of delivering to a watercourse.

COMPLETED RESTORATION WORK

Prior to the onset of the 2016 rainy season, interim erosion control and restoration work was performed to prevent catastrophic failure of the ponds and control and contain soil on site. Work included: removing all illicitly placed earthen material and woody debris from streams; restoration of the hydrological functions of the damaged streams; restoration of the natural surface drainage contours to ensure dispersed surface flows; and replant the slopes and streamside areas with native vegetation to reduce the potential for sediment delivery.

NorthPoint Consulting Group visited the subject property on September 21, 2019 to evaluate the effectiveness of the restoration work and provide a status update to the SWRCB. The following RMP Completion Report assesses the work performed in the *IESCP* and MRP for each of the four restoration areas and includes photos to affirm the completion of the required work.

Area 1 - Northwest Class II Stream and Pond

Area 1 of the project included removal of the northwest pond, approximately 5,000 square feet in area, and restoration of the stream channel below. The pond was created when an earthen dam, approximately 10 feet in height, was installed in a Class II tributary to Elk Creek. Approximately 60 feet below the dam, the stream channel was filled by a graded stream crossing. Emergency efforts as part of the *IESCP* included excavating the dam and re-establishing the original stream channel through the stream crossing below. The stream banks were set back to a stable gradient and perched fill material at risk of delivering sediment was removed. Riprap was installed at the grade change - location of the former

dam - to control the stream channel gradient and to mimic the natural hydrology of the channel. Jute matting was installed temporarily along the stream channel for erosion control, and all exposed surfaces were seeded with native grasses and straw. Straw fiber rolls were installed on graded slopes to Best Management Practice (BMP) specifications.

Upon inspection of the restoration work, it appears the site has revegetated completely with native grasses, rushes, and pennyroyal. The jute netting and fiber rolls have decomposed, and the majority of the exposed surfaces are now stabilized. The restored channel shows signs of minor incision (6" to 18"), reaching approximately 30' up channel from where gradient control rock was placed at the former pond dam impoundment. The incision appears to have stabilized and the steepened banks will natural lay back to a stable gradient. The former sediment deposits below the dam have stabilized; however, there were signs that a vehicle had tracked through the dry, decommissioned crossing. It is recommended that either a low-water rocked crossing be installed or that the crossing be blocked from use by vehicles. The site will be monitored annually for channel stabilization and to ensure the stream is not crossed by vehicles without physical upgrades first.



Pond on Class II tributary to Elk Creek, looking down stream - Pre-restoration



August 21, 2019 - Post restoration



Earthen dam – pre-restoration



August 21, 2019 – *Post restoration*



Restored stream channel showing minor incision. August 21, 2019 – *Post restoration*



Former pond location, looking upstream. August 21, 2019 – *Post restoration*



Fill crossing below the dam, looking north, upstream. Pre-restoration.



Restored stream channel showing minor incision. August 21, 2019 – Post restoration

Area 2 - Northwest Greenhouse Flats and Adjacent Sediment Plume

Area 2, located south of the residence, contains two graded greenhouse flats and what was formerly a sediment debris plume approximately 30 feet wide by 350 feet long. The

sediment plume was created during construction of the pond in Area 3. The greenhouse flats and sediment plume were not at risk of delivering sediment to a watercourse; however, restoration work was necessary to stabilize the areas. Work completed under the IESCP and RMP included re-contouring the sediment plume to prevent water from concentrating, and seeding of the exposed surfaces.

Upon inspection of the restoration work, the sediment plume has revegetated completely with native grasses and does not require additional work. The recontour work under the RMP appears to be effective in dispersing surface flows. Although the restoration plan calls for re-engineering and combining the two graded flats into a single pad, upon inspection the cutbanks and fillslopes have stabilized over two years and the flats are functioning without sediment discharge concern.



Greenhouse flats and road fill, looking west. Pre-restoration work.



August 21, 2019 – Post restoration



Sediment debris plume below pond, approximately 350 feet long looking south. Pre-restoration.



August 21, 2019 – Post restoration



Sediment debris plume below pond, approximately 350 feet long, looking north. Pre-restoration.



August 21, 2019 - Post restoration

Area 3 - Central Class III Stream and Pond

Area 3, located in the center of the property, features a seasonal class III stream, a small shallow pond, and a wet depression at the headwaters of the stream. The small pond was created adjacent to the class III stream, which receives spring and surface runoff from upslope. Adjacent to the pond, a 50-foot length of the original stream channel was completely filled, effectively diverting surface flow out of the natural watercourse and into the pond. The stream channel and riparian area below the pond were heavily disturbed for approximately 150 linear feet, with considerable sediment delivery risk. Above the pond, the upper hillslope was disturbed for 250 linear feet to the road above. At the road was a 24-inch culvert that was buried with sediment.

Interim erosion control and restoration work included reducing the height of the pond embankment and retaining it as a shallow depression so it may serve as a sediment control basin. Work also included disconnecting the pond from the adjacent Class III stream and installing a small keyway spillway as a precautionary measure in the event the pond fills from rainwater. The adjacent Class III stream channel was re-established in its natural channel, and no longer diverts flow to the pond. Sediment and perched material was removed from the channel below the pond, and the channel banks were set back to a stable gradient to the greatest extent feasible. The channel above the pond was re-contoured and jute matting was installed temporarily along with fiber rolls to control sediment. The culvert on the road above was removed and replaced with an armored rock crossing, and all exposed surfaces were seeded with native grasses.

Upon inspection of the interim erosion control and restoration work, the stream channel exhibits signs of downcutting and gulying despite the erosion control measures installed. Based on historic aerial imagery and visual accounts, the watercourse has a history of downcutting due to the highly erosive nature of the soils. Upon visiting the site with CDFW in late 2018, it was concluded that the watercourse would likely continue to downcut as a natural condition of surface hydrology influence from historic grazing activity and recent disturbance. It was decided that installing check dams as proposed in the restoration plan would require a prohibitive amount of rock and would have limited effectiveness. The stream channel banks have naturally revegetated with grasses and pennyroyal which has aided in controlling surface erosion. The stream channel and pond will continue to be monitored for signs of active erosion and will be reassessed on an annual basis as to whether or not additional sediment control measures are necessary.



Pond looking east, showing the fillslope and berm. Pre-restoration.



August 21, 2019 - Post restoration



The original channel, left of center, was completely filled in. Pre-restoration.



August 21, 2019 - Post restoration



Channel below pond, looking upslope. The entire riparian area was heavily disturbed. Pre-restoration.



August 21, 2019 – Post restoration



Stream channel below the pond, looking downslope to bottom of grading. Pre-restoration.



August 21, 2019 - Post restoration



Grading had diverted the channel right, toward the pond. Pre-restoration.



Channel re-established left of the pond. August 21, 2019 – Post restoration



Heavily graded channel leading to the pond. Pre-restoration.



August 21, 2019 – Post restoration



Plugged 24" CMP (center) draining the wet depression area, looking down channel. Pre-restoration.



The culvert has been replaced with a rocky crossing. August 21, 2019 – Post restoration



Revegetated stream channel below the pond. August 21, 2019 – *Post restoration*

Area 4 - Southeast Greenhouse Flats and Class III Stream

Area 4, located in the southeast portion of the property, includes three graded greenhouse flats, a class III stream crossing, and appurtenant roads. As part of the interim erosion control and restoration work, the small stream crossing and a 24-inch culvert was removed and the channel was restored to the natural stream gradient. Additionally, a skid road running north/south through the center of the property was decommissioned. Upon inspection of the site, the watercourse shows some minor channel incision (approx. 6”), but has fully stabilized and revegetated. The decommissioned skid road remains dormant and has an abundant amount of woody debris blocking the road from further use.

The three greenhouse flats do not pose an immediate sediment delivery risk to a watercourse; however, the RMP includes removing the flats and re-contouring the hillside to its natural terrain. The discharger is currently working through the approval process through Humboldt County to relocate the cultivation on the flats to an environmentally superior location, upon which time the three flats will be decommissioned, and the hillslope will be recontoured under an approved grading plan. The soil will be compacted to engineered specifications and all exposed surfaces will be planted with perennial native grass. Additionally, a 12-inch plastic ditch relief culvert at the headwaters of the Class III stream will be replaced with a rock armored crossing, and the gravel road will receive drainage improvements. This work is anticipated to be completed in the summer of 2020.



Three greenhouse flats, looking north. 2016 photo.



Three greenhouse flats, looking north. The flats will be regraded and contoured to original grade. August 21, 2019



12" culvert at head of Class III stream, draining the inboard ditch and surface flow. 2016 photo.



Recontoured and revegetated channel. Post restoration. August 21, 2019



Downslope of culvert is heavily disturbed. A Class III stream channel develops below.



Recontoured and revegetated channel. Post restoration. August 21, 2019



Lower reach of skid access road. The road fill and 24” culvert has been removed. Pre-restoration, left. Post restoration right.



Lower reach of skid access road. Road has been decommissioned. Pre-restoration, left. Post restoration right.

CONTINUED MONITORING

The erosion control and restoration work will continue to be monitored on an annual basis to ensure the ongoing rehabilitation of the site. Monitoring will occur in the spring to determine if additional sediment control work is needed prior to the next wet season. Monitoring will include inspecting the stability of recontoured areas and cutbanks/fill slopes, and inspecting road treatments, instream work, and revegetation.



ATTACHMENT 5

Humboldt County Violation Letters



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CANNABIS SERVICES DIVISION

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

December 28, 2020

Forever Loving Humboldt, Inc attn: Corri Chase
510 Browns Road
Myers Flat, CA 95554

RE: Permit Application No. 12436, APN 211-374-014-000

Forever Loving Humboldt, Inc attn: Corri Chase,

As part of its ongoing review of cannabis projects, the Planning and Building Department evaluates satellite imagery of cultivation areas. That review process has identified a potential violation for the above referenced project. The County is committed to helping all cannabis applicants remedy violations and comply with local and state regulations. **Your immediate attention is requested to resolve the issues described below.**

According to our records, an interim permit was issued for 22,000 square feet of mixed light cultivation and 10,500 square feet of outdoor cultivation. However, a Temporary Cultivation Reduction (TCR) form was submitted for 2020 which reduced the cultivation area to zero square feet for the 2020 season. **Analysis of satellite imagery has concluded that cultivation occurred in excess of the Temporary Cultivation Reduction declaration.** Specifically, unauthorized cultivation consisting of 36,116 square feet occurred during the 2020 season.

The penalty fee for the unauthorized cultivation is calculated by multiplying the area of unauthorized cultivation by twice the Measure S Excise Tax (\$2 a square foot for outdoor and \$4 a square foot for mixed light cultivation). **The total penalty for the unauthorized cultivation described in this letter is \$121,128.00 for 2020.** The area of unauthorized cultivation must also be removed and restored immediately.

This letter also serves as notification that the current Interim Permit will be formally revoked after 10 days of this letter being sent, if you are unable to provide compelling evidence that the unauthorized cultivation did not occur. Please also be advised that repeated unauthorized cultivation will lead to denial of the permit application.

Response Required

The following options are available, and a response must be communicated to the Department in within 10 days:

1. If the aerial imagery analysis is accurate, resolve the violation by paying the penalty fee and removing the unauthorized cultivation area including infrastructure; OR
2. Withdraw the application, remove all cannabis related fixtures and equipment from the parcel, and remediate, restore, and restock any disturbed area to their natural condition; OR

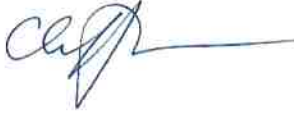
3. Respond to this letter with clear and substantial evidence to establish why the unauthorized cultivation did not occur.

Responses must be received within 10 days of the date of this letter. If no response is received within 10 days of the date of this letter, the issued interim permit will be revoked, and the application will be prepared for hearing with the evidence presently in the file. Staff will recommend denial and refer the project for enforcement actions.

While paying the penalty fee will allow application no. 12436 to continue in the application process, it is not a guarantee of project approval. The Planning and Building Department must **have a complete application with no deficiencies AND all 2017, 2018 and 2019 Measure S taxes must be paid current by January 31, 2021 or this project will be prepared for hearing with a recommendation of denial.**

To respond to this letter, please contact code enforcement resolution liaison Branden Howton at (707) 476-2367 or at bhowton1@co.humboldt.ca.us

Sincerely,



Cliff Johnson
Supervising Planner

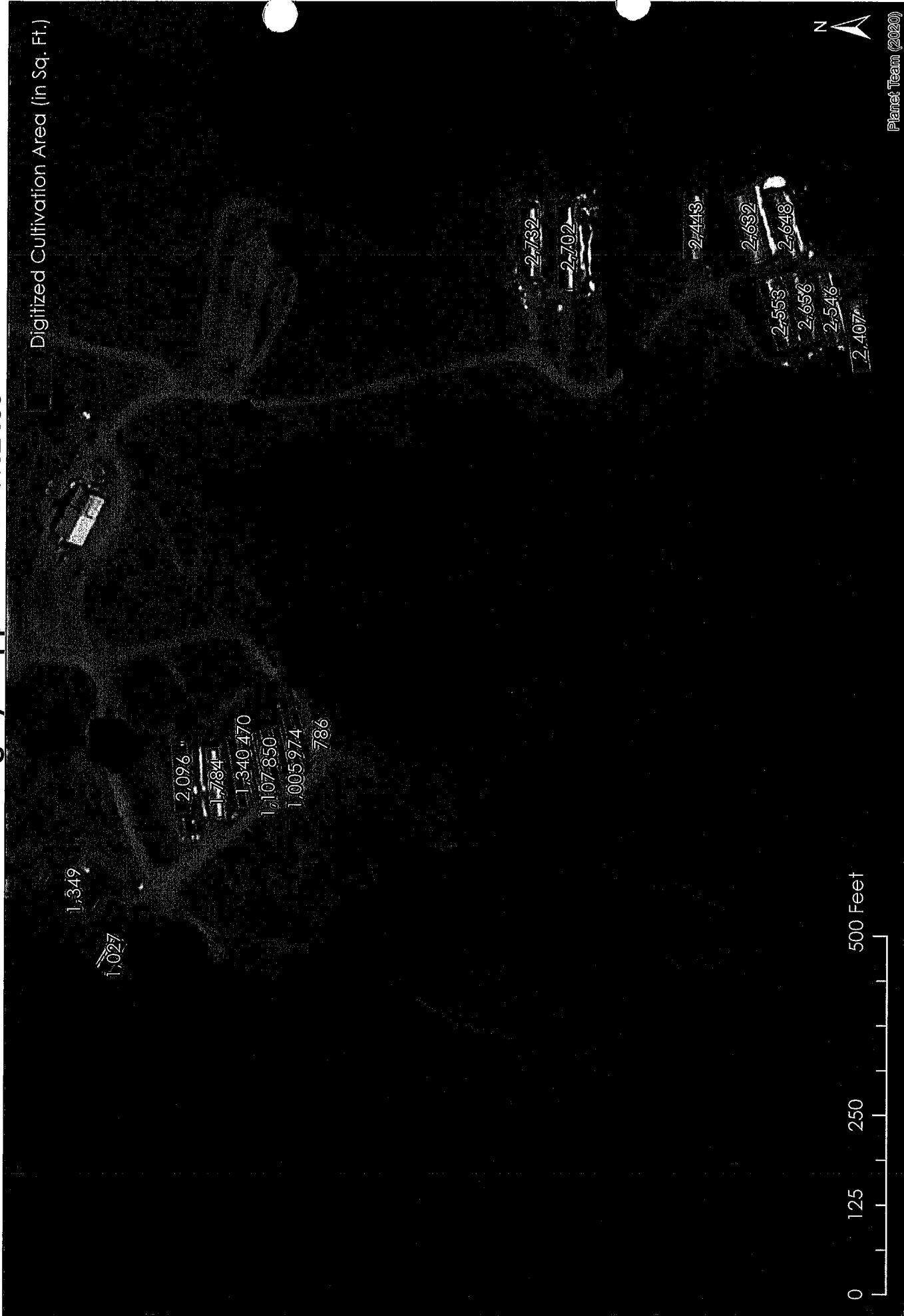
ENC: Satellite Imagery
EC: corrischuster@live.com; phil@northpointeureka.com
CC:

Agent:
NorthPoint Consulting Group
PO Box 44
Eureka, CA 95502

Owner:
Dennis Chase
510 Brown Rd
Myers Flat, CA 95554

Satellite Imagery - Application No. 12436

Digitized Cultivation Area (in Sq. Ft.)

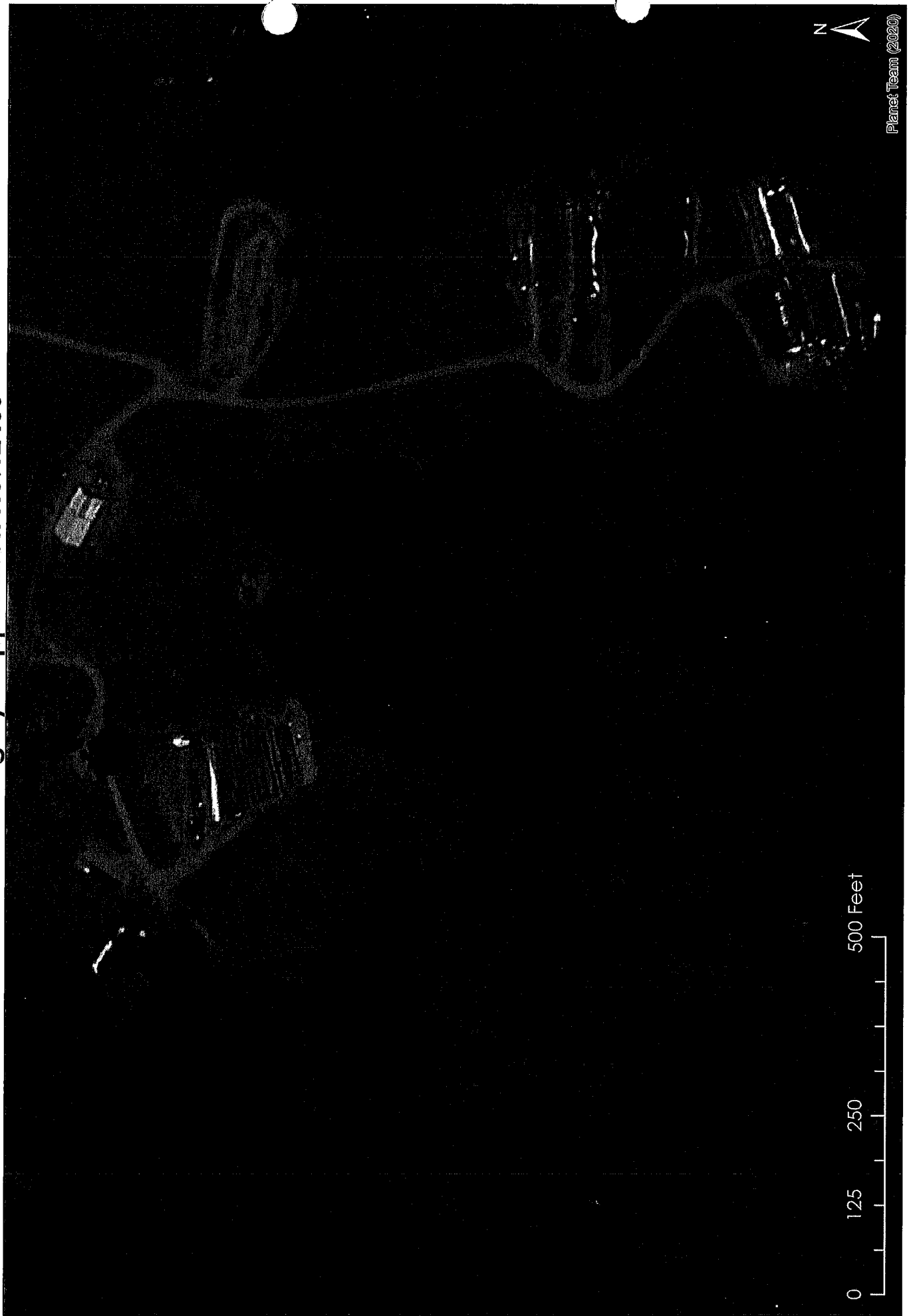


Planet Team (2020)

September 2020 Planet Labs Monthly Satellite Mosaic Image

additional imagery of cultivation activity is available upon request, as well as specific date and time of each image reviewed

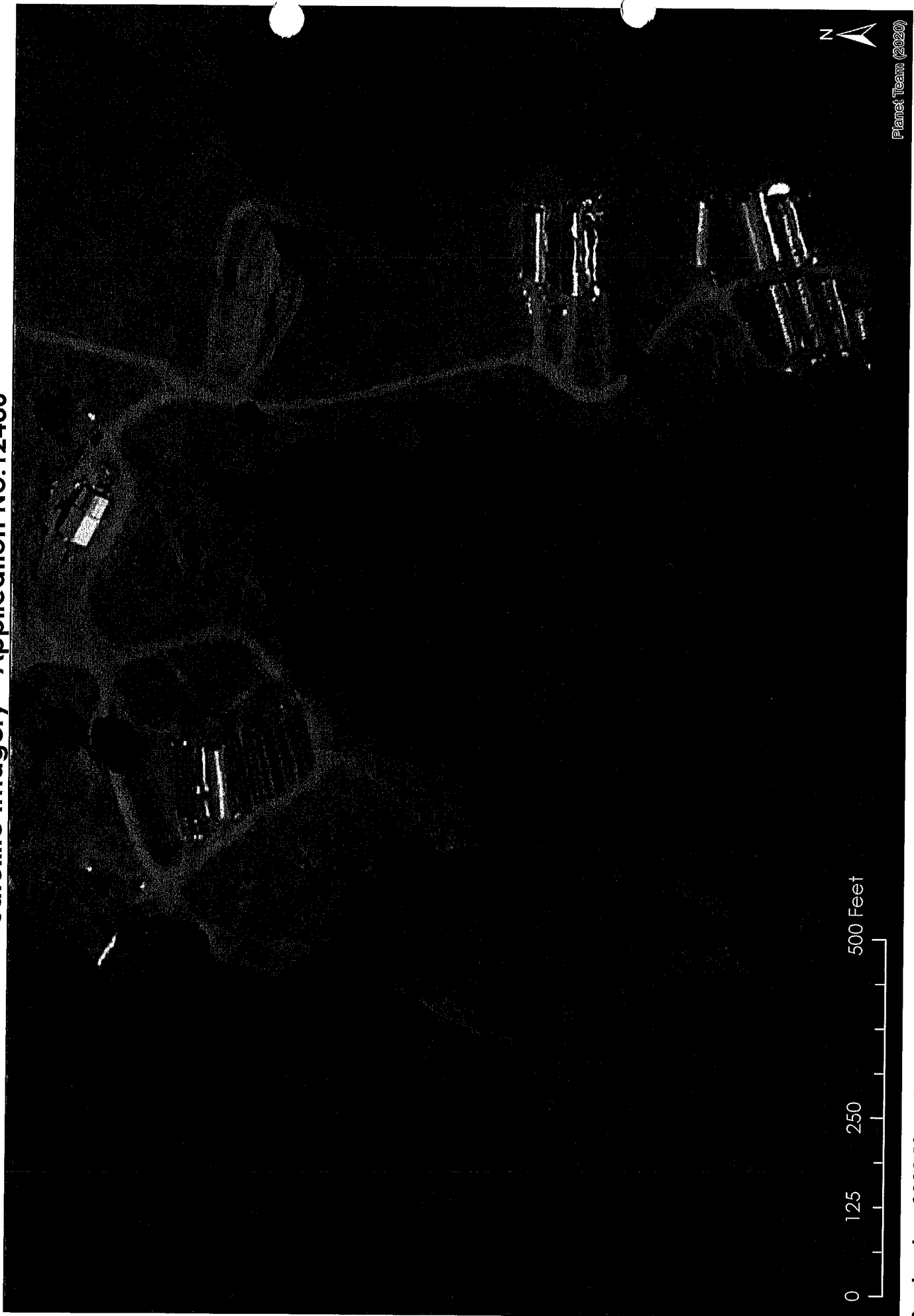
Satellite Imagery - Application No. 12436



July 2020 Planet Labs Monthly Satellite Mosaic Image

additional imagery of cultivation activity is available upon request, as well as specific date and time of each image reviewed

Satellite Imagery - Application No.12436



Planet Team (2020)

September 2020 Planet Labs Monthly Satellite Mosaic Image

additional imagery of cultivation activity is available upon request, as well as specific date and time of each image reviewed



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CANNABIS SERVICES DIVISION

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

July 09, 2021

Forever Loving Humboldt Inc
C/O Dennis Chase
510 Browns Road
Myers Flat, CA 95554

RE: Permit Application No. 12436, APN's 211-374-014-000

Mr. Chase,

As part of its ongoing review of cannabis projects, the Planning and Building Department evaluates satellite imagery of cultivation areas. That review process has identified a potential violation for the above referenced project. The County is committed to helping all cannabis applicants remedy violations and comply with local and state regulations. **Your immediate attention is requested to resolve the issues described below.**

According to our records, an interim permit was issued for 22,000 square feet of mixed light cultivation and 10,500 square feet of outdoor cultivation. **Site inspection has concluded that cultivation has occurred in excess of the issued interim permit's approved cultivation area.** Specifically, unauthorized mixed light cultivation measured at 5,287 square feet occurred during the 2021 season.

The penalty fee for the unauthorized cultivation is calculated by multiplying the area of unauthorized cultivation by twice the Measure S Excise Tax (\$2 a square foot for outdoor and \$4 a square foot for mixed light cultivation). **The total penalty for the unauthorized cultivation described in this letter is \$21,148.00.** The area of unauthorized cultivation must also be removed and restored immediately. Please also be advised that repeated unauthorized cultivation will lead to denial of the permit application.

Response Required

The following options are available, and a response must be communicated to the Department in writing within 10 days:

1. Resolve the violation by paying the penalty fee and removing the unauthorized cultivation area including infrastructure; OR

2. Withdraw the application, remove all cannabis related fixtures and equipment from the parcel, and remediate, restore, and restock any disturbed area to their natural condition.

Responses must be received within 10 days of the date of this letter. If no response is received within 10 days of the date of this letter, the application will be prepared for hearing with the evidence presently in the file. Staff will recommend denial and refer the project for enforcement actions.

If you have questions about this letter, please contact Desmond Johnston at (707) 441-2622 or at Djohnston@co.humboldt.ca.us

Sincerely,

A handwritten signature in blue ink, appearing to read "Cliff Johnson", with a long horizontal line extending to the right.

Cliff Johnson
Supervising Planner

EC: Britney@northpointeureka.com, corrischuster@live.com
CC:



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CANNABIS SERVICES DIVISION

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

November 18, 2021

Forever Loving Humboldt
Corri Chase
510 Brown Road
Myers Flat, CA 95554

Permit Application No. 12436, APN 211-374-014

Corri Chase,

On December 28, 2020, a violation was identified on the above referenced project due to an expansion of 36,116 square feet of cultivation during the 2020 cultivation season in violation of the Cannabis Cultivation Declaration submitted by the applicant, reducing their cultivation area to 0 square feet.

On May 19, 2021, a warrant was served to the above-mentioned property. At this time numerous violations of Humboldt County Code were identified.

On July 21, 2021, a second violation letter was issued to the applicant for mixed light cultivation in excess of what was authorized under the applicants interim permit. At this time, the Code Enforcement Unit issued the applicant a Compliance Agreement to remedy the violations identified during the warrant inspection.

Aerial Imagery from October 2021 identified that the applicant has expanded the projects footprint beyond the approved site plan and without the required permits and approval. Additionally, the applicant has not responded to the Compliance Agreement issued by the Code Enforcement Unit, therefore, the violations identified during the May 19, 2021, inspection remain unresolved.

Due to the applicants unresponsiveness and unwillingness to adhere to Humboldt County Code and resolve the existing violations, this project is actively being scheduled for denial at the December 16, 2021, Planning Commission hearing. Alternatively, the applicant may avoid the expense of these efforts and withdraw the application, remove all cannabis related fixtures and equipment from the parcel, and remediate, restore, and restock any disturbed area to their natural condition.

If you have questions about this letter, please reach out to the assigned planner at the contact information listed below.

Sincerely,

A handwritten signature in black ink that reads "Abigail Strickland". The signature is written in a cursive, flowing style.

Abbie Strickland

astrickland@co.humboldt.ca.us

Phone: (707)441-2630

Property Owner:

Dennis Chase

510 Brown Road

Myers Flat, CA 95554

Agent:

NorthPoint Consulting Group

P.O. Box 44

Eureka, CA 95502

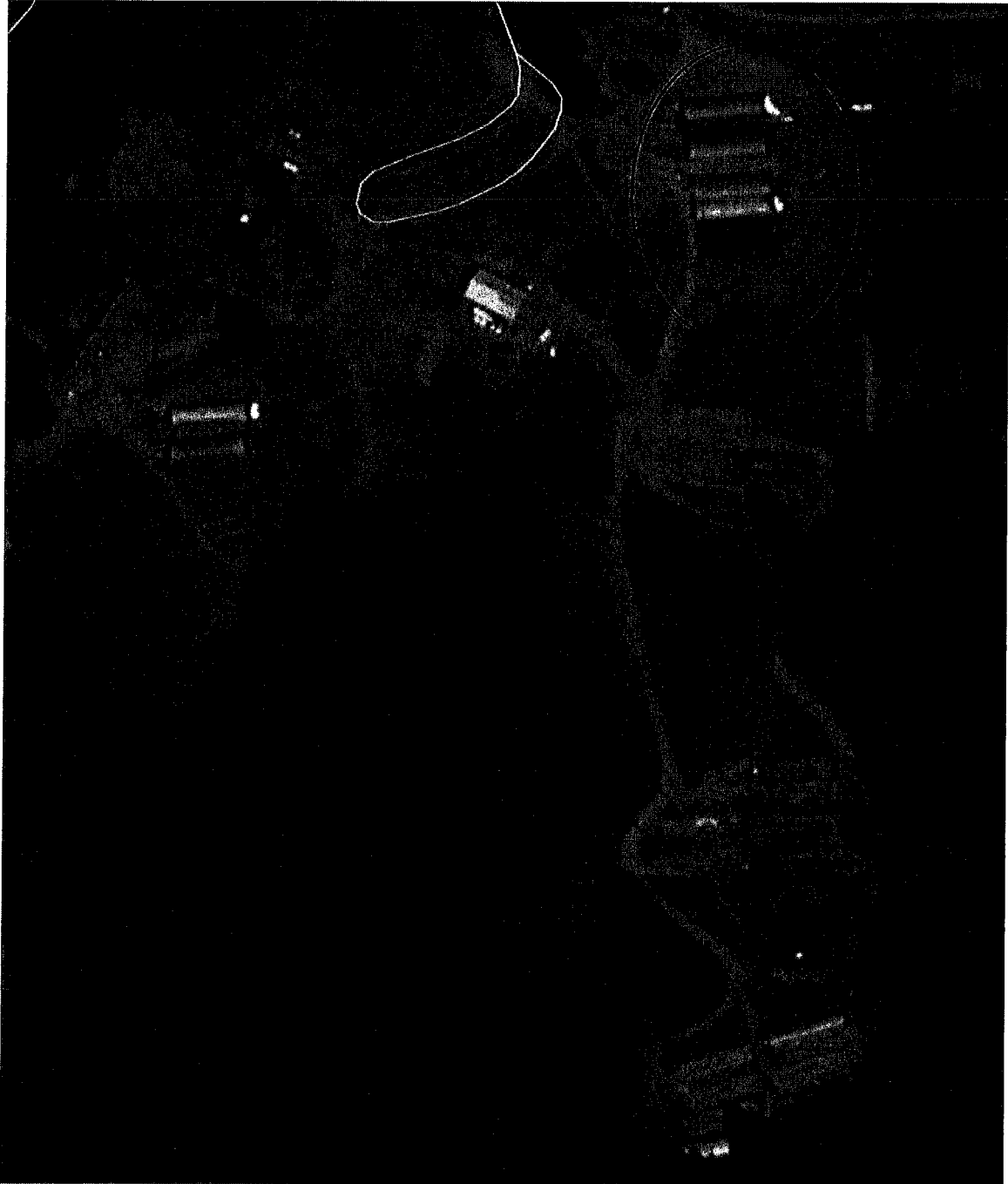


Figure 1: Imagery from October 2021: Site reconfiguration without the required permits and approval.

ATTACHMENT 6

- I. Approved Operations Plan**
- II. Approved Site Plan**
- III. Executed Compliance Agreement**

**FOREVER LOVING HUMBOLDT, INC.
APN: 211-374-014
CULTIVATION AND OPERATIONS MANUAL
HUMBOLDT COUNTY, CA**

**COMMERCIAL CANNABIS
CULTIVATION FACILITIES**

12436



PREPARED FOR:



July 2017
Revised September 2018
Revised November 2018
Revised March 2021

Commercial Cannabis Cultivation Facilities

APN: 211-374-014

Apps #: 12436

Lead Agency:

Humboldt County Planning Department

3015 H Street

Eureka, CA 95501

Prepared By:



1117 Samoa Blvd.

Arcata, CA 95521

(707) 798-6438

In Consultation with:

FOREVER LOVING HUMBOLDT, INC.

510 Brown Rd.

Myers Flat, CA 95554

August 2018

Revised September 2018

Revised November 2018

March 2021

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APPENDICES

Appendix A: Plot Plan

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1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

Forever Loving Humboldt, Inc. is proposing to permit existing cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The project requires a Conditional Use Permit (CUP) for approximately 22,000 square feet (sf) of mixed light cultivation and 10,500 sf outdoor cultivation for a total cultivation area of 32,500 sf. The project includes the permitting of existing and proposed facilities appurtenant to the cultivation, including greenhouses, a cultivation facility for drying and curing cannabis, and appropriate water storage. The applicant aims to become fully compliant with State and Local cultivation regulations.

1.2. SITE DESCRIPTION

The Project is located at 510 Brown Rd., Myers Flat, CA 95554, (APN 211-374-014) approximately 3.3 miles ENE of the community of Myers Flat. The subject parcel is approximately 44.23 acres in size (per the County of Humboldt's WebGIS), having relatively south and southwest facing topography. The slopes vary from less than 10% gradient to greater than 30% gradient, with most of the property with roughly 16% slope. The northern half of the property is covered with open grasslands with a class II watercourse entering on northwest corner. The southern portion of the property contains two grassy meadows that extend downslope, and extensive forested areas with mixed conifers and hardwoods. A small class III watercourse begins in the center of the property and flows southwest eventually draining into Elk Creek. An existing single-family residence, garage, barn and greenhouses are also located on the parcel.

1.3. LAND USE

The subject property has a General Plan designation of Residential Agriculture (RA) as identified by the Humboldt County General Plan and is zoned Unclassified (U). Land uses surrounding the parcel are comprised of rural residential, timber and agriculture. The surrounding parcels are zoned Timber Production Zone (TPZ), and Unclassified (U).

1.4. STATE AND LOCAL COMPLIANCE

1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Prior to operating the cultivation square footage, Forever Loving Humboldt, Inc. will obtain additional licenses through CDFA.

1.4.2. STATE WATER RESOURCES CONTROL BOARD

Water for domestic and cultivation uses are currently provided by five (5) wells on the property, and one surface water diversion. It is unsure if the wells are hydrologically connected, therefore an SIUR was obtained. The applicant has obtained a Small Irrigation Use Registration (Registration H503982).

If a hydrogeologist is retained to conduct well testing and if the wells are determined to be hydrologically disconnected, the applicant will no longer divert surface water.

Water for the proposed project will be sourced primarily from a proposed rainwater catchment pond and supplemented by the SIUR if needed.

1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Forever Loving Humboldt, Inc. was historically enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste*

Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region (WDID: 1B161441CHUM).

Forever Loving Humboldt, Inc. has transitioned to coverage under the State Water Resources Control Board General Order WQ 2017-0023-DWQ General Waste Discharge Requirements and Waiver of Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (WDID Number: **1_12CC419550**). A Site Management Plan has been developed by NorthPoint Consulting Group and has been furnished to the North Coast Regional Water Quality Control Board.

1.4.4. HUMBOLDT COUNTY BUILDING DEPARTMENT

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the Conditional Use Permit.

1.4.5. CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines. If required by Cal Fire, a 2,500-gallon water tank with a riser to SRA specifications will be installed in addition to the hydrant.

1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

A Lake and Streambed Alteration Agreement (LSAA) from the Department of Fish and Wildlife (DFW) was obtained for the project (Notification # 1066-2016-0273). The agreement is limited to nine (9) encroachments.

1.4.7. CULTURAL RESOURCES

If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

2. CULTIVATION AND PROCESSING

2.1. LEGACY CULTIVATION RELOCATION AND REMEDIATION

In 2015, the applicant cultivated approximately 22,900 square feet (sf) of mixed light and 9,800 square feet of outdoor cultivation. The mixed light greenhouses were primarily located in the south-east corner of the property on a low-lying area near a creek, and on two graded benched flats. Additionally, a 5,800 square foot outdoor cultivation area and mixed light greenhouse were located in the north-west quadrant of the property.

The proposed project includes relocating the approximately 17,500 square feet of cultivation in the south-east corner and the full sun outdoor patch due to steep slopes. The cultivation will be relocated to the north-east corner on slopes of 10% or less. The graded cultivation flats in the south-east corner will be stabilized and consolidated for full sun outdoor cultivation. The proposed relocation site will require little grading and is optimally located to minimize impacts.

2.2. PROPAGATION AND INITIAL TRANSPLANT

Juvenile plants are propagated on site from 'mother plants' that demonstrate the desired genetics for the specific cannabis strain. Juvenile plants are also obtained from an off-site nursery, when necessary. Mother plants remain in the vegetative stage solely for propagation. Cuttings are sampled from the mother plants and are rooted into a growing medium, typically oasis cubes, to produce 'clones.' The clones are placed into the nursery, and once fully rooted they are transplanted directly into one (1) gallon plastic containers (see Appendix A for nursery location). The juvenile plants are irrigated using hand watering methods. After 2-4 weeks the clones are then transplanted into 20-gallon smart pots with a soil and perlite medium, and moved into either a mixed light greenhouse or outdoor cultivation area where they continue their 'vegetative' cycle.

2.3. MIXED LIGHT/OUTDOOR CULTIVATION PLAN AND SCHEDULE

The mixed light cultivation will occur in six (6) 25'x100' greenhouses, one 60'x100' greenhouse and one (1) 25'x40' greenhouse equipped with lighting. For a total on 22,000 sf of mixed light cultivation. The outdoor cultivation will be located in one 5,500 sf full outdoor section and in two (2) 25'x100' light deprivation greenhouses. For a total on 10,500 sf of outdoor cultivation. The combined cultivation area is approximately 32,500 square feet. The greenhouses consist of heavy gauge steel tubing, covered with a woven poly translucent opaque tarp. Each greenhouse is ventilated by intake and exhaust fans. Cultivation will occur in geofabric pots or bags within the greenhouses. The mixed light greenhouses utilize a combination of artificial light and light deprivation to produce up to three (3) flowering cycles per year, and the outdoor cultivation greenhouses will produce up to two (2) flowering cycles using light deprivation techniques. The monthly Cultivation Schedule in Appendix C details the cultivation activities associated with the cultivation operations.

2.4. SUPPLEMENTAL LIGHTING

Any greenhouse or propagation area with supplemental lighting will be properly maintained to avoid being visible from any neighboring property between sunset and sunrise. The site will comply with International Dark Sky Association standards for Lighting Zone 0, and prevent light spillage which may impact local wildlife. Any and all complaints received in writing regarding light spillage will be corrected within 10 business days from the date of receipt.

2.5. IRRIGATION PLAN AND SCHEDULE

Irrigation and fertigation of plants occurs using a drip irrigation system to efficiently utilize water resources. Regular inspections of each plant by the cultivator and tailored irrigation and nutrient application depending on the needs of each individual plant will also be utilized as needed. The monthly Cultivation Schedule in Appendix C details the irrigation activities associated with all cultivation.

2.6. HARVESTING AND DRYING

The applicant is proposing to use the existing 40'x40' drying and harvest storage structure, refer to Appendix A for the Site Plan. Plants that are ready for harvest will have their flowering branches removed and suspended in the existing drying/storage barn equipped with ventilation fans. The

drying process takes approximately 5-10 days, at which time the dried plants will be packaged and transported offsite to a licensed processing facility. Any waste plant material generated during this process will be composted on site at the location designated on the plot plan.

2.7. EMPLOYEE PLAN

Forever Loving Humboldt, Inc. 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), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

2.7.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

- *Agent in Charge*: Responsible for business oversight and management of the Forever Loving Humboldt, Inc. Responsibilities include, but are not limited to: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. This is a part-time to full-time, seasonal position.
- *Lead Cultivator*: Oversight and management of the day to day cultivation of medical cannabis. Responsibilities include, but are not limited to: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, year-round position.
- *Assistant Cultivator*: Provides support to the *Lead Cultivator* in their day to day duties and takes the lead role during times when the *Lead Cultivator* may be off site. This is a full-time, seasonal position.
- *Seasonal Laborer*: Provides cultivation and harvesting support. This is a part-time to full-time, seasonal position.

2.7.2. STAFFING REQUIREMENTS

In addition to the *Agent, Lead Cultivator, and Assistant Cultivator positions*, up to four (4) full-time seasonal labor positions are employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation, harvest and processing seasons. During the peak harvest and processing season, there are an estimated total of seven (7) employees on site.

2.7.3. EMPLOYEE TRAINING AND SAFETY

On-site cultivation, harvesting, and drying is performed by employees trained on each aspect of the procedure, as well as proper application and storage of pesticides and fertilizers. All cultivation and harvesting staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation and drying facilities are limited to authorized and trained staff.

All personnel are trained on proper safety procedures, including fire safety, use of rubber gloves and respirators, proper hand washing guidelines, and protocol in the event of an emergency. Contact information for the local fire department, Cal Fire, Humboldt County Sheriff and Poison Control, and the Agent in Charge will be posted at the employee restroom. Each employee is provided with a written copy of emergency procedures and contact information. The material safety data sheets (MSDS) are kept on site and accessible to personnel or contractors.

2.7.4. EMPLOYEE PARKING

There will be (13) Thirteen on-site parking spaces for employees. The parking spaces are located in the following locations: (2) two parking spaces within the existing garage, (3) three parking spaces west of the

greenhouse building located in the north-west quadrant of the property, (3) three parking spaces north of the proposed outdoor cultivation area, and (5) five parking spaces near the barn.

2.7.5. TOILET AND HANDWASHING FACILITIES

Portable toilets will be available on-sites. A handwashing station will be available for employees near the Drying/Storage structure.

2.7.6. ON SITE HOUSING

The existing single-family residence located on site is occupied by the property owner/Agent in Charge. All other full-time and seasonal employees will live off site and commute daily to the cultivation site from the nearby communities of Myers Flat or Redway. No new residential structures are proposed as a part of this project.

2.8. SECURITY PLAN AND HOURS OF OPERATION

2.8.1. FACILITY SECURITY

The site is secured by a locked gate on the access road. Access to the facilities is limited exclusively to employees, and restricted access signs are posted conspicuously at the entry gates. During the growing season the agent in charge will be living in the residence on the property.

2.8.2. HOURS OF OPERATION

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur during daylight hours. All other activities such as processing typically occur no earlier than 8 AM and extend no later than 8 PM.

3. ENVIRONMENT

3.1. WATER SOURCE AND PROJECTED WATER USE

Water for domestic and cultivation uses is provided by five (5) wells. As indicated above, the applicant has an SIUR. The applicant is proposing to construct a rainwater catchment pond and only use the wells to supplement the pond in dry years. The applicant will adhere to forbearance periods.

If a hydrogeologist is retained to conduct well testing and if the wells are determined to be hydrologically disconnected, the applicant will no longer divert surface water.

Table 3.1. below outlines the estimated water usage for cultivation and domestic purposes during a typical year. Variables such as weather conditions and specific Cannabis strains will have a slight effect on water use. The irrigation needs for the entire 32,500 ft² of cultivation for one year is estimated to be approximately 475,000 gallons.

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	2,000	7,500	50,000	60,000	65,000	82,000	82,000	65,000	60,000	5,000	0

3.2. WATER STORAGE

Water storage for irrigation use is currently provided in the form of bladders, and water storage tanks. The property currently has two (2) 30,000-gallon water bladders, four (4) 3,000-gallon water tanks and one (1) 5,000-gallon water tank. The existing storage capacity is 77,000 gallons. The applicant intends to phase out water bladders on-site once the rainwater catchment pond is constructed. The

proposed 1,000,000 gallon rainwater catchment pond will be constructed on the south-east corner of the property. Construction of the proposed rainwater catchment pond will not begin until after obtainment of applicable permits.

3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Forever Loving Humboldt, Inc. is enrolled with the State Water Resources Control Board (SWRCB) under Tier 1, High Risk coverage, and a Site Management Plan (SMP) was developed based on best practicable treatment or control (BPTC) measures in accordance with the SWRCB's recommendations. The SMP includes details about the drainage and erosion control measures applicable to the project site. porting Program (MRP) in Appendix E.

3.3.1. SITE DRAINAGE AND RUNOFF

The parcel is south and southwest sloping with gradients ranging from under 10% to greater than 30%. Surface water runoff in the wet season generally drains from the top of the property near the northern boundary, into three separate watercourses that eventually drain into Elk Creek to the south of the parcel. Water from roadways and parking areas is dispersed and directed using several water bars and hydrologically disconnected drainages features. The driveway to the main residence and the processing facility is paved and has rocked drainage ditches that are disconnected from the stream system. Three existing greenhouses and an outdoor cultivation area in the southeast portion of the parcel will be relocated to a flat located in the northeast portion of the property. All graded flats in the southeast portion of the property will be restored to original grade and revegetated. Fertilizers and pesticides are currently stored in a storage shed with secondary containment to prevent contamination with runoff. Sites have been identified for storage/disposal of spoils and cultivation waste.

Site investigation for the development of the Water Resources Protection Plan (WRPP) showed some evidence of surface runoff associated with some of the cultivation areas, and therefore they are being relocated. All cultivation structures and areas are to be located at least 100 feet away from any watercourses, providing a sufficient buffer to prevent sediment and nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of efficient drip irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

3.3.2. EROSION CONTROL

The SMP will include erosion and sediment control BPTC's designed to prevent, contain, and reduce sources of sediment. It will also include corrective actions to reduce sediment delivery, including but not limited to the construction of rolling dips and inboard ditches on roads, appropriately storing cultivation materials and disposing of waste, and maintaining robust riparian zones. The SMP will include a section titled *Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities* and will include complete BPTC recommendations and specifications.

3.4. WATERSHED AND HABITAT PROTECTION

Adherence to the Site Management Plan (SMP) ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures will be outside of all riparian zones, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BPTC measures in accordance with the SWRCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in

accordance with approved grading permits and the SMP. Refer to the SMP for detailed descriptions of watershed and habitat protection measures.

3.5. MONITORING AND REPORTING

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Site Management Plan (SMP) and determine if the site meets all Standard Conditions. All cannabis-related disturbances on the project site will be inspected for erosion and sediment transport. These areas will include locations where runoff drains towards surface water. Additionally, the inspection will document the progress of any BPTC measure subject to a time schedule, or in the process of being implemented. A monitoring plan addressing all cannabis-related disturbances on the project site is included in the SMP.

Onsite monitoring shall occur:

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or another controllable sediment discharge site. Inspection should include photographic documentation with photo records to be kept on site.
- Prior to October 15 and December 15 to evaluate site preparedness for storm events and stormwater runoff.
- Following any rainfall event with an intensity of 3 inches of precipitation within 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

An annual report will be submitted annually by March 1st via the State Water Resources Control Board's online portal. The annual report will include data from the monitoring reports attached to the Site Management Plan

3.6. ENERGY AND GENERATOR USE

The subject parcel is powered by Pacific Gas & Electric Company. The Proposed Project would use existing electrical service and a proposed electrical upgrade from Pacific Gas & Electric (PG&E). The applicant intends to use generators until PG&E upgrade is available.

Once the PG&E upgrade occurs, the generator would be located onsite for backup use only. At this point, use of any on-site generators would be limited to power outage events and would follow all guidelines set by Humboldt County and the State of California. The generator would be located away from the property line to ensure the noise level does not exceed 50 decibels at the nearest tree line or property boundary, whichever is closest.

3.7. USE AND STORAGE OF REGULATED PRODUCTS

3.7.1. BEST MANAGEMENT PRACTICES

Best practicable treatment or control (BPTC) measures will be employed when storing, handling, mixing, applying and disposing of all fertilizers and pesticides. All nutrients and pesticides are stored in wildlife-proof sheds, enclosed within containers labeled in accordance with manufacturer's instructions. Application rates will be tracked and reported with the end of the year monitoring report required in the SMP. Employees responsible for application are trained to handle, mix, apply or dispose of fertilizers with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations.

3.7.2. FERTILIZERS

Fertilizers are mixed in a 300-gallon tank and applied to mature plants via a 1-in poly pipe that feeds the greenhouse beds, each containing valves used to control the fertigation system. The nutrient mix is applied to immature plants every third watering by hand. Fertilizers and pesticides are stored in the Drying/Storage structure, separate from fuel products. Ingredients include:

- Earth Juice – Grow
- Earth Juice – Bloom

See Appendix B - *Regulated Products Resource List* for product details.

3.7.3. PESTICIDES AND FUNGICIDES

Pesticides and fungicides used for cultivation include:

- Green Cleaner
- Safer Brand Insecticidal Soap
- Dr. Zymes

See Appendix B - *Regulated Products Resource List* for product details.

3.7.4. FUELS AND OILS

Fuels and oils stored on site include:

- Gasoline – 10 Gallons
- Diesel – 10 Gallons

3.8. WASTE MANAGEMENT PLAN

3.8.1. SOLID WASTE MANAGEMENT

Trash and recycling containers are located within the garage and drying barn. The trash containers are enclosed to prevent animal intrusion, and have secondary containment to prevent runoff. Solid waste and recycling is hauled off-site to the Humboldt Waste Management Authority transfer station at least once per week.

3.8.2. CULTIVATION WASTE AND SOIL MANAGEMENT

Cultivation vegetative matter such as root balls, branches, and leaves are chipped and composted in a designated area identified on the plot plan. The broken-down materials will be mulched back into the beds. To minimize soil waste, soil is reused in the greenhouse beds each season and topped off as needed. Any excess soil will be covered and immobilized using sediment control BPTCs to prevent it from entering surface waters. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

3.8.3. WASTEWATER MANAGEMENT

The water management plan aims to achieve an entirely closed-cycle irrigation and nutrient system. Hand watering methods minimize the over-irrigation of plants and subsequent runoff. Moreover, the greenhouse floors, permeable surfaces made of dirt and gravel, are designed to capture any runoff from irrigation for reuse in the fertilization holding tank. All runoff recaptured is tested and augmented to plant nutrient specifications, and eventually recycled into the fertigation system.

A permitted septic system will be installed for the proposed processing building. A permitted septic system is in place to service the residence.

4. PRODUCT MANAGEMENT

4.1. PRODUCT TESTING AND LABELING

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product is labeled and will include tracking ID's provided by the California Cannabis Track-and-Trace (CCTT) METRC system.

4.2. PRODUCT INVENTORY AND TRACKING

Forever Loving Humboldt, Inc. will follow all regulations and requirements set by the CCTT-METRC system. After approval of state licenses related to the proposed cultivation, the applicant will request credentials and order unique identifiers (UIDs) which will be assigned to each immature lot, flowering plant, and distinct cannabis product.

4.3. TRANSPORTATION AND DISTRIBUTION

Transportation will be handled by a licensed transporter/distributor in accordance with State and Local regulations. All merchantable product will be distributed through licensed commercial cannabis dispensaries. The CCTT-METRC system will be used for all transactions with distributors or transporters.

APPENDIX A: SITE PLAN

APPENDIX B: REFERENCES

Bass, Ronald E., Kenneth M. Bogdan, and Terry Rivasplata. 2013. CEQA Desktop. Point Arena, CA; Solano Book Press. Page 44.

California Code of Regulations. Health and Safety Code Section 11357-11362.9.
<<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=11001-12000&file=11357-11362.9>> Date accessed: July 16, 2014.

California NORML. SB 420 Establishes Prop. 215 Guidelines, Voluntary Patient Identification Card System.
<<http://www.canorml.org/laws/sb420.html>> Date accessed: July 21, 2014.

County of Humboldt. *Medical Marijuana Land Use Ordinance (MMLUO) – Phase IV, Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use* (Staff Report to the Board of Supervisors). January 26, 2016. <<https://humboldt.legistar.com/Calendar.aspx>> Date accessed: March 28, 2016.

North Coast Regional Water Quality Control Board. 2016. *Cannabis Cultivation Waste Discharge Regulatory Program*. http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/. Date accessed: March 28, 2016.

State Board of Equalization. Information on the Sales and Registration for Marijuana Sellers. June 2007.
<<http://www.boe.ca.gov/news/pdf/173.pdf>>

State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. August 2008.
<http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf>

FOREVER LOVING HUMBOLDT, INC. CONDITIONAL USE PERMIT APPLICATION

APN: 211-374-014



VICINITY MAP

NOT TO SCALE

DIRECTIONS TO SITE:

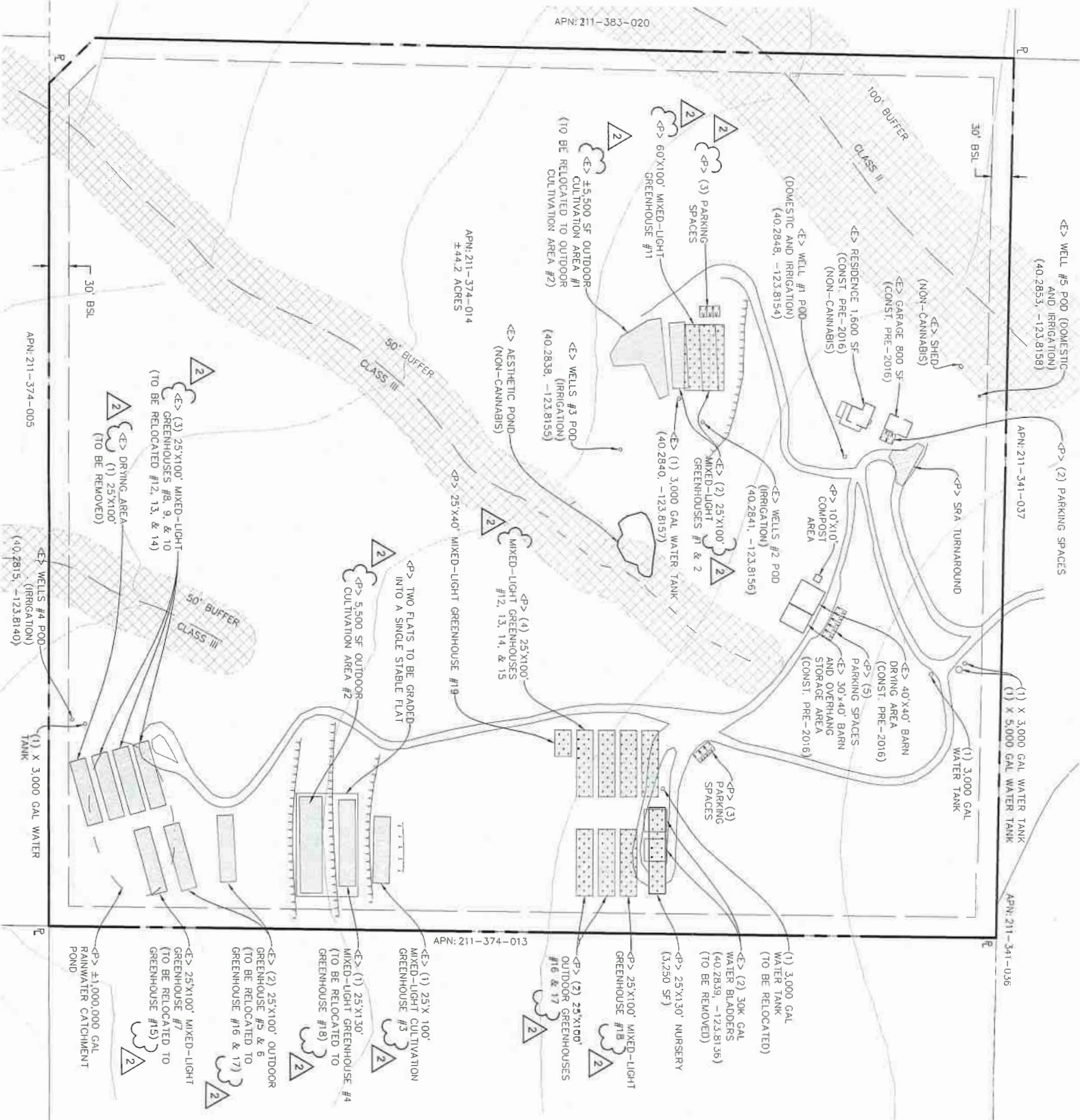
- FROM EUREKA, CA
- HEAD SOUTH ON US-101
- TAKE EXIT 656 FOR CA-254 TOWARD MYERS FLAT
- TURN LEFT ONTO CA-254 S
- TURN LEFT ONTO ELK CREEK RD
- CONTINUE STRAIGHT ONTO DYERVILLE LOOP RD
- TURN RIGHT ONTO BROWN ROAD

PROJECT DESCRIPTION:

FOREVER LOVING HUMBOLDT COOPERATIVE, INC. IS PROPOSING TO PERMIT EXISTING CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT (COUNTY) COMMERCIAL MARIJUANA LAND USE ORDINANCE (CMALUO), ORDINANCE NO. 2554. THE PROPOSED OPERATION INCLUDES APPROXIMATELY 22,000 SQUARE FEET (SF) OF MIXED-LIGHT AND 10,500 SF OF OUTDOOR CANNABIS CULTIVATION AREA. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPURTENANT TO THE CULTIVATION, INCLUDING GREENHOUSES, FACILITIES FOR DRYING & CURING CANNABIS, AND APPROPRIATE WATER STORAGE.

GENERAL NOTES:

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPOINT CONSULTING HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE CULTIVATION AREAS.
5. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE CONDITIONAL USE PERMIT.



12436

PROJECT INFORMATION:

APPLICANT:
FOREVER LOVING HUMBOLDT COOPERATIVE, INC.
510 BROWN ROAD
MYERS FLAT, CA 95554

PROPERTY OWNER:
DENNIS CHASE
510 BROWN ROAD
MYERS FLAT, CA 95554

OWNERS AGENT:
NORTHPOINT CONSULTING GROUP, INC.
1117 SAMOA BLVD.
ARCATA, CA 95521

SITE ADDRESS:
APN: 211-374-014
510 BROWNS ROAD
MYERS FLAT, CA 95554

TREES TO BE REMOVED = NONE
OUTDOOR CULTIVATION AREA = ±10,500 SF
MIXED-LIGHT CULTIVATION AREA = ±22,000 SF

EARTHWORK QUANTITIES = TBD
WATER = PRIVATE
SEWER = PRIVATE

PARCEL SIZE = ±44.22 ACRES
ZONING: = U (UNCLASSIFIED)
GENERAL PLAN DESIGNATION = RA (FRWK)

BUILDING SETBACKS:

FRONT	20'	SRA	30'
SIDE	5'	SRA	30'
REAR	10'	SRA	30'

MAX. BLDG. HT. = NONE SPECIFIED
SRA AREA: = YES
IN COASTAL ZONE: = NO
IN 100 YR FLOOD ZONE: = NO

LEGEND:

- [Pattern] = EXISTING CULTIVATION AREA
- [Pattern] = PROPOSED CULTIVATION AREA

RECEIVED
MAR 12 2021
Humboldt County
Planning Division

PROJECT NAME: FOREVER LOVING HUMBOLDT, INC	DATE: 04/16/20	REVISIONS:	UPDATE PLOT PLAN	DRAWN BY: CJC
510 BROWNS RD, MYERS FLAT, CA 95554 / APN:211-374-014	DATE: 03/12/21	UPDATE PLOT PLAN		CC
CUP PLOT PLAN, VICINITY MAP, & PROJECT NOTES				

NORTHPOINT CONSULTING GROUP, INC.
1117 Samoa Blvd., Arcata, CA 95521

PROJECT NO: 2020
DRAWN BY: CJC
DATE: 03/12/21
SCALE: AS SHOWN
SHEET: 30
18-063



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



ZONING CLEARANCE CERTIFICATE FOR INTERIM PERMIT

Project: Pursuant to the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO), Section 314-55.4.1 et seq., specifically Section 314-55.4.8.11, a Zoning Clearance Certificate for an Interim Permit may be issued for an Existing Cannabis Cultivation and ancillary activities. An application has been submitted for the location and cultivation area shown below.

Project Location:

The project is located in Humboldt County, in the Myers Flat area, on the south side of Browns Road, approximately 2,741 feet from the intersection of Dyerville Loop Road and Browns Road, on the property known as 510 Browns Road, Myers Flat.

10,500 square feet of existing outdoor cultivation. 22,000square feet of existing mixed light cultivation.

Present General Plan Designation: RA5-20 **Present Zoning:** U

Application Number: 12436

Key Parcel Number: 211-374-014-000

Project Contacts:

Applicant

Forever Loving Humboldt Cooperative
Inc. | Dennis Chase
510 Browns Road
Myers Flat, CA 95554

Owner

Dennis Chase

510 Brown Rd
Myers Flat, CA 95554
707-444-3800

Agent

Manhard Consulting
Steve Luu
517 3rd St. Ste. 6
Eureka, CA 95501
707-444-3800 sluu@manhard.com

Pursuant to Humboldt County Code Section 314-55.4.8.11 a Zoning Clearance Certificate shall be approved for an Interim Permit when it is demonstrated that:

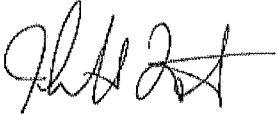
1. A permit application for existing commercial cannabis cultivation and ancillary activities was submitted and determined to be complete for processing on or before July 14, 2017.
2. Adequate evidence has been submitted demonstrating that a cultivation site existed on the site prior to January 1, 2016 and the Department independently reviewed the evidence of prior cultivation and determined the size of pre-existing cultivation area based upon aerial and satellite imagery, or other substantial evidence.
3. Approval of the Interim Permit is conditional and shall occur through issuance of the Zoning Clearance Certificate subject to a Compliance Agreement. The Compliance Agreement specifies restrictions, penalties, and commitments to complete the permit process and confines continued operations to the existing areas only.

4. Violation of the Compliance Agreement shall be grounds for permit cancellation and disqualification of the property from future permitting.
5. The interim permit authorizes the permittee to seek state licensure and continue operations until completion of the local permit review process or denial of a County permit, or July 1, 2018, whichever occurs first. The Director may extend this deadline for cause.
6. Issuance of an Interim Permit does not obligate the County to any future action. An action to cancel the permit or disqualify the property from future permitting shall be decided by the Planning Commission at a noticed public hearing. Those decisions may be appealed to the Board of Supervisors pursuant to the appeal procedures outlined under Section 312-13 of the Humboldt County Code.

Determination

It is the Determination of the Planning Director that all provisions of the ordinance allowing issuance of an Interim Permit have been satisfied and a Zoning Clearance Certificate is approved subject to the requirements contained in the attached Compliance Agreement (Exhibit A.)

Issued By:



John H. Ford
Director, Planning and Building Department

Effective Date: 15 December 2017

COMPLIANCE WITH APPLICABLE STATE AND LOCAL SUBDIVISION LAWS, REGULATIONS, AND REQUIREMENTS HAS NOT BEEN REVIEWED AS PART OF THIS CERTIFICATE. ISSUANCE OF THIS ZONING CLEARANCE CERTIFICATE FOR AN INTERIM PERMIT DOES NOT CONSTITUTE CONFIRMATION OF LEGAL PARCEL STATUS.

THIS INTERIM PERMIT IS ONLY VALID IF IT IS ACCOMPANIED BY A SIGNED AND NOTARIZED EXHIBIT A COMPLIANCE AGREEMENT THAT IS CONFIRMED TO BE ON FILE AT THE COUNTY OF HUMBOLDT PLANNING AND BUILDING DEPARTMENT.

EXHIBIT A

CANNABIS COMPLIANCE AGREEMENT FOR A ZONING CLEARANCE CERTIFICATE FOR INTERIM PERMIT

This Agreement is entered into by and between the County of Humboldt, through its Planning and Building Department, ("County"), and the "Applicant" and "Owner" listed in the Zoning Clearance Certificate for Interim Permit, regarding property represented by the parcel number(s) listed in the Zoning Clearance Certificate for Interim Permit.

RECITALS

WHEREAS, on November 14, 2017, the Board of Supervisors of Humboldt County amended Humboldt County Code ("HCC") Section 314-55.4.8 to add sub-section 314-55.4.8.11 to allow issuance of Zoning Clearance Certificates for Interim Permits to eligible applicants; and

WHEREAS, an eligible Applicant is a person, pursuant to HCC 314-55.4.7, who submitted an application for existing commercial cannabis cultivation activities, provided adequate evidence demonstrating that a commercial cannabis cultivation site existed prior to January 1, 2016, on the real property as described in the attached Zoning Clearance Certificate For Interim Permit, and whose application was deemed complete for processing pursuant to HCC Sections 312-2.3.3 or 312-6.1.2, on or before July 14, 2017; and

WHEREAS, existing commercial cultivation activities pursuant to HCC Section 314-55.4.8.2.2 include: outdoor or mixed-light commercial cannabis cultivation in existence prior to January 1, 2016 in zoning districts AE (no parcel size limitation), RA (on parcels of five acres or larger), and AG, FP, DF, FR, U, and TPZ (on parcels of one acre or larger); and

WHEREAS the Applicant and Owner filed an "Application" for a Zoning Clearance Certificate, Special Permit and/or a Use Permit pursuant HCC Sections 312-2.2 and 312-5.2.1 for existing commercial medical cannabis cultivation; and

WHEREAS, the County has reviewed the evidence provided with the Application, and has determined existing commercial cultivation activities on the real property represented by the parcel number(s) listed in the Zoning Clearance Certificate for Interim Permit consisting of outdoor and/or mixed light commercial cultivation, hereafter Existing Commercial Cannabis Cultivation ("ECCC"); and

WHEREAS, the County is utilizing this Compliance Agreement ("Agreement") to allow the Applicant and Owner to complete the remainder of the permit process in a timely manner and continue operation of the ECCC while applying for a license from the State of California to cultivate cannabis; and

IF SIGNING ON BEHALF OF A CORPORATION, PROVIDE TITLE / CAPACITY

Property Owner(s)



Sign above. Print name here: Dennis Chase



Capacity / Title: owner

Sign above. Print name here:

Capacity / Title:

Applicant(s) (IF DIFFERENT FROM PROPERTY OWNERS)



Sign above. Print name here: Dennis Chase

Capacity / Title: owner

Sign above. Print name here:

Capacity / Title:

Attach Separate Notary Acknowledgements

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT } *Trinity*

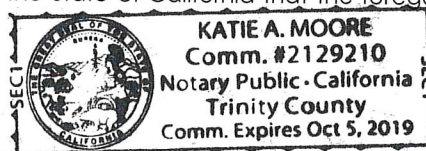
On this *22* day of *December* 20 *17*, before me, *Katie A. Moore* Public Notary, personally appeared *Dennis Chase* who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.

[Signature]

Signature (seal)



County Acknowledgement

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

On this _____ day of _____ 20 ____, before me, _____ Public Notary, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.

Signature (seal)



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

Forever Loving Humboldt Cooperative Inc. | Dennis Chase

510 Browns Road

Myers Flat, CA 95554

December 5, 2017

SUBJECT: Interim Permit for Existing Cannabis Cultivation

You are receiving this memo because your application for an existing commercial cannabis cultivation site meets the criteria for issuance of a Zoning Clearance Certificate for an Interim Permit. Your application is for existing cultivation and was deemed complete prior to July 14, 2017. A review of the information shows that your cultivation site has not expanded.

Consistent with the County Commercial Medical Marijuana Land Use Ordinance, the county has completed an assessment of the existing cultivation area and this area is identified in the Zoning Clearance Certificate. It is important that you do not expand beyond the existing cultivation area identified. The Zoning Clearance Certificate for the Interim Permit allows you to continue cultivation operations and apply for a State license while the planning application is processed to decision. Enclosed is a copy of the Zoning Clearance Certificate and Compliance Agreement for your action.

YOUR ACTION IS REQUIRED

In order to validate the Interim Permit, you must sign the attached Compliance Agreement, AND provide a copy of the Interim Permit, Signed Compliance Agreement and Notary page to the Planning and Building Department. The INTERIM PERMIT IS NOT VALID UNTIL A FILE COPY OF EACH HAS BEEN RECEIVED BY THE PLANNING AND BUILDING DEPARTMENT. To enable the Department to be responsive to State Cannabis Licensing procedures, please ensure the Department receives your signed and notarized Interim Permit and Compliance Agreement before January 1, 2018.

Happy Holidays,

John H. Ford
Director of Planning and Building

Encl: Interim Permit with Exhibit A Compliance Agreement, including signature page
(NOTARY DOCUMENTATION CONFIRMING SIGNATURES IS REQUIRED)