



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

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Hearing Date: January 7, 2021  
To: Humboldt County Planning Commission  
From: John H. Ford, Director of Planning and Building Department  
Subject: **Emerald Coast Genetics, Inc., Conditional Use Permit**  
Record Number: PLN-10559-CUP  
Assessor's Parcel Number (APN:) 314-131-033  
12395 Fickle Hill Road, Kneeland area

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Please contact Chris Alberts, Planner, at 707-445-7541 or by email at [calberts@co.humboldt.ca.us](mailto:calberts@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> January 7, 2021	<b>Subject</b> Conditional Use Permit	<b>Contact</b> Christopher Alberts
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**Project Description:** A Conditional Use Permit for 11,440 square feet (sf) of mixed Light cultivation. Existing cultivation included 3,880 sf of mixed light cultivation and 14,000 sf of outdoor cultivation. Applicant proposes increasing mixed light Cultivation by 7,560 sf and reducing outdoor cultivation by 14,000 sf. Cultivation will take place in existing and proposed greenhouses, with proposed on-site relocation of existing outdoor cultivation to be consolidated on to existing graded flats into proposed greenhouses. An approved Less than Three-Acre Conversion is on-file with the County. Ancillary propagation activities will take place in a proposed 660 sf lean-to structure, and in the first story of the existing 2,640 sf permitted shop. This project includes a Special Permit for a setback reduction from public lands owned by the City of Arcata to allow cultivation within 150 feet of the public lands. The permitted, existing, two-story, 2,640 sf shop on site is proposed to be used for propagation activities, and as an employee break room. Processing will occur off-site at a licensed facility. Water is sourced from a permitted, on-site well, and estimated annual water use is 123,355 gallons (8 gallons per square foot). Water storage totals 6,500 gallons in two [2] plastic tanks and an above ground reservoir. An ADA-compliant portable toilet will be available for cultivation staff as a condition of approval. Power is supplied by P. G. & E. with a backup generator within a shed.

**Project Location:** The project is located in the Kneeland area, on the west side of Fickle Hill Road, approximately 0.25-mile due north from the intersection of Butler Valley Road and Fickle Hill Road, on the property known as 12395 Fickle Hill Road.

**Present Plan Land Use Designations:** Timberland (T), 2017 General Plan, Jacoby Creek Community Plan, Density: 40-160 acres per unit, Slope Stability: High Instability (3).

**Present Zoning:** Timberland Production (TPZ)

**Record Number:** PLN-10559-CUP

**Assessor's Parcel Number:** 314-131-033

<b>Applicant</b> Emerald Coast Genetics, Inc 600 F Street, Suite 3 #827 Arcata, CA 95521	<b>Owner</b> Bruce G Zimmerman Tr 5362 Blinn Ln Irvine, CA 92603	<b>Agents</b> Same as Owner
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**Environmental Review:** An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per § 15164 of the State CEQA Guidelines.

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

**Major Issues:** None.

**Emerald Coast Genetics, Inc.**  
Record Number: PLN-10559-CUP  
Assessor's Parcel Number: 314-131-033

**Recommended Planning Commission Action:**

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

*Find that the Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the Emerald Coast Genetics, Inc., project as recommended by staff subject to the recommended conditions.*

**Executive Summary:**

Emerald Coast Genetics, Inc., seeks a Conditional Use Permit to allow the continued operation of an existing 11,440 square foot mixed light cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The project includes a Special Permit for a setback reduction from public lands owned by the City of Arcata to allow cultivation within 150 feet of the public lands. The applicant also proposes to have Cannabis Testing and Research facility that will be applied for as a separate permit under the 2.0 Commercial Cannabis Land Use Ordinance (CCLUO). The site is designated as Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Timberland Production (TPZ). Cultivation will take place on the northwest corner of the parcel. Mixed light cultivation will occur in one 30'x60' (1,800 square feet) greenhouse, one 20'x48' (960 square feet) greenhouse, one 20'x72' (1,440 square feet) greenhouse, one 20'x60' (1,200 square feet) greenhouse, one 30'x71.2' (2,136 square feet), one 30'x58.6' (1,758 square feet) greenhouse, one 20'x60' (1,200 square feet) greenhouse and one 24'x60' (1,440 square feet) greenhouse which only 946 square feet of the 1,440 square feet will be utilized for cultivation. Ancillary propagation will occur in one 30'x44.2' (1,325 square feet) two story shop, one 15'x44' (660 square feet) structure, one 24'x60' (1,440 square feet) greenhouse which only 494 square feet of the 1,440 square feet will be utilized for propagation. Artificial lighting used for mixed light cultivation, ancillary propagation nursery, and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO. The applicant anticipates on hiring a maximum of two (2) employees during the peak season. Power for the project will be provided by P. G. & E. with a backup generator.

Structures in Nexus to Cannabis	Size (sq ft)
<b>Cultivation &amp; Propagation Structures</b>	
Greenhouse (cultivation)	30'x60' (1,800 square feet)
Greenhouse (cultivation)	20'x48' (960 square feet)
Greenhouses(cultivation)	20'x72' (1,440 square feet)
Greenhouse (cultivation)	20'x60' (1,200 square feet)
Greenhouse (cultivation)	30'x71.2' (2,136 square feet)
Greenhouse (cultivation)	30'x58.6' (1,758 square feet)
Greenhouse (cultivation)	20'x60' (1,200 square feet)
Greenhouse (cultivation & propagation)	24'x60' (1,440 square feet) (946 square feet of cultivation & 494 square feet of propagation)
Two-Story Shop (propagation)	30'x44.2' (1,325 square feet)

Onsite structure (propagation)	15'x44' (660 square feet)
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Processing, such as drying and curing, will occur onsite in an existing 1,325-square-foot two story barn. Further processing will occur offsite at a licensed processing facility until the applicant can develop an ADA compliant processing facility.

**Timber Conversion**

A *Less Than 3-acre Conversion Exception* was accepted on April 1, 2009, by the Department of Forestry and Fire Protection (CAL FIRE) (see Attachment 3). The project was referred to the City of Arcata who provided comments regarding the timber conversions that have occurred on APN 314-131-033. According to the City of Arcata, the clearing of the vegetation from the 2009 timber conversion encroached slightly onto lands owned by the City of Arcata. The City of Arcata is requesting a 150' setback from the Arcata Community Forest boundary and require re-forestation of the area within the setback with native trees and shrubs to the maximum extent possible. According to the site map submitted by the applicant, there are redwood trees being proposed to be restocked at the northwest corner of the subject parcel where it meets the City of Arcata corner boundary. The project is conditioned for the applicant to adhere to the 150-footsetback and restock the northwest portion of the parcel where it meets the City of Arcata corner boundary to the maximum extent possible. The project was referred to CAL FIRE who provided general recommendations regarding fire safe, resource management, and cannabis. The project is conditioned for the applicant to adhere to all recommendations provided by CalFire regarding fire safe, resource management, and cannabis.

**Water Resources**

Water for irrigation is provided by a permitted well (DEH Permit #19/20-0436) which is registered with the California Department of Water Resources (WCR2018-004430) (see Attachment 3). The applicant anticipates approximately 123,355 gallons of water will be required annually for irrigation which is approximately 10.78 gallons/sf. According to the applicant water is pumped from the well and into two 2,500-gallon hard tanks and one 1,500-gallon reservoir on the east side portion of the property totaling 6,500 gallons of available water storage. According to aerial analysis using Google Earth Pro, the well is located on the north portion of the parcel and is approximately 1,872 feet in elevation. The well is also 1,061 feet east of a Class III tributary to Jacoby Creek and the elevation of the Class III tributary is approximately 1,543 feet. According to the Well Completion Report, the depth of the well is approximately 220 feet and depth to first water was 105 feet, which is approximately 224 feet above the Class III tributary. Staff does not believe the well is hydrologically connected due to the distance from the well to the nearest surface water and the geological log shows the well casing infiltrate through brown clay, cemented sand, and sandstone which has low permeability (see Attachment 3 – Well Completion Log).

The applicant submitted an Environmental Impact Analysis (EIA) that justifies the reduction of the existing granted Interim Permit amount for 14,000 square feet of outdoor cannabis cultivation and 3,880 square feet of mixed light cannabis cultivation to 10,000 square feet of outdoor cannabis cultivation and 5,000 square feet of mixed light cannabis cultivation (see Attachment 3). According to the EIA, the existing total annual water usage is 200,000 gallons and the proposed cultivation reduction total annual water usage is 180,375 gallons. The proposed reduction would reduce the amount of water used annually by approximately 19,625 gallons. The applicant is proposing to reduce the outdoor cannabis cultivation by 10,000 square feet and increase mixed light cultivation by 6,440 square feet for a total of 11,440 square feet of mixed light cannabis cultivation. The proposed annual water usage is 123,255 gallons which is approximately 57,120 gallons less water than the previously proposed cultivation.

### **Tribal Consultation**

The project is located in the Blue Lake, Bear River and Wiyot Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band, Wiyot Tribe, and Blue Lake Rancheria. The Blue Lake and Bear River Band Rancheria recommended inadvertent archaeological discovery language as a condition of approval. The project has an ongoing condition to include inadvertent archaeological discovery language.

### **Biological Resources**

There are mapped sensitive species onsite and the nearest NSO activity center is located approximately 0.23 miles northwest from the project site and lands surrounding the site are heavily forested thus there is a high potential for NSO habitat. Marbled murrelet habitat is mapped approximately 5.28 miles south from the project site. The applicant submitted a *Northern Spotted Owl Risk Assessment* prepared by Environmental & Statistical Consultants dated February 28, 2019 (see Attachment 3). According to the assessment there are approximately 134 NSO surveys have occurred within 0.7 miles of the project site from 1992-2018. Of the 134 surveys, three Activity Centers (HUM670, HUM9897, and HUM1118) were established based on repeated positive responses of individuals, observations or breeding adults, caching behavior, or the observation of a nest and/or young. There was 37% of the 134 surveys had positive responses from NSO. The survey concludes that sound levels anticipated during new greenhouse construction and the distance to the nearest NSO Activity Center (0.25-0.56 miles), there is a very low likelihood that spotted owls would be adversely affected from project construction and operation.

The applicant submitted a *Water Resource Protection Plan (WRPP)* prepared by the applicant dated April 24, 2018 (see Attachment 3). The WRPP submitted by the applicant does not identify areas that are out of compliance on the subject parcel. The applicant shall submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents with the State Water Resources Control Board, including, but not limited to a Notice of Applicability and Site Management Plan.

### **Onsite Relocation**

The applicant submitted a *Plant Relocation Analysis-Detail* dated October 22, 2018 (see Attachment 3). According to the relocation analysis the westerly outgrow calculation is 7,010 square feet and is located on slopes greater than 15%. The applicant is proposing to relocate the cannabis on the westerly area into a proposed 20'x60' (1,200 square feet) greenhouse that will be utilized for 660 square feet of mixed light cannabis cultivation and 540 square feet of propagation space. The applicant is also proposing to relocate cannabis into one 960 square foot greenhouse that will be utilized for propagation and one 2,340 square foot greenhouse that will be utilized for mixed light cannabis cultivation. The total amount of cannabis being relocated into greenhouses is 4,500 square feet. The remainder 2,510 square feet of cannabis will be relocated into one 1,140 square foot greenhouse, one 1,890 square foot greenhouse, and the remainder 620 square feet of cannabis will be added to greenhouse labeled as "I" or "J" on the site map by elongating the greenhouse. The relocation analysis states the relocation is environmentally superior because it will stop any potential migration of soils on steep terrain and creating nonporous, cleanable environment to fight pathogens.

### **Humboldt Bay Municipal Water District (HBMWD)**

The subject project was referred to the Humboldt Bay Municipal Water District (HBMWD) on October 12, 2018. The water district commented on the project on October 29, 2018 (see Attachment 4). The comments provided by the HBMWD request the applicant to provided substantial evidence that the well is not hydrologically connected to any surface water or the influence of surface water. The project is conditioned for the applicant to conduct groundwater testing to determine connectivity of the source supply for the existing well being proposed for

cannabis irrigation. The test shall be preceded by a minimum of eight (8) hours of non-operation to maintain a static depth to water measurement. If the testing demonstrates use of the well results in the drawdown of any adjacent wells, then the applicant shall propose an alternative method for irrigation for review by the Planning Department. The applicant shall submit a copy of the groundwater testing study to the Planning Department for review. A final sign-off from the Planning Department will satisfy this condition.

### **Access**

The property is accessed via private driveway from Fickle Hill Road which is on the "APPROVED LIST" for County maintained roads that meet or are equivalent to Road Category 4 standards for cannabis projects. The Department of Public Works commented on this project and stated the applicant shall relocate all gates and fences out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

### **Setback Reduction**

The cultivation area is located approximately 273' feet from the public land; however, no developed or designated recreational facilities are within 600 feet of any cultivation or processing area. A Special Permit for the allowance of a setback reduction of the 600-foot buffer from the Jacoby Creek Forest is included as a part of the applicant's request. The adjacent public land is subject to the *Arcata Community Forest & Jacoby Creek Forest Management Plan (1994)*. The goals of the *Forest Management Plan* is to maintain the integrity of the watershed, wildlife, fisheries and plant resources, their relationships and the process through which they interact with their environment; produce marketable forest products and income to the City in perpetuity, balancing timber harvest and growth; the Community Forest shall also be managed to provide forest recreational opportunities for the community; and the City's forests shall serve as models of managed redwood forests for demonstration and educational purposes. The *Arcata Community Forest & Jacoby Creek Forest Management Plan* states that the Community Forest will emphasize dispersed, day-use opportunities. Recreational use shall not be allowed to impact other resources such as fish, wildlife or watershed. The Jacoby Creek Forest is not open to recreational use.

The project is consistent with the *Arcata Community Forest & Jacoby Creek Forest Management Plan (1994)* because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The project will not require substantial road improvements or the removal of trees. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water withdrawals and on the storage and use of pesticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring adequate road access. The *Arcata Community Forest & Jacoby Creek Forest Management Plan's* provisions for cultural resource protection will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. Additionally, the project is conditioned for the applicant to submit and adhere to a Site Management Plan developed for the project. The plan will address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails. As a result, there will not be any new erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty or reduction of quality habitat for plants and animals.

The project was referred to the City of Arcata in March 15, 2019. The City of Arcata requested a 150' setback from where the City of Arcata's property corner touches applicant's northwest property corner. The City of Arcata also request the applicant to restock the area within the 150' setback where the 2009-2010 timber conversion occurred on the property. In response the applicant has relocated the permitted barn outside of the setback area and removed 13,000 square feet of outdoor cultivation from the setback area and replaced it with 5,000 square feet of mixed light cannabis cultivation. According to the applicant, the closest greenhouse to the Arcata property corner is approximately 273 feet. The applicant will also plant redwoods to the maximum extent possible near the Arcata corner boundary and near the southern property line on APN 314-131-033. The project is conditioned for the applicant to adhere to the 150' setback from where the City of Arcata's property corner touches applicant's northwest property corner and to restock the area within the 150' setback where the 2009-2010 timber conversion occurred on the property.

Staff analysis of the *Arcata Forest Non-Industrial Timber Management Plan* map and Google Earth Pro aerial imagery, there are no developed facilities adjacent to the project site. Also, upon review of the *Arcata Forest Non-Industrial Timber Management Plan and Arcata Community Forest & Jacoby Creek Forest Management Plan (1994)*, there are no existing or proposed developments within the park that would be impacted as result of the proposed project. Therefore, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails and will not result in impacts to Humboldt Redwoods State Park.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

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

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

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

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

**Resolution Number 20-  
Record Number: PLN-10559-CUP  
Assessor's Parcel Number: 314-131-033**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Emerald Coast Genetics, Inc., Conditional Use Permit request**

**WHEREAS, Emerald Coast Genetics, LLC**, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 11,440 square foot (SF) mixed light cannabis cultivation operation with appurtenant propagation and drying activities;

**WHEREAS, Emerald Coast Genetics, LLC**, submitted an application and evidence in support of approving the Special Permit to allow for a reduction of the 600-foot setback back to Public lands; and

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

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on January 7, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

**1. FINDING:**                   **Project Description:** The application is a Conditional Use Permit to allow 11,440 square foot (SF) mixed light cannabis cultivation operation with appurtenant propagation and drying activities. Power is provided by P. G. & E. with a backup generator within shed. Water for irrigation is provided by a permitted groundwater well.

**EVIDENCE:**                   Project File: PLN-10559-CUP

**2. FINDING:**                   **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

**EVIDENCE:**                   a) Addendum Prepared for the proposed project.

- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines
- c) A Water Resources Protection Plan was prepared by the applicant to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- d) A Northern Spotted Owl Risk Assessment prepared by Environmental & Statistical Consultants dated December of 2018. The Assessment methods included a spotted owl survey and site occupancy data within a 0.7-mile radius from the outer boundary of the project was obtained from the CDFW Biogeographic Information and Observation System (BIOS2) which included the California Natural Diversity Database (CNDDDB; CDFW 2018). A risk assessment was conducted in the project area. No Special Status species were observed during the assessment. Northern Spotted Owl habitat exists in the vicinity, but the nearest activity center is approximately 0.23 miles from the site. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.
- e) To address the City of Arcata's concerns on the setback from public lands and the 2009 timber conversion, the applicant will be restocking the area within the 150' setback from the Jacoby Creek Forest to the maximum extent possible and will obtain a Special Permit for the setback reduction.
- f) A Less Than 3-acre Conversion Exemption was accepted on April 1, 2009, which demonstrates the 2009 timber conversion was an authorized timber conversion consistent with the Forest Practices Act and how the project can be implemented with no net loss of timberland after the environmental baseline of December 31, 2015.
- g) The property is accessed via private driveway from Fickle Hill Road which is on the "APPROVED LIST" for County maintained roads that meet or are equivalent to Road Category 4 standards for cannabis projects.

**3. FINDING**

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

**EVIDENCE**

- a) General agriculture is a use type permitted in Timberland (T) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- b) The applicant submitted evidence in support of approving the Special Permit to allow for a reduction of the 600-foot setback to Public Lands.

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

- EVIDENCE**
- a) The Timber Production Zone or TPZ Zone is intended to be applied to areas of the County in which general agriculture is an allowable use for TPZ zones.
  - b) All general agricultural uses are conditionally permitted in the TPZ zone.
  - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 22,000 square feet of cannabis cultivation on a 40-acre parcel subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016 and is consistent with this and with the cultivation area verification prepared by the County.

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

- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (HCC 314-55.4.8.2.2).
  - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by a patent (certificate no. 2418), before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
  - c) The project will obtain water from a non-diversionary water source.
  - d) The property is accessed via private driveway from Fickle Hill Road which is on the "APPROVED LIST" for County maintained roads that meet or are equivalent to Road Category 4 standards for cannabis projects.
  - e) The slope of the land where cannabis will be cultivated is less than 15%
  - f) A Less Than 3-acre Conversion Exemption was accepted on April 1, 2009, which demonstrates the 2009 timber conversion was an authorized timber conversion consistent with the Forest Practices Act and how the project can be implemented with no net loss of timberland after the environmental baseline of December 31, 2015.
  - g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, or Tribal Cultural Resource. The project includes a Special Permit a for a 600' setback reduction from where the City of Arcata's property corner touches applicant's northwest property corner.

**6. FINDING** The cultivation of 11,440 square feet of mixed light cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE**
- a) The site is located on road that has been certified by a licensed engineer to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.

- b) The property is accessed via private driveway from Fickle Hill Road which is on the "APPROVED LIST" for County maintained roads that meet or are equivalent to Road Category 4 standards for cannabis projects.
- c) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- d) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- e) Irrigation water will come from a groundwater well that has been permitted by the Environmental Health Department.

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

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

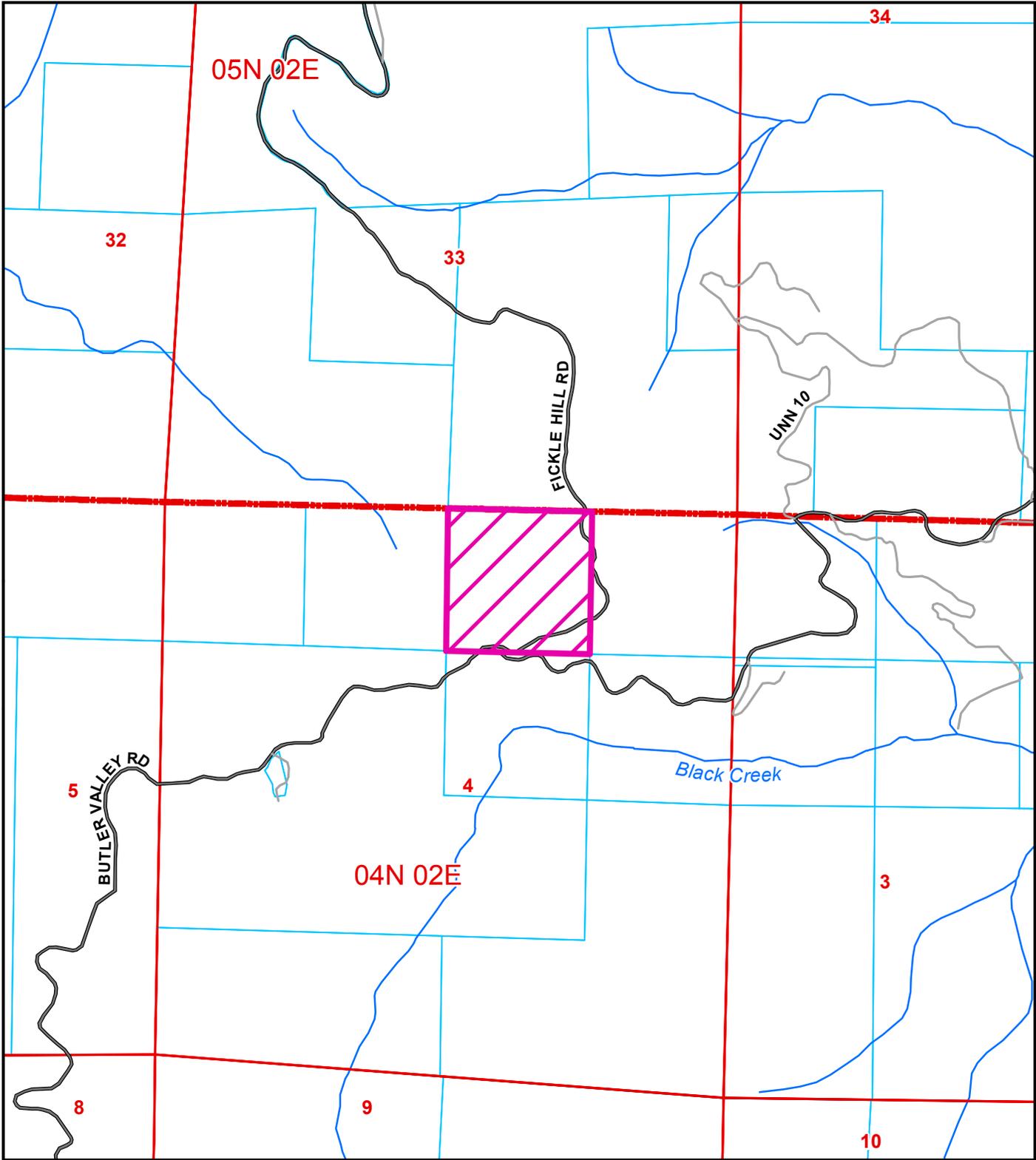
**8. FINDING** The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, 300 feet from any residence on an adjacent parcel or 270 feet from any undeveloped adjacent parcel, 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.

**EVIDENCE** a) The applicant submitted an application and evidence in support of approving the Special Permit to allow for a reduction of the 600-foot setback back to Public lands. The site map shows cultivation is approximately 273' feet from the nearest public land property boundary. Aerial analysis using Google Earth Pro also indicates all cultivation is more than 600 feet from any structures located on adjacent parcels.

**9. FINDING** The proposed project will not result in the loss of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources.

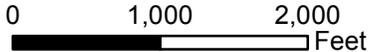
**EVIDENCE** a) The project is for 11,440 square feet of mixed light cannabis cultivation. Power for the project is provided by PGE. The Operations Plan states there will be 10-12 hours per day of light in the mixed light greenhouses and light will never be utilized in the mixed light greenhouses past dawn to dusk. The Operation Plan also states there is an advanced black out system installed blocks 100% of all light from escaping. Propagation will be occurring onsite within existing greenhouses and a portion of a two-story shop. Lighting used

in propagation will comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. These standards are included in the conditions of approval for the project.

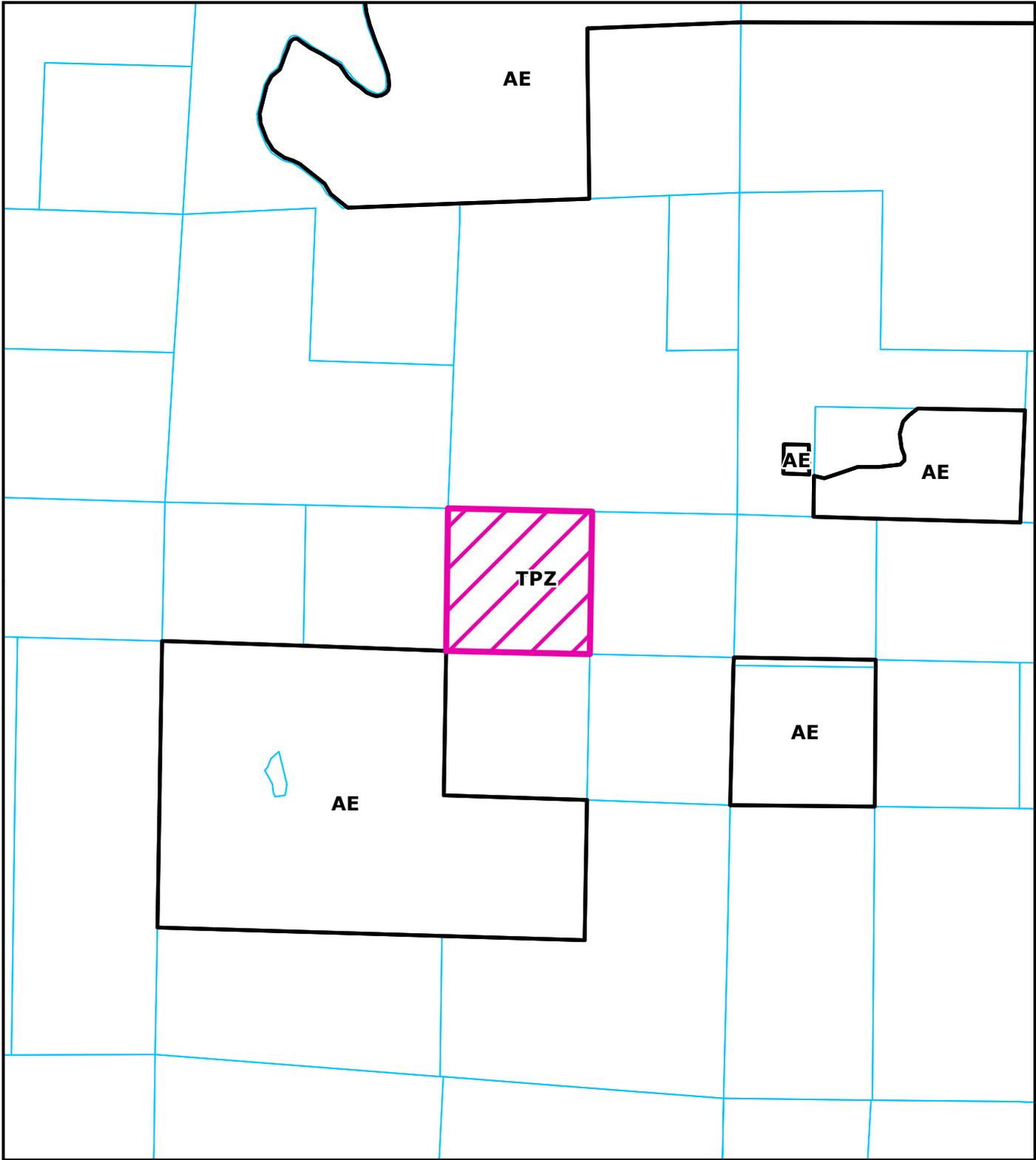


**TOPO MAP  
 PROPOSED EMERALD COAST GENETICS  
 KNEELAND AREA  
 CUP-16-036  
 APN: 314-131-033  
 T04N R02E S4 HB&M (KORBEL)**

**Project Area =** 

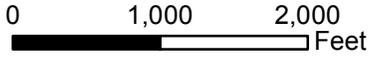


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

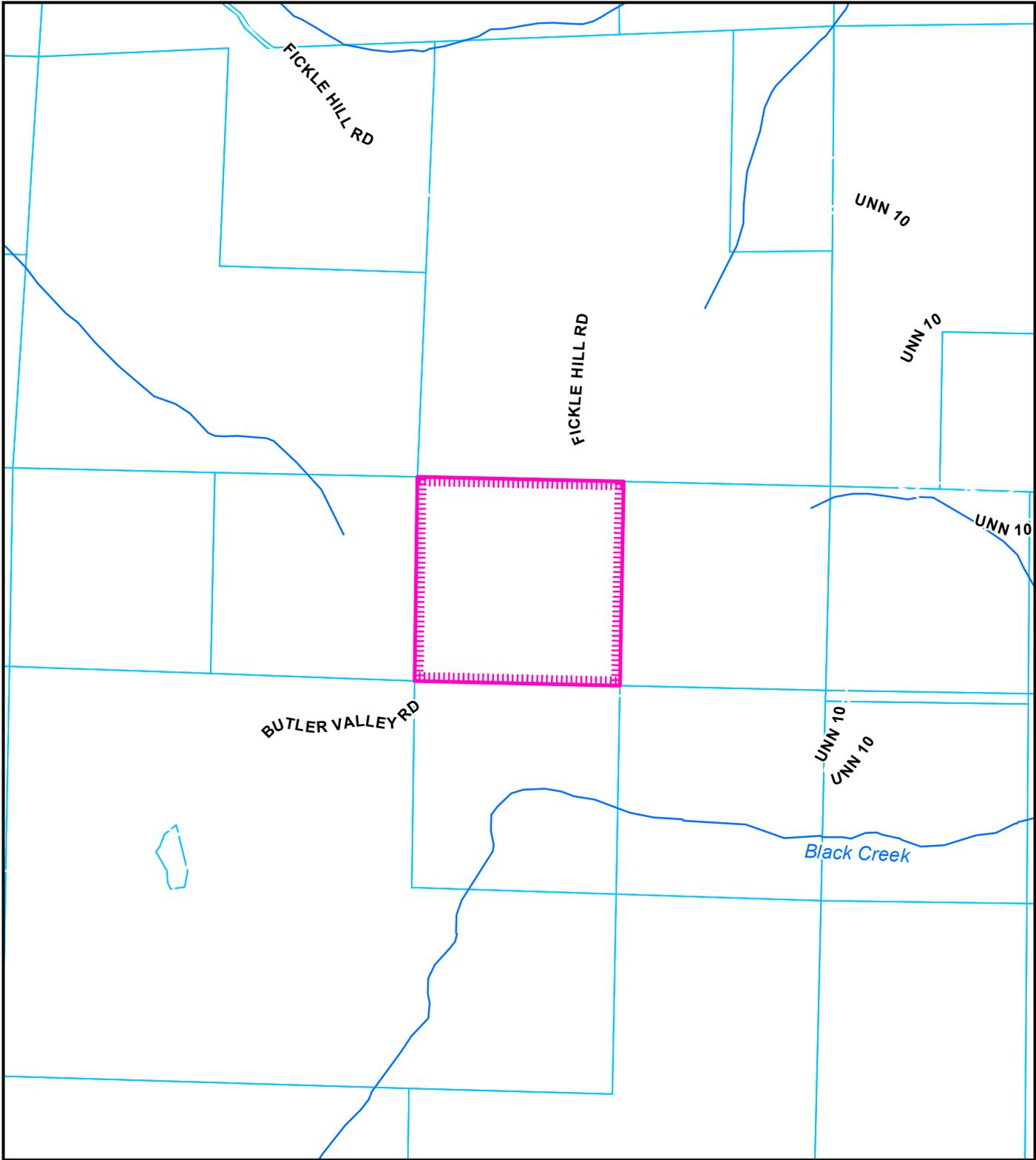


**ZONING MAP**  
**PROPOSED EMERALD COAST GENETICS**  
**KNEELAND AREA**  
**CUP-16-036**  
**APN: 314-131-033**  
**T04N R02E S4 HB&M (KORBEL)**

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.

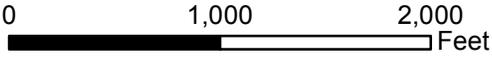


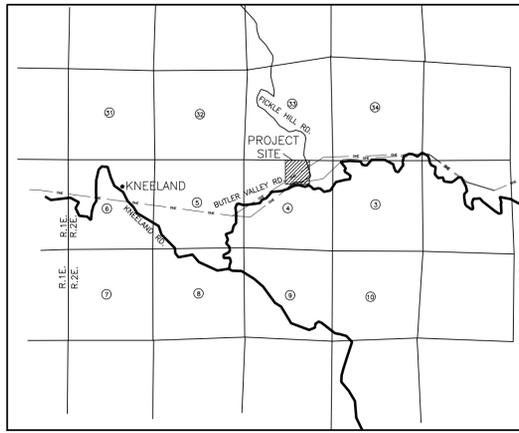
**AERIAL MAP**  
**PROPOSED EMERALD COAST GENETICS**  
**KNEELAND AREA**  
**CUP-16-036**  
**APN: 314-131-033**  
**T04N R02E S4 HB&M (KORBEL)**

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.





**LOCATION MAP**

NO SCALE

**LEGEND**

- EXISTING POWER BOX
- EXISTING STREET LIGHT
- EXISTING TREE WITH TRUNK NOTED
- PROPOSED 2-4' REDWOOD TREE
- EXISTING STRUCTURE
- EXISTING CONCRETE
- EXISTING FENCE AS NOTED
- EXISTING TOP OF BANK
- EXISTING TOE OF BANK
- EXISTING GRADE BREAK
- EXISTING FLOW LINE
- EXISTING WATER LINE
- EXISTING MAJOR CONTOUR AT 10' INTERVALS
- EXISTING MINOR CONTOUR AT 2' INTERVALS
- EXISTING SEPTIC AREA (APPROXIMATE)
- 150 FT SETBACK REQUESTED BY CITY OF ARCATA

EXISTING LIMITS OF CLEARING/DENSE VEGETATION

APPLICATION #10559  
 10,000 S.F. OF MIXED LIGHT CULTIVATION ALLOWED UNDER CURRENT USE PERMIT.  
 TOTAL MIXED LIGHT PROPOSED = 9,954 SQ FT

**STRUCTURE LEGEND**

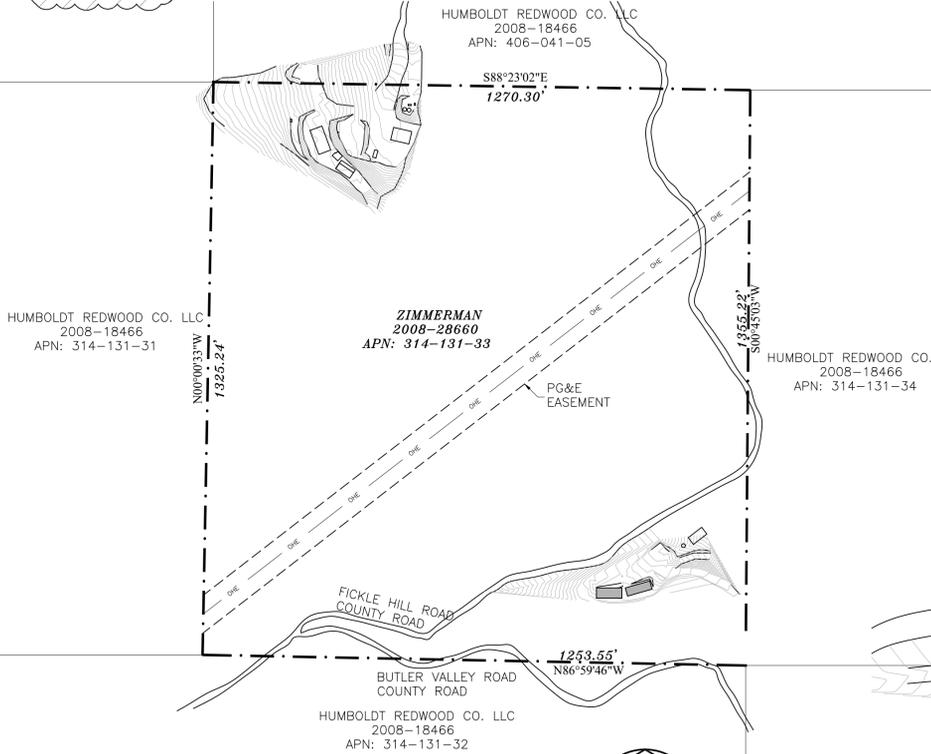
- A EXISTING 30' X 44' 2 STORY SHOP, 28' TALL w/ELECTRICAL (2,640 S.F.) PERMIT #'s (10-299-PH-2), (11-1215-AE-2), (13-113-E-2), (15-642-PH-2).  
**PRIMARY USE = BREAK ROOM, DRYING**  
**DOWNSTAIRS USE = PROPAGATION (863 S.F.)**
- C EXISTING 30' X 60' GREENHOUSE, 16' (1,800 S.F.), PERMIT # (13-848-AE-2)(15-624-PH-2).  
**USE = MIXED LIGHTING (1,800 S.F.)**
- D EXISTING 10' X 18' GENERATOR SHED WITH ATTACHED DOUBLE WALLED DIESEL TANK WITH SAFETY MONITORING (180 S.F.) PERMIT # (13-113-B-2)
- E EXISTING 16' X 40' GREENHOUSE (12.5' TALL) WITH ATTACHED w/8' X 40' STEEL SHIPPING CONTAINER PERMIT # (13-848-AE-2). (TO BE REMOVED SEE "M" BELOW).
- H EXISTING 20' X 48' GREENHOUSE 12' TALL. PERMIT # (NONE)  
**USE = MIXED LIGHTING (960 S.F.)**
- K EXISTING 20' X 72' GREENHOUSE 12' TALL PERMIT # (NONE).  
**USE = MIXED LIGHTING (1,440 S.F.)**
- L EXISTING 20' X 60' GREENHOUSE, 12' TALL - PERMIT # (13-848-AE-2).  
**USE = MIXED LIGHTING (1,200 S.F.)**
- M PROPOSED 30' X 71.2' GREENHOUSE 12' TALL (TO REPLACE STRUCTURE "E").  
**USE = MIXED LIGHTING (2,136 S.F.)**
- N PROPOSED 15'x44' LEAN TO STRUCTURE FOR  
**USE = PROPAGATION AND/OR DRYING (660 S.F.)**
- P EXISTING 30' X 58.6' GREENHOUSE 14' TALL PERMIT # (NONE)  
**USE = MIXED LIGHTING (1,758 S.F.)**
- Q PROPOSED 20' X 60' GREENHOUSE 12' TALL  
**USE = MIXED LIGHTING (660 S.F.)**  
**PROPAGATION (540 S.F.)**
- R PROPOSED PRE MANUFACTURED BARN NOT TO EXCEED 5000 S.F. (1800 S.F. SHOWN)  
**NO CANNABIS CULTIVATION**

**PLANTING NOTES**

1. THE PLANTING OF APPROXIMATELY 16, 2-4 FT TALL REDWOOD TREES IS PROPOSED. SEE SITE PLAN
2. THE HUMBOLDT COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND SEPTIC SYSTEM INSTALLER REQUIRE A 50' SETBACK FROM REDWOOD TREES TO SEPTIC SYSTEM

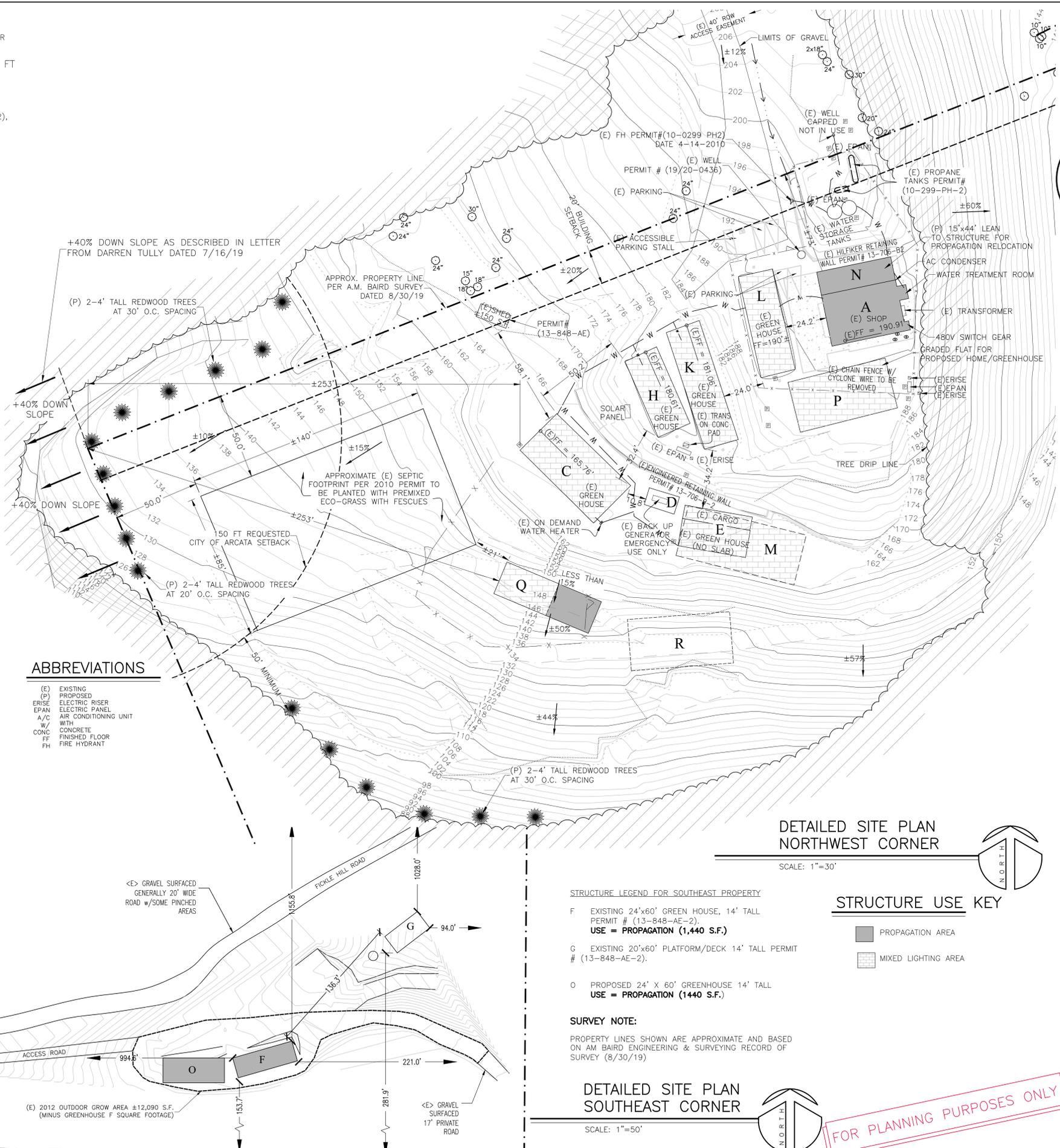
**ABBREVIATIONS**

- (E) EXISTING
- (P) PROPOSED
- ERISE ELECTRIC RISER
- EPAN ELECTRIC PANEL
- A/C AIR CONDITIONING UNIT
- W/ WITH
- CONC CONCRETE
- FF FINISHED FLOOR
- FH FIRE HYDRANT



**OVERALL SITE PLAN**

SCALE: 1"=200'



**DETAILED SITE PLAN NORTHWEST CORNER**

SCALE: 1"=30'

**STRUCTURE LEGEND FOR SOUTHEAST PROPERTY**

- F EXISTING 24'x60' GREEN HOUSE, 14' TALL PERMIT # (13-848-AE-2).  
**USE = PROPAGATION (1,440 S.F.)**
- G EXISTING 20'x60' PLATFORM/DECK 14' TALL PERMIT # (13-848-AE-2).
- O PROPOSED 24' X 60' GREENHOUSE 14' TALL  
**USE = PROPAGATION (1440 S.F.)**

**SURVEY NOTE:**

PROPERTY LINES SHOWN ARE APPROXIMATE AND BASED ON AM BAIRD ENGINEERING & SURVEYING RECORD OF SURVEY (8/30/19)

**DETAILED SITE PLAN SOUTHEAST CORNER**

SCALE: 1"=50'

**STRUCTURE USE KEY**

- PROPAGATION AREA
- MIXED LIGHTING AREA

**FOR PLANNING PURPOSES ONLY**

REVISIONS	BY
OWNER 3-15-19	FMT
OWNER 11-1-19	FMT
OWNER 7-28-20	FMT
OWNER 8-28-20	FMT

**WHITCHURCH ENGINEERING, INC.**  
 Phone (707) 725-9926  
 610 8th Street Fortuna, California 95540

APN: 314-131-033

**IMPROVEMENT PLANS**

**SITE PLAN**

Fickle Hill Road Arcata, CA  
 For: Bruce Zimmerman 18201 Von Karman Ave, Irvine, CA. 92612 (949) 852-1111 (ext.228)  
 02/28/2020

Date	NOV 28 '18
Scale	AS NOTED
Design	DPT
Drawn	GKK
Job	ZIM0901
Sheet	1

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

#### A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines.
5. The applicant shall submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Should the site qualify for an exemption, the applicant shall provide proof of a SWRCB exemption status.
6. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #7 through #16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
7. The applicant shall restock the northwest portion of the parcel where it meets the City of

Arcata corner boundary to the maximum extent possible. The success of the restocking effort shall be reviewed at the five year mark and additional replanting may be necessary in order to ensure successful restocking. Final signoff from the Planning Department will satisfy this condition.

8. The applicant shall record a deed restriction that specifies no development other than maintenance and replacement of the existing septic system shall occur within the 150 foot setback from the City of Arcata property boundary.
9. The applicant shall submit a revised Site Plan with the following revisions:
  - a. Reflect 11,440 square feet of mixed light cannabis cultivation.
10. The applicant shall submit a revised Operations Plan with the following revisions:
  - a. Reflect 11,440 square of mixed light cannabis cultivation as the amount of cannabis cultivation being cultivated;
  - b. Update the water use table to reflect 11,440 square feet of cannabis cultivation;
11. The applicant shall relocate the existing fence out of the County right of way. All fences shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for building permit, or Public Work approval for a business license. Final sign-off from Public Works will satisfy this condition.
12. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
13. The applicant shall install water monitoring device on each source - well and surface diversion if/when utilized and storage tanks applicable - to monitor water used for cannabis irrigation sperate from domestic use.
14. The applicant shall contact the local fire service provider [Kneeland Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
15. The applicant shall be compliant with the County of Humboldt's Certified Unified Program

Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

16. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
17. Generator logs shall be made available to ensure that the use is infrequent and for emergency backup use only when PG&E power is out.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. The applicant shall abide by recommendations of the Biological Assessment prepared by Timberland Resource Consultants (TRC) and received October 24, 2019 which include but are not limited to, floristic surveys to ensure no potentially special status plant species or communities are present should additional ground disturbance or habitat conversion be proposed in the future; ensuing supplemental lighting associated with mixed-light cultivation is fully contained with black out tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.

5. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
6. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
7. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
8. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
9. The use of anticoagulant rodenticide is prohibited.
10. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
11. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
12. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
13. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
14. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
15. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

16. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
17. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
18. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
19. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
20. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
22. Pay all applicable application, review for conformance with conditions and annual inspection fees.
23. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
24. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
25. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

#### Performance Standards for Cultivation and Processing Operations

26. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
27. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

28. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
  
29. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (5) Materials handling policies;
    - (6) Job hazard analyses; and
    - (7) Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
  
30. All cultivators shall comply with the approved processing plan as to the following:
  - a. Processing practices
  - b. Location where processing will occur
  - c. Number of employees, if any
  - d. Employee Safety Practices
  - e. Toilet and handwashing facilities
  - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
  - g. Drinking water for employees
  - h. Plan to minimize impact from increased road use resulting from processing
  - i. On-site housing, if any
  
31. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

32. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
33. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
34. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
35. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
  - a. Identifying information for the new owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - c. The specific date on which the transfer is to occur;
  - d. Acknowledgement of full responsibility for complying with the existing permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
36. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

#### **Informational Notes:**

1. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

**ATTACHMENT 2**

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

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

**APN 314-131-033; 12395 Fickle Hill Road, Kneeland, County of Humboldt**

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

**December 2020**

## Background

### Modified Project Description and Project History –

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

The modified project involves a Conditional Use Permit (CUP-16-036) for an existing 11,440 square foot mixed light cannabis operation. The project includes a Special Permit for a setback reduction from public lands owned by the City of Arcata to allow cultivation within 150 feet of the public lands. The site is designated as Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Timberland Production (TPZ). Cultivation will take place on the northwest corner of the parcel. Mixed light cultivation will occur in one 30'x60' (1,800 square feet) greenhouse, one 20'x48' (960 square feet) greenhouse, one 20'x72' (1,440 square feet) greenhouse, one 20'x60' (1,200 square feet) greenhouse, one 30'x71.2' (2,136 square feet), one 30'x58.6' (1,758 square feet) greenhouse, one 20'x60' (1,200 square feet) greenhouse and one 24'x60' (1,440 square feet) greenhouse which only 946 square feet of the 1,440 square feet will be utilized for cultivation. Ancillary propagation will occur in one 30'x44.2' (1,325 square feet) two story shop, one 15'x44' (660 square feet) structure, one 24'x60' (1,440 square feet) greenhouse which only 494 square feet of the 1,440 square feet will be utilized for propagation. Artificial lighting used for mixed light cultivation, ancillary propagation nursery, and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO. Processing such as drying and curing will occur onsite in an existing 30'x44' two story barn. Further processing will occur offsite at a licensed processing facility until the applicant can develop an ADA compliant processing facility.

Water for irrigation is provided by a permitted well (19/20-0436) which is registered with the California Department of Water Resources (WCR2018-004430) (see Attachment 3). The applicant anticipates approximately 123,355 gallons of water will be required annually for irrigation. According to the applicant water is pumped from the well and into two 2,500-gallon hard tanks and one 1,500-gallon reservoir on the east side portion of the property totaling 6,500 gallons of available water storage.

There are mapped sensitive species onsite and the nearest NSO activity center is located approximately 0.23 miles northwest from the project site and lands surrounding the site are heavily forested thus there is a high potential for NSO habitat. Marbled murrelet habitat is mapped approximately 5.28 miles south from the project site. The applicant submitted a Northern Spotted Owl Risk Assessment prepared by Environmental & Statistical Consultants dated December 14, 2018. According to the assessment there are approximately 134 spotted owl surveys have

occurred within 0.7 miles of the project site from 1992-2018. Of the 134 surveys, three Activity Centers (HUM670, HUM9897, and HUM1118) were established based on repeated positive responses of individuals, observations or breeding adults, caching behavior, or the observation of a nest and/or young. There was 37% of the 134 surveys had positive responses from spotted owls. The survey concludes that sound levels anticipated during new greenhouse construction and the distance to the nearest spotted owl Activity Center (0.25-0.56 miles), there is a very low likelihood that spotted owls would be adversely affected from project construction and operation.

The cultivation area is located approximately 253' feet from the public land; however, no developed or designated recreational facilities are within 600 feet of any cultivation or processing area. A Special Permit for the allowance of a setback reduction of the 600-foot buffer from Jacoby Creek Forest is included as a part of the applicant's request. The adjacent public land is subject to the *Arcata Community Forest & Jacoby Creek Forest Management Plan (1994)*. Staff analysis of the *Arcata Forest Non-Industrial Timber Management Plan* map and Google Earth Pro aerial imagery, there are no developed facilities adjacent to the project site. Also, upon review of the *Arcata Forest Non-Industrial Timber Management Plan and Arcata Community Forest & Jacoby Creek Forest Management Plan (1994)*, there are no existing or proposed developments within the park that would be impacted as result of the proposed project. Therefore, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails and will not result in impacts to Humboldt Redwoods State Park.

The project is located in the Blue Lake, Bear River and Wiyot Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band, Wiyot Tribe, and Blue Lake Rancheria.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include restocking 0.30 acres with timber that was converted after the CEQA baseline was established to remediate for loss of wildlife habitat, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be

substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 30,000 square feet of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Cultivation and Operations Plan prepared by the agent dated November 1, 2019.
- Site Plan prepared by the agent dated August 28, 2020.
- Well Completion Report with State of California dated December 17, 2019.
- Water Resource Protection Plan (WRPP) prepared by the applicant received May 15, 2018.
- Plant relocation Analysis-Detail prepared by the applicant dated October 22, 2018.
- Less Than 3-Acre Conversion Exemption prepared by CalFire received May 15, 2018.
- Environmental Impact Analysis prepared by the applicant dated February 22, 2019.
- Enrollment under NCRWWCB Cannabis Cultivation Waste Discharge Regulatory Order (Order No. R1-2015-0023) prepared by Pacific Watershed Associates dated May 26, 2016.
- Northern Spotted Owl Risk Assessment prepared by Environmental & Statistical Consultants dated December 14, 2018.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

### **FINDINGS**

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.

2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

## **CONCLUSION**

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

## ATTACHMENT 3

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

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by the agent dated 11/28/2018 – Attached with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by the agent dated 11/1/19- Attached)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above)
6. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (NOI and reporting, and Water Resources Protection Plan (WRPP) prepared by the applicant – On file. Notice of Applicability: Waste Discharge Requirements Water Quality WD 1B16871CHUM – Attached)
7. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Not applicable)
8. If the source of water is a well, a copy of the County well permit, if available. (Permit Number 19/20-0436 - Attached)

9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Less-Than 3-Acre Conversion Exemption stamped received 5/15/18– Attached)
10. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe “government to government” consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
15. Northern Spotted Owl Risk Assessment prepared by West Inc. Environmental & Statistical Consultants dated February 28, 2019. (On file)
16. Plant Relocation Analysis-Detail prepared by the agent dated October 22, 2018. (Attached)
17. Lett from Landowner dated December 30, 2020. (Attached)

# **Cultivation & Operations Plan** **For Emerald Coast Genetics, Inc.**

APN #314-131-033

Updated November 1, 2019

This Cultivation & Operations Plan, prepared by Brian Zimmerman, CEO, outlines cultivation and operation practices for Emerald Coast Genetics, Inc. (“ECG”)’s 10,000 square foot mixed-light cultivation facility at 12395 Fickle Hill Road, Arcata CA and is effective the date appearing above. ECG filed its cannabis permit application with Humboldt County in May of 2016 and is entitled to “priority” review and processing of its application under 1.0. It should be noted that the applicant was a state and federal taxfiling entity long before legal recreational cannabis use became lawful in California.

**1. Reasons Why Previous Cultivation & Operations Plan was Revised.** Since applying for a cannabis cultivation permit in May of 2016, ECG has had various Interim Permits. The last Interim Permit allowed 10,000 sf of outdoor and 5,000 sf of mixed light (“the Prior Interim”). The preceding Interim required ECG to relocate all its outdoor to areas agreed to by the County. However, for the first time in May of 2019, ECG was confronted with a request by the City of Arcata for a 150-foot setback from the northwest corner of ECG’s property. This is the main location of ECG’s relocated outdoor grow and considerable expensive infrastructure was built specifically to support such outdoor grow.

ECG was also issued a state provisional outdoor cultivation license right for this area. Obtaining the right to a state provisional outdoor cultivation license was expensive and must now be discarded and ECG will have to apply and obtain a second 5,000 mixed light permit. A second 5,000 sf mixed light permit will double the amount of state paperwork as compared to having one 10,000 sf mixed light license. ECG would have preferred to operate under the Prior Interim Permit since building more mixed light greenhouses will be extremely expensive – but increasing mixed light is now the only alternative since the ECG’s outdoor grow will be curtailed by acceding to the 150-foot cannabis cultivation setback requested by the City of Arcata.

Nevertheless, eliminating 10,000 sf of outdoor grow and consolidating all grow into a concentrated total grow area of 10,000 sf of mixed light will accommodate the City of Arcata’s requested setback and provide a more concentrated grow area within its small 3-acre conversion area and still allow ECG to maintain a viable business.

## **2. Benefits of This New Cultivation & Operations Plan.**

a. **Planting new redwood trees.** Under the new plan ECG is acquiescing to the City of Arcata's Forestry Committee's request to re-plant redwood trees and native plants to improve the timberland and wildlife interface within a 150-foot radius of ECG's north property line. In addition to this request, ECG is (a) eliminating its entire outdoor grow in the area, (b) planting additional redwood trees on its westerly and southern portions of ECG's property and (c) planting redwood trees on the Humboldt Redwood Company ("HRC") property to the north (with HRC's consent), effectively improving the forest interface among the properties of the City of Arcata, HRC and ECG. ECG would plant more but cannot re-plant within 50 feet of ECG's septic system installed at ECG's extreme northwest corner in 2009. Based upon planting requirements from Greg Molofsky of the Humboldt County Health & Human Services, septic system installers and others, redwood trees cannot be planted within 50 feet of a septic system due to the potential for severe damage to the septic system.

b. **Drainage Control in ECG's Mixed Light Greenhouses.** ECG's greenhouses have floor drains the length of the greenhouse's concrete floors so ECG is able to collect any runoff (actually, very little runs off because of our hand watering techniques). Floor drains from each greenhouse collect any runoff through an underground pipe system that go to a common reservoir where all runoff can be used for non-cannabis watering such as vegetable gardens, watering grassed/ landscaped slopes, etc. ECG has years of experience blacking out mixed-light and have had no violations and is an expert at mixed light cultivation. The new plan results in next to no water/nutrient runoff for the reasons mentioned above.

## **3. Assurance that ECG's Mixed Light Cultivation Will Not Result in Light Leaks.**

ECG's propagation greenhouses require a 16-hour-per-day light cycle. ECG's flowering mixed-light greenhouses require 12-hour light cycles. If ECG did not fully black out the propagation greenhouses each and every evening, any trace amount of light radiating out from our propagation greenhouses would cause hermaphroditism and create seeds in all the flowering cannabis greenhouses. The resulting flower would be worthless and not be sellable as usable flower.

Since ECG's mixed light greenhouses only need 10-12 hours per day of light to flower it means no lighting would ever be needed past dawn to dusk in all mixed-light greenhouses. The advanced black out systems installed are really only used in our greenhouses to deprive natural light in the summer months to induce early flowering. The CEO of ECG lives on the property, typically works seven days per week, and someone is always on sight 24 hours a day to manage

all potential issues. In the event there is a blown motor for light deprivation curtains, there is a hand crank for manual override to manually close the curtains so that 100% of all light is always blocked from escaping into environment.

This point is important because many jump to the conclusion that if mixed-light is granted, the operator will likely violate the law by allowing some light leaks. However, ECG has been operating for years and each and every evening ECG complies with the law and we have had no light leaks and no cultivation violations. The point above should give you confidence that in our situation any light leaks would be devastating to our crop so we have not and will not allow light leaks at ECG's cultivation site.

**4. Virtually No Environmental Impact.** The grow site is located on 3 acres removed from the forest pursuant to a permitted 3-acre conversion in 2009. The remaining 37 acres or so are unaltered and remain pristine forest land. ECG has no plans to timber cut. Salient features of ECG's environmental impact may be summarized as follows:

- Spotted Owl Survey dated February 28, 2019 indicates no significant risk of take.
- Noise studies indicate that even with all greenhouse fans turned on at high speed with the noise level produced is only slightly above ambient forest sound level. (See chart below)
- No light pollution – for years ECG has blacked out its greenhouses per code every evening without mistake or violation.
- No Fish & Wildlife violations – only issue is to properly drain an approximately 15' by 15' pond. ECG is working with F&W to drain the pond.
- Water well on property produces 10 gallons per minute or more and provides all water needs. Well is 200 feet deep and geologist's letter confirms well does not pull from aquifers or streams.
- The property owner and CEO of ECG have done extensive environmental cleanup and protection for the area. This dirt road portion of Fickle Hill Road has been a major problem area for illegal dumping, abandoning cars off the hillside, illegal firearm shooting, firewood theft, 4x4 truck and motorcycle trespass activity, and legal vagrant eviction and associated clean-up. We have worked closely with Public Works and the County Road Department to stop public dumping.

- A \$30,000 fence was installed at the owner’s expense along the hillside to stop rampant illegal dumping to an area close to the headwaters of Jacoby Creek.
- At time of purchase we found that a vagrant was living on our property illegally and had to get the Sheriff out to evict him. It took many months and the trash, debris, was all cleaned and hauled away.
- Several neighbors have thanked CEO Brian Zimmerman for making the top of Fickle Hill safer and trash free.
- ECG has installed cameras on Fickle Hill Road that helped solve neighborhood dumping and robberies in the area as well. ECG observes and reports any suspicious activity and we are a member of the local neighborhood watch.
- ECG is an ETHICAL and PROFESSIONAL company and takes great pride in producing low-impact, environmentally friendly products.

**5. Sound Impact Comparison: Subject Property v. Arcata’s Property.**

The impact of associated noise (timber trucks, Jake brakes, etc.) from the City of Arcata’s and Humboldt Redwood Companies proposed timber cutting on neighboring TPZ land will produce a far greater impact on ECG’s operations than ECG’s operation’s impact the City of Arcata’s property. For example, as contained in applicant’s noise study and Northern Spotted Owl Risk Assessment the following noise measurements are from a distance of 50 feet:

<u>Sound Description</u>	<u>Decibel Reading</u>	<u>Relative Sound Level</u> (per N. Spotted Owl Consultant Report, 2/28/19)
<u>Zimmerman Property</u>		
All grow fans on high with greenhouses empty (max. possible sound; quieter with plants)	54.5	Low
Pickup truck	61	Low
Max noise greenhouse kit assembly	70	Low
v.		
<u>Logging on City of Arcata Parcel</u>		
Log trucks	77	Moderate
Dump Truck	98	Very High
Jake Brake on Truck	94	Very High
Logging Truck	98	Very High

**6. Water Source, Storage, Irrigation Plan, and Projected Water Use**

- a. 200-foot Deep Water Well. An extraordinary water well provides for all water for

the property and operations. The geologist installer's final report lists a fully-reliable 10/ gallons per minute (14,400 gallons (per day) as a conservative permanent flow rate. The well is 200 feet deep and included installation of an exotic silt filtration sleeve to permanently insure our flow rate.

The well head is immediately next to and feeds two 2,500-gallon plastic water tanks on the "West Side" (near the shop Building "A") and a 1,500-gallon reservoir on the small "East Side" portion of property. With such an abundant and reliable water source no additional water storage is needed.

All plants are watered by hand to ensure that only what water is needed is used. The projected water use is about 123,000 gallons per year for 10,000 sf of mixed light greenhouses. We have found that from hand watering and growing smaller plants and being in a cooler coastal climate we use less water than most cannabis farmers. We also have double-walled greenhouses and proper active exhaust cooling that allows us to reduce water consumption. ECG also plans to convert to a fully hydroponic facility in the future, which will further reduce water requirements.

Emerald Growers Association and the Mendocino Cannabis Policy Council have concluded that cannabis cultivation requires approximately 1 gal per day, per pound of flower. (See <https://sohumsoils.com/how-much-water-does-it-take-to-grow-cannabis/>.)

Assumptions-

- 1.) Finished yield of 25 grams per sq. ft.
- 2.) 90-day plant cycle
- 3.) 2.5 annual cycles

**b. Water Use Calculation:** 10,000 sf x 25 grams/sf (approximate yield) = 250,000 grams.  
250,000 grams divided by 456 grams/lb = 548 lbs  
548 lbs x 90 days = 49,342 gallons per grow cycle  
x 2.5 cycles per year = TOTAL ANNUAL GALLONS USED = **123,355 gallons**

ECG's location is more coastal and in cooler climate than most cultivation sites, which will account for lower water use than this calculation. We also have advanced infrastructure and insulated double-wall greenhouses and cooling fans to reduce water use and demand.

**c. Another Water Use Formula:** At Planning Commission meetings the County has referenced a general rule of 500,000 gallons per acre per year: 10,000 sf divided by 43,560 sf in one acre = **115,000 gallons per year**. This matches up very closely with ECG's calculations based on the Emerald Growers Association and the Mendocino Cannabis Policy Council published water use formula of one gallon per day per pound of dry flower.

## **7. Description of Site Drainage, Including Runoff and Erosion Control Measures**

There is little to no agricultural runoff. ECG plants are watered and fed by hand so water use is as efficient as possible and there is little to no runoff. Most greenhouses have concrete floors (all will eventually) with floor drains which run the length of the greenhouse. All floor drains then flow into a central area where water can be used for our vegetables and landscaping. As a result of hand watering, growing style that prefers keeping plants “thirsty” and floor drain collection, virtually no agricultural runoff occurs. All grading and development was permitted and completed through the Building Department. (Three-acre conversion plan, erosion control plan, retaining walls, etc., all approved and entitled years ago.)

All grading was inspected—once when the West Side's usable three-acre flat was graded pursuant to the property's three-acre conversion and County grading permit in 2009— and once again in 2013 when the entire property was re-inspected, mapped, additionally graded, and engineered by Baird Engineering & Surveying. Baird's work and certified inspection was fully approved by the County's Building Department.

## **8. Measures Taken To Ensure Protection of Watershed and Nearby Habitat**

The property is diligently safe-guarded against possible environmental damage. All site and building construction has been built with permits through the consultation and employment of professional engineers, industrial electricians, licensed plumbers, surveyors, and has been designed to be as efficient and clean as humanly possible. Cleanliness is insured through constant, regular cleaning of grow areas and equipment to make certain that all areas are clean and all surfaces germ free. Footbaths are installed at the entrance/exit of each greenhouse to protect crop from contamination. The property has twice been formally inspected by Fish & Wildlife (“F&W”) and F&W's sole concern the drainage of a 15' x 15' pond. Remedial action is currently being investigated and managed by SHN Engineering in Eureka. All garbage is collected in Emerald Coast Genetics, Inc.'s company truck and taken to the dump regularly.

## **9. Protocols for Proper Storage and Use of Fertilizers, Pesticides, and Other Regulated Products**

All fertilizers used are organic and or natural (fish emulsion, bat guano, bone meal, blood meal, mushroom compost, etc.) All fertilizers are stored at room temperature in locked area in the Shop and do not possess a danger to humans or animals. All Shop exterior walls are 4" x 6" framing and fully insulated so all chemicals remain cool and at proper storage temperature.

All pesticides used are organic or naturally based. No pesticides are used that have the potential to be harmful to humans, animals, or the environment. Soil amendments and chemical uses are summarized as follows:

Advanced Nutrient Connoisseur Part A and B 200 gallons each year (10-8-14 combined)

Advanced carbohydrate-Bud Candy 150 gallons each year (0-0-0)

Kanga Roots by Foxfarm Nutrients 38 gallons (0-0-0)

**Bat Guano** (7-3-1) 250 pounds per year

**Bat Guano** (2-7-6) 250 pounds per year

**Plant Therapy** (natural non-toxic) soybean oil based leaf shine)

**Einstein oil-** High quality cold pressed neem oil (in vegetative clone stage only)

**Bokashi-** 10lbs per year- Compost tea amendment for microbial food

**Yucca-** 10 lbs per year-Compost tea amendment for microbial food

**Composted forest Hummus** by General Hydroponics

**Mollases** by Earth Juice for microbial food

**Worm Castings-** locally sourced - 150lbs per year

**Insect Frass-** (0-0-2) BLC blends- 30 lbs per year

Brian Zimmerman was a top college student and awarded "student of the year" in both organic chemistry and biology at graduation. He is highly dedicated to quality, environmentally sound cultivation and assisting other cultivators due to his knowledge of cannabis plants and disease remediation.

## **10. Processing Plan**

Only cultivation and drying occurs on site. Processing is performed off-site. However, ECG anticipates building a commercial structure with ADA restroom and procure a Processing facility on site in near future.

## **11. Mixed Light Cultivation Yield Range**

When production is stabilized we expect approximately 2 to 2.5 annual cultivation cycles per year. While ECG has been told it should reach and ECG would like to someday be reaching 3 annual cultivation cycles per year, ECG has found that since it is in the "farming" business there are constant problems so have not yet been able to reach 3 cultivation cycles per year. For example, mold, clone or other plant diseases, excess moisture or other growing problems can cause the loss of a crop. When this occurs we sanitize and spotlessly clean all growing areas to hospital cleanliness standards and begin again. Unfortunately, due to a crop disease from purchased clones, ECG did not cultivate from about mid-2017 until late September of 2019.

## **12. Schedule of Activities During Each Month of the Growing and Harvesting**

## **Season.**

There is no prescriptive schedule as the companies' plants are always in different stages of growth. Plants begin as cuttings in Rockwool cubes (2-3 weeks) under T-5 High efficiency fluorescent lights then are transplanted into 4-inch pots for another 2 weeks. Sometimes clones may be purchased by legal nurseries. They are then transplanted to 5-gallon pots under 600-1000-watt HPS lights for about 3-4 weeks. It then takes an additional 8-10 weeks in the greenhouse to flower. The harvested material is dried in Building "N" and pre-processed into totes (Packages) and transported by licensed transporter/distributor for processing. Packages are securely stored in upstairs mixed light secure storage area and locked away until transport pick up.

## **13.) Security Plan**

The property has been fully secured with property perimeter fence plus secure fencing with cyclonic razor wire surrounding grow areas, a 16-camera high definition surveillance system with point to zoom and live off-site monitoring through satellite networking. Gated entry with industrial lock. Future plans include hiring private third-party security guard(s). All persons on property site are aware of the potential threat of robbery and associated violence and keep all gates and doors locked at all times (both the perimeter gate and the gate surrounding the main grow area. There is also an active panic system that has a 130 db alarm bell to discourage potential robbers and alert everyone onsite of a possible criminal threat.

## **14.) PG&E 3-phase Agricultural Power; Emergency Backup**

The property has agricultural PG&E agricultural power service. Technically, the PG&E power is a fully-permitted 3-phase, 480v, 600-amp PG&E agricultural drop on property. All is built and installed to code by a leading licensed industrial electrician with all required existing County permits. A generator is used for backup only in emergencies when PG&E power is interrupted. The generator building was fully permitted through the County in addition to its permitted 600-gallon double-walled, state-of-the-art diesel tank with sophisticated leak monitoring system alert. The projected use of generator is less than 20 hours per year as it is used only during PG&E power outage(s). PG&E expects to shut off power from time to time to protect the area from forest fires. Backup power has become mandatory to prevent major crop loss and bankruptcy.

## **15.) Propagation.**

The propagation of clones and vegging plants occurs indoors in shop Building "A" and in greenhouses "F" and "O". When built, propagation will also occur in "N", a proposed lean-to expansion of Building "A". No true "growing" occurs inside Building "A". Building "A" is

only used only to get clones started and since space is very limited it doesn't make sense to grow plants inside. Once plants are established, these small plants are immediately placed in mixed-light greenhouses until completion of growth and flowering cycle

This Cultivation & Operations Plan was prepared by Emerald Coast Genetics, Inc. on the date set forth above.

Brian P. Zimmerman, CEO

ORIGINAL 3/20/17 (Revised 9/26/2017)

Order No. R1-2015-0023

Appendix A

**I. Discharger Information**

First Name, Middle Initial

BIRNIN P

Last Name

ZIMMERMAN, CEO, EMERALD COAST GENETICS, INC.

Mailing Address:

Street

EMERALD COAST GENETICS

610 FLETCHER, SUITE 3 #827

City

AIRCATA

State

CA

ZIP

95521

Phone Number:

919-433-2690

Email:

ZIMMERMAN456HIA@HOTMAIL.COM

**II. Site Information**

Site Address:

Street

City

State

ZIP

Subwatershed (HUC-12)

\*12-digit HUC-12 code available at [http://iaspub.epa.gov/apex/grts/f?p=110:95::NO::APP\\_SHOW\\_HIDE](http://iaspub.epa.gov/apex/grts/f?p=110:95::NO::APP_SHOW_HIDE):

181010102104102

Assessor's Parcel Number (APN)

314-11311-033-0100

Please check one of the following boxes to indicate which Tier you are enrolling under:

Tier 1  Tier 2  Tier 3

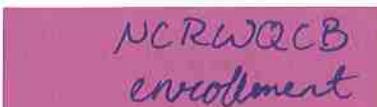
Under Tier 2, water resource protection plans must be developed within 180 days of submittal of this NOI form. Under Tier 3, cleanup and restoration plans must be submitted to the Regional Water Board within 45 days of submittal of this NOI form. Tier 3 enrollees that are cultivating must also be enrolled and comply with Tier 2 conditions.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. The information contained in this document and all attachments is, to the best of my knowledge and belief, true, accurate, and complete. I agree to monitor and report on my site in compliance with the Order, including the Monitoring and Reporting Program (Appendix C) truthfully, accurately, and completely; complete Sections I and II, above; keep a copy of the Order, this NOI, the annual monitoring and reporting documents and, if applicable, the water resource protection plan and cleanup and restoration plan document(s) on site, and make them available to Water Board staff upon request. If there is a change in Tier status based on changed site conditions, the changes must be documented, appended to this document, and resubmitted to either the Regional Water Board or, if applicable, an approved third party.

Print name: BRIAN P. ZIMMERMAN, CEO

Signature:

*Brian P. Zimmerman, CEO* Date: 9/27/17



Order No. R1-2015-0023  
REPORTING FORM

A. Site WDID: 1B16871 CHUM

B. Subwatershed (HUC-12)<sup>2</sup>: 180101020402

C. Enrollment date: 5/23/2016

D. Reporting date: 3/20/2017 (as updated by this revised report)

E. Please check the box corresponding to the enrolled site's current tier (Tier 3 sites with cultivation must also check Tier 2).

- Tier 1
- Tier 2
- Tier 3

Has the site's tier status changed since the last reporting period? Y/N  
If YES, briefly explain: \_\_\_\_\_

F. Check all fields that apply to the enrolled site:

i. Tier 1 sites:

- (see Order at page 6 for details on Tier 1 characteristics)
- Average slope of each individual cultivation area is no more than 35% slope.
- Total cultivation area is no more than 5,000 square feet.
- No cultivation areas or associated facilities are located within 200 feet of a surface water. (Surface waters include wetlands and Class I, II, and III watercourses.)
- No surface water diversion from May 15 through October 31.
- The site is in compliance with all Standard Conditions under Order R1-2015-0023, section I.A.

ii. Tier 2 sites:

a. A Water Resource Protection Plan has been developed and is being implemented? Y/N

If NO, expected date when plan will be ready and implementation will begin:  
10/31/17

If YES, have there been changes to the implementation schedule since the prior year of reporting? Y/N

<sup>2</sup> 12-digit HUC-12 subwatershed codes are available online at [http://iaspub.epa.gov/apex/grts/f?p=110:95::NO::APP\\_SHOW\\_HIDE:](http://iaspub.epa.gov/apex/grts/f?p=110:95::NO::APP_SHOW_HIDE:)

**REPORTING FORM**  
Page 2/5

**ii. Tier 2 sites continued:**

b. Check below as to whether or not the site meets Standard Conditions under Order R1-2015-0023, section I.A. If a standard condition is not yet met, please indicate the expected date of compliance as identified in the Water Resource Protection Plan. Upon initial enrollment, provide an estimated expected date of compliance.

Standard Condition Met

If NO, expected date of compliance

- 1. Site maintenance, erosion control, and drainage features Y  / N
- 2. Stream crossing maintenance Y  / N
- 3. Riparian and wetland protection and management Y  / N
- 4. Spoils management Y  / N
- 5. Water storage and use Y  / N
- 6. Irrigation runoff Y  / N
- 7. Fertilizers and soil amendments Y  / N
- 8. Pesticides and herbicides Y  / N
- 9. Petroleum products and other chemicals Y  / N
- 10. Cultivation-related wastes Y  / N
- 11. Refuse and human waste Y  / N

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

c. All management measures are being implemented as part of the Water Resource Protection Plan? Y  / N

*WRPP IN PROCESS OF COMPLETION*

If YES, do management measures appear to be effective in preventing and minimizing discharges of waste to surface water? Y  / N

If management measures do not appear to be effective, are additional measures being implemented iteratively to prevent and minimize discharges of waste to surface water? Y  / N

If NO, describe management measures or practices that have not been effective in preventing and minimizing discharges of waste to surface water, if applicable. Describe plans for new or additional management measures to prevent and minimize discharges of waste, if applicable. Attach additional sheets as necessary.

**REPORTING FORM**

Page 3/5

d. Will work to bring site into compliance with Standard Conditions require disturbance to a stream or wetland over the coming year? Y  / N

If YES, indicate status of work authorization by Regional Water Board. Specifically, check one or more of the following and provide the date if/as applicable.

I plan to submit my project plans to the Regional Water Board by the following date: \_\_\_\_\_

I submitted my project plans to the Regional Water Board on the following date: \_\_\_\_\_

The Regional Water Board Executive Officer authorized my project plans on the following date: \_\_\_\_\_

I have elected to receive authorization for instream work under a different Regional Water Board permitting mechanism as follows:  
\_\_\_\_\_

Instream work anticipated to occur between the following dates: \_\_\_\_\_

**iii. Tier 2\* sites:**

Total cultivation area is less than 10,000 square feet? Y  / N

Water resource protection plan developed and fully implemented? Y  / N

All Standard Conditions met? Y  / N

Site was inspected and verified as Tier 2\* by Regional Water Board staff (NAME) \_\_\_\_\_ or approved third party program (NAME): \_\_\_\_\_ on (DATE) \_\_\_\_\_

**iv. Tier 3 Sites:**

A Cleanup and Restoration Plan has been submitted to the Regional Water Board for approval.

The Cleanup and Restoration Plan has been approved by the Regional Water Board.

The timeline for the approved Cleanup and Restoration plan is being followed.

Will restoration work require disturbance to a stream or wetland in the coming year? Y  / N

Instream work anticipated to occur between the following dates: \_\_\_\_\_

Cannabis cultivation is occurring or will occur on the site over the coming year. (If this box is checked, ensure that Tier 2 portions of the reporting form are completed as well).

original 3/20/17 (REVISED 9/26/17)

**REPORTING FORM**

Page 4/5

v. For All Sites:

Annual Reporting Period (Calendar Year), or CHECK HERE  if this is the report accompanying initial enrollment.

0	1	0	1			TO	1	2	3	1		
Month/Day/Year							Month/Day/Year					

(See Order at page 6 for details regarding cultivation area and slope measurements, and watercourse definitions).

<b>Total cultivation area (square feet)</b>	1 acre permit, only	22,000 SF																																		
<b>Distance to surface waters (feet) from nearest edge of each cultivation area or associated facility.</b> Provide distance measurement for each cultivated area separately, as appropriate.		used in 2017																																		
<b>Average slope (percent slope) of each cultivated area</b> List each cultivated area separately, as appropriate.		Full SUN: 29-15% FURNACE - East Green House - 29-39%																																		
<b>Total number of road crossings of surface waters</b> Surface waters include wetlands and Class I, II, or III watercourses.		0																																		
<b>Annual soil amendment and chemical use (pounds or gallons).</b> Total mass and/or volume of soil amendment and/or chemical usage by type, product name, and nutrient content such as N-P-K ratio, if applicable.*		See ATTACHMENT "1" (Attached)																																		
<b>Total water storage capacity (gallons or acre feet)</b>		5,000 gallons																																		
<b>Total surface water diversion by month (gallons or acre feet)*</b>	<table border="1"> <thead> <tr> <th>Jan</th><th>Feb</th><th>Mar</th><th>April</th><th>May</th><th>June</th><th>July</th><th>Aug</th><th>Sept</th><th>Oct</th><th>Nov</th><th>Dec</th> </tr> </thead> <tbody> <tr> <td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td> </tr> </tbody> </table>												Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	0	0	0	0	0	0	0	0	0	0	0	0
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec																									
0	0	0	0	0	0	0	0	0	0	0	0																									

**Water input to storage by source and month (gallons or acre-feet)** Report water volume input to storage, listing each source separately. This may include inputs from rainfall catchment, surface water diversions, groundwater pumping, or water delivery. If water is delivered, list delivery date, delivery volume, and name and address of water purveyor.\*

PERMITTED WELL

Source	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
PERMITTED WELL	3,000	3,000	3,000	4,000	5,000	5,000	6,000	6,000	5,000	4,000	3,000	3,000

**Water use by source and month (gallons or acre feet)** Report water volume used, listing each source separately. This may include use of stored water, immediate use of pumped groundwater, diverted surface water, or delivered water. If water is delivered, list delivery date, delivery volume, and name and address of water purveyor.\*

PERMITTED WELL

Source	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
PERMITTED WELL	3,000	3,000	3,000	4,000	5,000	5,000	6,000	6,000	5,000	4,000	3,000	3,000

\* Upon initial enrollment only, a best estimate is acceptable for reporting annual soil amendment and chemical use, monthly water stored, and monthly water use. Attach additional sheets if more space is needed for your responses.

**REPORTING FORM**

Page 5/5

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. The information contained in this document and all attachments is, to the best of my knowledge and belief, true, accurate, and complete.

Print name: BRIAN ZIMMERMAN, CEO, Emerald Coast Genetics, Inc.  
Signature: [Handwritten Signature] Date: 9/26/17 - THIS REVISION  
(original filed 3/15/2017)

Preparer: Complete if MRP was prepared by someone other than the discharger, including an approved third-party

Organization Name (if applicable):

[Grid for Organization Name]

Prepared by:

First Name, Middle Initial

[Grid for First Name, Middle Initial]

Last Name

[Grid for Last Name]

Preparer Address:

Street

[Grid for Street]

City

[Grid for City]

State

ZIP

[Grid for State and ZIP]

Phone Number:

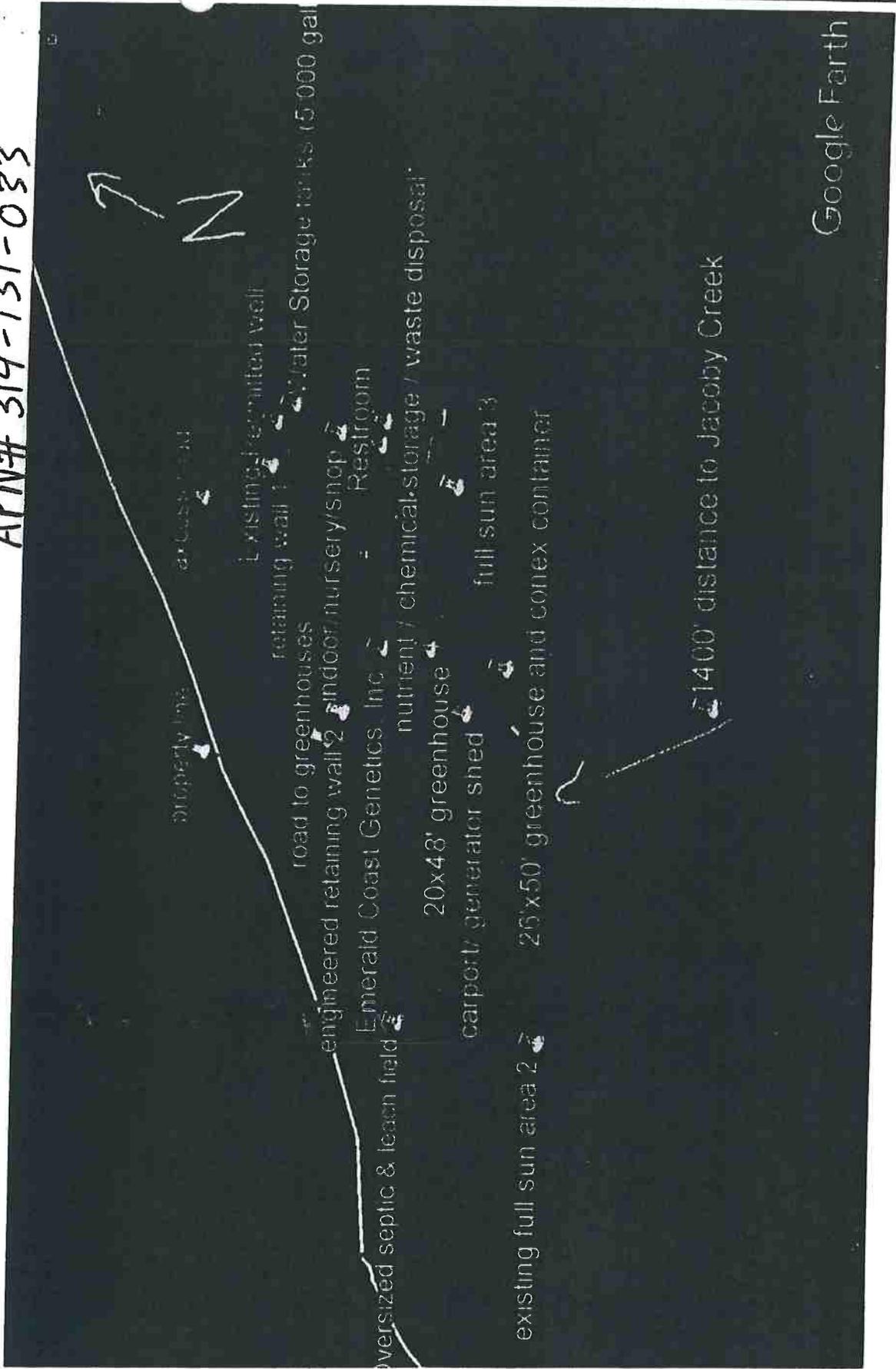
[Grid for Phone Number]

Email:

[Grid for Email]

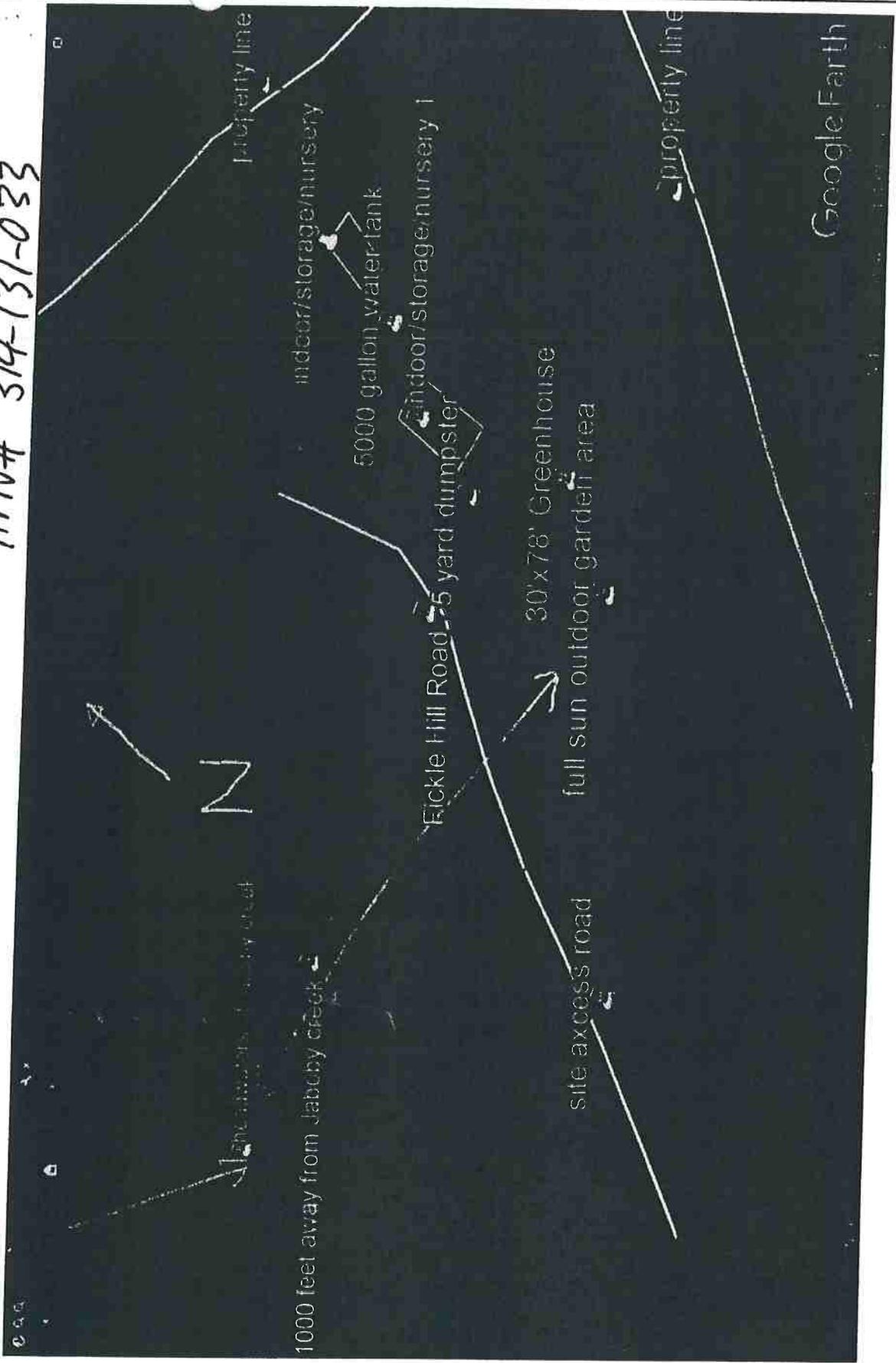
# Site Map - West Side Blow-up view

APN# 314-131-033



# Site Map - East Side Blow-up

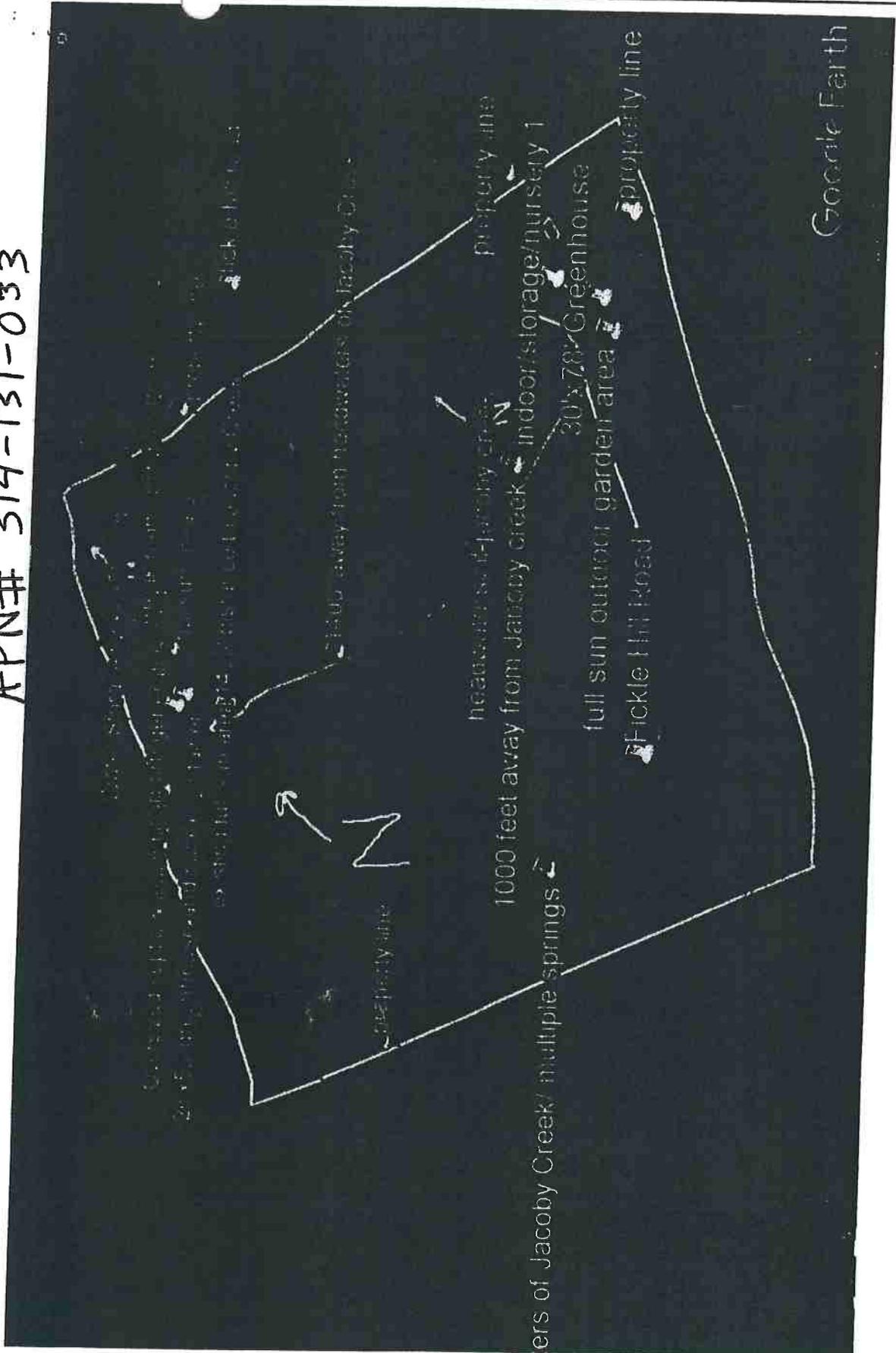
APN# 314-131-033



(2)

# Site Map - Full Parcel

APN# 314-131-033



3

State of California  
**Well Completion Report**  
 Form DWR 188 Complete 1/6/2020  
 WCR2019-017655

*Apps 10559*  
*CUP 16-036*

Owner's Well Number \_\_\_\_\_ Date Work Began 12/10/2019 Date Work Ended 12/16/2019  
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program  
 Secondary Permit Agency \_\_\_\_\_ Permit Number 19/20-0436 Permit Date 12/04/2019

Well Owner (must remain confidential pursuant to Water Code 13752)		Planned Use and Activity	
Name	<u>Bruce Zimmerman</u>	Activity	<u>New Well</u>
Mailing Address	<u>5362 Blinn Lane</u>	Planned Use	<u>Water Supply Irrigation - Agriculture</u>
City	<u>Irvine</u>		
	State <u>CA</u> Zip <u>92603</u>		

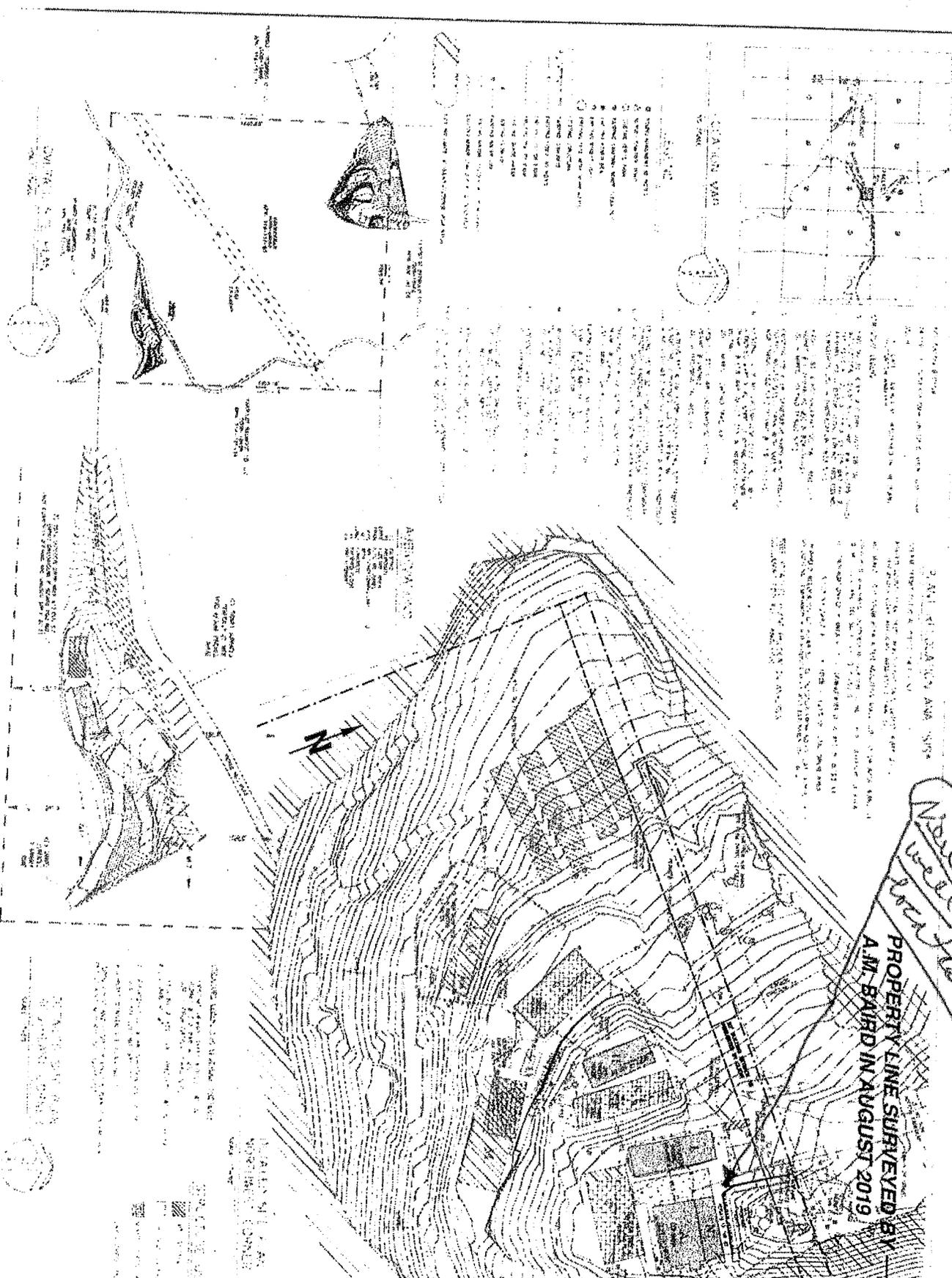
Well Location			
Address	<u>12395 Fickle Hill RD</u>		APN <u>314-131-033</u>
City	<u>Arcata</u>	Zip <u>95521</u>	County <u>Humboldt</u> Township <u>04 N</u>
Latitude	<u>40</u> <u>45</u> <u>57.1356</u> N	Longitude	<u>-123</u> <u>57</u> <u>26.6651</u> W
	Deg. Min. Sec.	Deg. Min. Sec.	Range <u>02 E</u>
Dec. Lat.	<u>40.765871</u>	Dec. Long.	<u>-123.957407</u>
Vertical Datum	Horizontal Datum <u>WGS84</u>	Baseline Meridian	<u>Humboldt</u>
Location Accuracy	Location Determination Method	Ground Surface Elevation	
		Elevation Accuracy	
		Elevation Determination Method	

Borehole Information	
Orientation	<u>Vertical</u> Specify _____
Drilling Method	<u>Direct Rotary</u> Drilling Fluid <u>Air</u>
Total Depth of Boring	<u>220</u> Feet
Total Depth of Completed Well	<u>220</u> Feet

Water Level and Yield of Completed Well	
Depth to first water	<u>105</u> (Feet below surface)
Depth to Static	
Water Level	<u>98</u> (Feet) Date Measured <u>12/16/2019</u>
Estimated Yield*	<u>10</u> (GPM) Test Type <u>Air Lift</u>
Test Length	<u>4</u> (Hours) Total Drawdown <u>115</u> (feet)
*May not be representative of a well's long term yield.	

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	2	top soil
2	27	brown clay
27	65	cemented sands
65	75	shale
75	208	blue sandstone
208	220	sandstone shale mix







DEPARTMENT OF FORESTRY AND FIRE PROTECTION

135 Ridgway Ave  
Santa Rosa, CA 95401  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)  
(707) 576-2959



Date: April 01, 2009  
Ref.: 1-09EX-045-HUM



CHARLES HOLTHAUS  
P O BOX 1136  
ARCATA, CA 95518

DEAR MR. HOLTHAUS:

This is to acknowledge that your Less Than 3 Acre Conversion Exemption was accepted on April 1, 2009. It has been assigned the above listed Exemption number. All timber operations must be complete within one year. All conversion activities must be complete within two years, unless under permit by local jurisdiction.

Please familiarize yourself with the enclosed Notice of Slash Clean-up Requirements noting that there are rule changes as of January 1, 1998. These requirements must be strictly adhered to once operations commence. In addition, please note the requirement for submittal of the Timber Operations Work Completion and/or Stocking Report (blue form) upon completion of the project.

Compliance with all provisions of the Forest Practice Act, rules pursuant to Section 1104.1(a)--Title 14 of the California Code of Regulations, will be determined by future inspection(s).

\*\*\*Please note enclosed notice regarding COHO Listing\*\*\*  
\*\*\*Please note enclosed notice regarding Winter Operations\*\*\*

If you have any questions you may contact your local CDF Forest Practice Inspector or me at (707) 576-2959.

Sincerely,

Donald Morse  
Staff Forester, Forest Practice  
RPF #2158

Enclosure(s)

- cc: CDF Unit
- Fish & Game
- Water Quality
- County Planning
- Board of Equalization
- TLO-The Bruce G. Zimmerman Trust
- LTO-Macmullin Forestry & Logging
- File

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV

LESS THAN 3 ACRE CONVERSION EXEMPTION

FOR ADMIN. USE ONLY ✓

STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NOTICE OF TIMBER OPERATIONS THAT ARE EXEMPT FROM
CONVERSION AND TIMBER HARVESTING PLAN REQUIREMENTS
RM-73 (1104.1a) (12/08)

Ex. # 1-09EX-095HAM
Date of Receipt MAR 23 2009
Date Accepted 4-1-2009
Date Expires 4-31-2010

VALID FOR ONE YEAR FROM DATE OF RECEIPT BY CAL FIRE
TIMBER OPERATIONS CANNOT START UNTIL VALID COPY
OF A NOTICE OF ACCEPTANCE IS RECEIVED FROM CAL FIRE

The Director of the Department of Forestry and Fire Protection (CAL FIRE) is hereby notified of timber operations under the requirements of 14 CCR § 1104.1(a): Harvesting of trees that is a single conversion to a non-timber growing use of timberland of less than three acres. (See 14 CCR § 1104.1(a) for a description of the conditions on the conduct of this type of timber operation and additional information that is required to be submitted.) Complete Items 1 through 8 on both pages of this notice.

1. TIMBER OWNER(S) OF RECORD: Name Bruce G. Zimmerman, Trustee, The Bruce G. Zimmerman Trust

Address 5362 Blinn

City Irvine State CA Zip 92603 Phone (949) 852-1111 ext.228

SIGNATURE [Signature] Date 3/13/09

TIMBER TAX EXEMPTION: Timber owners owe timber yield tax when they harvest trees unless the harvest is exempt (Revenue and Taxation Code sec. 38116). Some small or low value harvests may be exempt from timber yield tax: Timber removed from an operation whose value does not exceed \$3,000 within a quarter, according to BOE Harvest Value Schedules, Rule 1024. If you believe your harvest may qualify for this exemption, please complete items A and B below. For timber yield tax information or for further assistance with these questions call the State Board of Equalization, 1-800-400-7115, or write: Timber Tax Section, MIC: 60, State Board of Equalization, P.O. Box 942879, Sacramento, California 94279-0060; or contact the BOE Web Page on the Internet at http://www.boe.ca.gov.

A. Circle the option that most closely estimates the total volume for this harvest, in thousands of board feet (mbf - Net Scribner short log):

Under 8 mbf 8-15 mbf 16-25 mbf Over 25 mbf

B. Estimate what percentage of timber will be removed during this harvest:

Redwood %; Ponderosa/Sugar pine %; Douglas-fir 50%; Fir %;
Port-Orford Cedar %; Cedar (IC, WRC) %; Other conifer %; Other hardwood 50%.

RECEIVED
MAR 23 2009
COAST AREA OFFICE
RESOURCE MANAGEMENT

2. TIMBERLAND OWNER(S) OF RECORD: Name Bruce G. Zimmerman, Trustee, The Bruce G. Zimmerman Trust

Address 5362 Blinn

City Irvine State CA Zip 92603 Phone (949) 852-1111 ext.228

I certify, under penalty of perjury, that this is a one-time conversion to a non-timberland use, that there is a "bona fide intent" [14 CCR § 1100(b)] to convert to residential home sites, out buildings, yard, landscaping and solar access area, and that I have mailed a letter of notice of intent to harvest timber, prepared by the registered professional forester, to all adjacent landowners within 300 feet of the boundaries of the exemption.

SIGNATURE [Signature] Date 3/13/09

2. LICENSED TIMBER OPERATOR(S): Name Macmullin Logging Lic. No. A-7460

Address 944 Hidden Pond Ln.

City McKinleyville State CA Zip 95519 Phone (707) 839-4751

SIGNATURE [Signature] Date 3/19/09

3. Designate the legal land description of the location of timberland conversion. A map showing the location of the timberland conversion MUST be attached. The map must show the ownership boundaries, the location of the timber operation, boundaries of the conversion, location and classification of all watercourses, and landing locations.

Section Township Range Base & Meridian County Acreage to be Converted Assessors Parcel Number

4 4N 2E Humboldt Humboldt 2.9 Acres APN 314-131-033-000

- 4. The following are limitations or requirements for timber operations conducted under a Less Than Three Acre Conversion Exemption (Notice, Notice of Conversion Exemption, Conversion Exemption):
  - A. Timber operations shall comply with all other applicable provisions of the Forest Practice Act and regulations, county general plans, zoning ordinances, and any implementing ordinances; copies of the state rules and regulations may be found on CAL FIRE's Web Page on the Internet at <http://www.fire.ca.gov>.
  - B. All timber operations shall be complete within one year from the date of acceptance by CAL FIRE.
  - C. All conversion activities shall be complete within two years from the date of acceptance by CAL FIRE unless under permit by local jurisdiction. Failure to complete the conversion requires compliance with stocking standards and stocking report requirements of the Forest Practice Act and Board of Forestry and Fire Protection regulations.
  - D. The timber operator shall remove or dispose of all slash or woody debris in accordance with 14 CCR § 1104.1(a)(2)(D). The timberland owner may assume responsibility for the slash treatment, provided the landowner acknowledges in writing to CAL FIRE such responsibility at the time of submission of this notice. The specific requirements shall be included with the acknowledgement.
  - E. Timber operations may be conducted during the winter period. Tractor operations in the winter period are allowed under any of the conditions described in 14 CCR § 1104.1(a)(2)(E)1-3.
  - F. No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city).
  - G. No timber operations shall be conducted until CAL FIRE's notice of acceptance is received and a valid copy of this notice and CAL FIRE's acceptance shall be kept on site during timber operations.
  - H. No sites of rare, threatened or endangered plants or animals or species of special concern shall be disturbed, threatened, or damaged.
  - I. No timber operations are allowed on significant historical or archeological sites.
  - J. Within one month of the completion of timber operations, including slash disposal, the timberland owner shall submit a work completion report to CAL FIRE.

6. I, Elizabeth Burks, declare as the authorized designee of the County Board of Supervisors that this conversion exemption is in conformance with all county regulatory requirements, including public notice. (If the county has authorized a designee this item MUST be completed. If it has not, see Item 7.)

SIGNATURE Elizabeth Burks Date 3/19/09

7. Registered Professional Forester preparing Notice: Name Charles W. Holthaus Number #2727  
 Address P.O. Box 1136

City Arcata State CA Zip 95518 Phone (707) 822-3628

I certify that I, or my supervised designee: prepared this Notice of Conversion Exemption Timber Operations; visited the site and flagged the boundaries of the conversion exemption, applicable WLPZs and equipment limitation zones; prepared a notice according to 14 CCR § 1104.1(a)(3) to be mailed by the landowner and that a copy of the notice was posted and dated on the ownership, visible to the public, at least 5 days prior to the postmark date of submission of the Notice of Conversion Exemption; and that if the County Board of Supervisors has not designated a representative authorized to sign in Item 6., that I, or my supervised designee, contacted the county and the Notice is in conformance with county regulations.

SIGNATURE of RPF [Signature] Date 3-5-09

3. NOTICE SUBMITTER(S): Name Bruce G. Zimmerman, Trustee, The Bruce G. Zimmerman Trust

Address 5362 Blinn

City Irvin State CA Zip 92603 Phone (949) 852-1111 ext.228

Submitter must be 1, 2, or 3 above, and must sign.

SIGNATURE Bruce G. Zimmerman Date 3/13/09

FILE THIS NOTICE WITH THE CAL FIRE OFFICE BELOW FOR THE COUNTY IN WHICH THE OPERATION WILL OCCUR:

Alameda, Colusa, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa,  
 San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, western Trinity and Yolo Counties.

=> Forest Practice Program Manager  
 => CAL FIRE  
 135 Ridgway Avenue  
 Santa Rosa, CA 95401

RECEIVED

Butte, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Shasta,  
 Sierra, Siskiyou, Sutter, Tehama, eastern Trinity and Yuba Counties.

MAR 23 2009

=> Forest Practice Program Manager  
 => CAL FIRE  
 6105 Airport Road  
 Redding, CA 96002

COAST AREA OFFICE  
 RESOURCE MANAGEMENT

Alpine, Amador, Calaveras, El Dorado, Fresno, Imperial, Inyo, Kern, Los Angeles,  
 Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino,  
 San Diego, San Luis Obispo, Santa Barbara, Stanislaus, Tuolumne, Tulare, and Ventura Counties.  
 PLN-10559-CUP Emerald Coast Genetics January 7, 2021

=> Forest Practice Program Manager  
 => CAL FIRE  
 => 1234 East Shaw Avenue  
 Fresno, CA 93710

Appendix A

- Project Area Map
- Slash and Woody Debris Treatment Requirements
- Winter Operating Plan
- Mailed Letter of Notice and Public Notice
- Native American Letter Notification Mailing List
- Sample Native American Letter Notification
- Adjacent Landowner Within 300 Feet of Project Area Letter Notification Mailing List
- Sample Adjacent Landowner Within 300 Feet of Project Area Letter Notification
- Archaeological Records Check Request
- Archaeological Records Check Response

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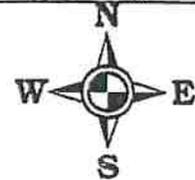
COAST AREA OFFICE  
RESOURCE MANAGEMENT

Water Tank

Fielke Hill Road

Butler Valley Road

Zimmerman Conversion Exemption  
Project Area Map  
T4N, R2E, Section 4, HBM



Scale 1" = 500'

Proposed Conversion Area.....  
2.9 acres



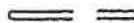
Property Line.....



Public Roads.....



Private Roads.....



Landing.....



Water Tank.....



### Slash and Woody Debris Treatment Requirements

The timber operator shall be the responsible party for the treatment of logging slash and woody debris.

1. Unless otherwise required, slash greater than one inch in diameter and greater than two feet long, and woody debris, except pine, shall receive full treatment no later than April 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.
2. All pine slash three inches and greater in diameter and longer than four feet must receive initial treatment if it is still on the parcel, within 7 days of its creation.
3. All pine woody debris longer than four feet must receive an initial treatment prior to full treatment.
4. Initial treatment shall include limbing woody debris and cutting slash and woody debris into lengths of less than four feet, and leaving the pieces exposed to solar radiation to aid in rapid drying.
5. Full treatment of all pine slash and woody debris must be completed by March 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.
6. Full slash and woody debris treatment may include any of the following:
  - a. burying;
  - b. chipping and spreading;
  - c. piling and burning; or
  - d. removing slash and woody debris from the site for treatment in compliance with (a)-(c). Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated.
7. Slash and woody debris, except for pine, which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying by April 1 of the year following its creation. Pine slash and woody debris which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying within seven days of its creation. All treatment work must be completed prior to the expiration date for the conversion exemption.
8. Any treatment which involves burning of slash or woody debris shall comply with all state and local fire and air quality rules.
9. This section does not supersede more restrictive treatments or time frames within a Forest district or subdistrict

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Winter Operating Plan

1. Mechanical site preparation in the form of tractor piling of logging slash may occur during the winter period but shall be subject to the limitation of 4 and 5 below.
2. Yarding Systems – The small volume per acre to be removed, small total volume, topography and existing road network makes tractor yarding the most feasible yarding system. In skidding, existing roads, benches, ridges and gentler slopes shall be used whenever possible. Tractor operations, log hauling, roadwork or other non-emergency work shall not take place under saturated soil conditions. Tractor yarding shall be done only during dry, rainless periods where soils are not saturated.
3. Operating Period – The winter operating restrictions herein are in effect from October 15 through May 1. Use of tractor roads and haul roads shall be limited to periods of low antecedent soil wetness. A period of low antecedent soil wetness is defined for these purposes for the winter operating period as:
  - a. At least 24 hours of elapsed time with no measurable precipitation since the most recent ¼ inch or greater precipitation event, AND
  - b. Saturated soil conditions (see definition below per 14 CCR 895.1) do not exist, AND
  - c. The roads and landings have a stable operating surface (see definition below per 14 CCR 895.1).
4. Erosion Control Facility Timing – Erosion control structures shall be installed on all skid trails and tractor roads as soon as practical following yarding and prior to either (1) the start of any rain which causes overland flow across or along the disturbed surface within a WLPZ or ELZ designated for watercourse or lake protection, or (2) prior to the end of the day if the US Weather Service forecast is a "chance" (30 percent or more) of rain before the next day and prior to weekend or other shutdown periods. A tractor and/or grader shall be on-site and available for routine maintenance.
5. Consideration of form of precipitation. Rain or snow may occur during the winter operating period. The amount of rain and the temporal spacing of consecutive rain events shall determine when saturated soil conditions exist. No tractor yarding, skidtrail construction, log hauling or other heavy equipment operation shall be permitted when precipitation is creating saturated soil conditions in that area. Falling may occur during rain or snow subject to the access restriction regarding use of roads.
6. Ground Conditions – The soils generally exhibit good drainage. Frozen soil conditions over extended periods are not anticipated during the winter operating period. The restrictions above shall mitigate and prevent operations when soil moisture is too high. Operation of trucks and heavy equipment on roads and landings shall be limited to those with a stable operating surface.
7. Operations within the WLPZ – Operations within WLPZ's are not proposed.
8. Equipment use limitations – Tractor timber operations on tractor roads on slopes >40% within 200 feet of a Class I, II or III watercourse shall be allowed only during extended periods with low antecedent soil wetness. Hauling shall not occur when saturated soil conditions exist on the road (14 CCR 923.1(j)). Grading to obtain a drier running surface more than one time before reincorporating of any resulting berms more than once is prohibited.

Definitions of terms used (14 CCR 895.1):

**Saturated Soil Conditions** - means that site conditions are sufficiently wet that timber operations displace soils in yarding or mechanical site preparation areas or displace road and landing surface materials in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters, or in downstream Class I, II, III, or IV waters that is visible or would violate applicable water quality requirements.

In yarding and site preparation areas, this condition may be evidenced by: a) reduced traction by equipment as indicated by spinning or churning of wheels or tracks in excess of normal performance, b) inadequate traction without blading wet soil, c) soil displacement in amounts that cause visible increase in turbidity of the downstream waters in a receiving Class I, II, III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters, or d) creation of ruts greater than would be normal following a light rainfall.

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Bruce G. Zimmerman <3 ac. Conversion Exemption 2009  
3/20/2009

On logging roads and landing surfaces, this condition may be evidenced by a) reduced traction by equipment as indicated by spinning or churning of wheels or tracks in excess of normal performance, b) inadequate traction without blading wet soil, c) soil displacement in amounts that cause visible increase in turbidity of the downstream waters in receiving Class I, II, III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters, d) pumping of road surface materials by traffic, or e) creation of ruts greater than would be created by traffic following normal road watering, which transports surface material to a drainage facility that discharges directly into a watercourse. Soils or road and landing surfaces that are hard frozen are excluded from this definition.

**Stable Operating Surface** - means that throughout the period of use, the operating surface of a logging road or landing does not either (1) generate waterborne sediment in amounts sufficient to cause a turbidity increase in downstream Class I, II, III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters or, that is visible or would violate applicable water quality requirements; or (2) channel water for more than 50 feet that is discharged into Class I, II, III, or IV waters.

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14 CCR 1104.1(a) CONVERSION EXEMPTIONS; 1104.1 (b c) PUBLIC AGENCY,  
PUBLIC AND PRIVATE UTILITY RIGHT OF WAY EXEMPTION; AND 1038(c)  
REMOVAL OF FIRE HAZARD TREES WITHIN 150 FEET OF A STRUCTURE  
EXEMPTION

**“MAILED LETTER OF NOTICE AND POSTED NOTICE”**

As per 14 CCR 1104.1(a)(3) of the forest practice rules and the notification requirements of the County of Humboldt a neighborhood notification of conversion exemption, public and private utility right of way and removal of fire hazard trees within 150 feet of a structure timber operations shall be posted on the ownership visible to the public by the RPF or supervised designee, at least 5 days prior to the postmarked date of submission of the notice of conversion exemption and other timber operations to the director. The date of posting shall be shown on the neighborhood notice. In addition, immediately prior to the submission of the exemption to the director, the landowner shall mail a letter to adjacent landowners within 300 feet of the boundaries of the exemption, and to Native Americans, as defined in 895.1 notifying them of the intent to harvest timber. This mailed letter of notice and the posted notice shall contain the following information on a form prepared by the RPF;

- (A) The name, address and phone number of the timberland owner, the timber operator, the agency of the county responsible for land use changes and the designated representative; if any, and the RPF.

**The Timberland owner is:**

Name: Bruce G. Zimmerman, Trustee, The Bruce G. Zimmerman Trust

Address: 5362 Blinn

Irvine CA, 92603

Phone: (949) 852-1111 ext.228

**The Timber Operator is:**

Name: Macmillin Forestry and Logging

Address: 944 Hidden Pond Ln.

McKinleville Ca, 95519

Phone: (707) 839-4751

Lic. No: A-7460

**The County or City agency responsible for land use changes and designated representative is:**  
Agency: Community Development Services—Planning Division, County of Humboldt

Designated Representative: Ms. Elizabeth Burks, Planner

**The RPF is:**

Name: Charles W. Holthaus

Address: P.O. Box 1136

Arcata CA, 95518

Phone: (707) 822-3628

- (B) The Location of the project, parcel number, street address, section, township and range and location:

Location: Approximately 3.1 air miles north of the Kneeland airport.

Parcel Number: AP# 314-131-033-000

Street Address: N/A

Section: 4

Township: 4-North

Range: 2-East

Base and Meridian: Humboldt

- (C) A statement explaining that this is a conversion from timberland use to a new land use, what the new land use will be, and that the maximum size is less than three acres.

This is a conversion of timberland to develop residential home sites, out buildings, yard, landscaping and solar access. The maximum size of the area under the proposed Conversion Exemption Timber Operations portion is less than three acres (2.9 acres).

Posting Date: March 4, 2009

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Bruce G. Zimmerman <3 ac. Conversion Exemption 2009  
3/20/2009

Native American Letter Notification Mailing List

**(Central Division - Trinidad South to Loleta**

Attn: Larry Myers  
Native American Heritage Commission  
915 Capitol Mall, Room #364  
Sacramento, CA 95814

Bear River Band of Rohnerville Rancheria  
Len Bowman, Chairperson  
Nick Angeloff, Tribal Historic Preservation Officer  
27 Bear River Drive  
Loleta, CA 95551

Blue Lake Rancheria  
Claudia Brundin, Chairperson  
Arla Ramsey, Tribal Administrator  
Janet Eidsness, Tribal Historic Preservation Officer  
P. O. Box 428  
Blue Lake, CA 95525

Wiyot Tribe  
Gail Green, Chairperson  
Attn: Helene Rouvier, Tribal Heritage Preservation Officer  
1000 Wiyot Drive  
Loleta, CA 95551

Yurok Tribe  
Culture Department  
Attn: Robert McConnel, Yurok Tribal Historic Preservation Officer  
P.O. Box 1027 (mailing address)  
Klamath, CA 95548

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RESOURCE MANAGEMENT

Page 62

## WESTERN TIMBER SERVICES, Inc.

*Serving California - Oregon - Washington*

P.O. Box 1136

CATA, CALIFORNIA 95518-1136

PHONE (707) 822-3628

FAX (707) 822-1923

Sample

March 20, 2009

Blue Lake Rancheria  
P. O. Box 428  
Blue Lake, CA 95525

Re: Native American letter notification of 14 CCR 1104.1(a) Conversion Exemption.

Dear Blue Lake Rancheria:

You are listed on the CDF "Native American Contact List" and we are required to make letter notification to your group of the intent to harvest timber under a proposed less than 3 acre Conversion Exemption as per 14CCR 1104.1(a). Therefore, to meet this requirement, we are providing this letter notification and a copy of the "Mailed Letter of Notice and Posted Notice". Not required, but as a consideration, we are providing a map of the project area to assist in your review. Should you have any knowledge or information regarding an Archaeological and/or Historical sites in the area of the proposed Exemption, please notify our office at the address on the letterhead above as soon as possible in writing. If you so choose you may also direct any correspondence in this regard to the California Department of Forestry and Fire Protection (CALFIRE), Resource Manager, at 135 Ridgeway Avenue, Santa Rosa, California 95401 and/or the County of Humboldt, Community Development Services-Planning Division Ms. Elizabeth Burks, 3015 H Street, Eureka California 95501

Thank you for your assistance and time in this matter. If there are any questions or you require clarification of the information provided please contact me at the address on the letterhead.

Sincerely,



Charles W. Holthaus

RPF# 2727

Western Timber Services, Inc.

Attachments: Posted Notice  
Map

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COAST AREA OFFICE  
RESOURCE MANAGEMENT

## WESTERN TIMBER SERVICES, Inc.

*Serving California - Oregon - Washington*

P.O. Box 1136

ARCATA, CALIFORNIA 95518-1136

PHONE (707) 822-3628

FAX (707) 822-1923

Sample

March 20, 2009

Humboldt Redwood Company  
P.O. Box 712  
Scotia, CA 95566

Re: Adjacent or Nearby Landowner Letter Notification of Conversion Exemption Timber operations.

Humboldt Redwood Company

You are an adjacent Landowner of land within 300 feet of the boundaries of a proposed Conversion Exemption timber operations project. We are required to make letter notification to you of the intent to harvest timber under a proposed less than 3 acre Conversion Exemption as per 14CCR 1104.1(a). Therefore, to meet this requirement, we are providing this letter notification and a copy of the posted notice. Not required, but as a consideration, we are providing a map of the project area to assist in your review. The proposed timber harvest is part of the conversion of timberland to develop residential home sites, out buildings, yard, landscaping and solar access on this property.

Should you have any comment regarding the proposed less than 3 acre Conversion Exemption, please send such to our address on the letterhead above as soon as possible in writing. If you so choose you may also direct any correspondence in this regard to the California Department of Forestry and Fire Protection (CALFIRE), Resource Manager, at 135 Ridgeway Avenue, Santa Rosa, California 95401 and/or the County of Humboldt, Community Development Services-Planning Division Ms. Elizabeth Burks, 3015 H Street, Eureka California 95501

Thank you for your assistance and time in this matter. If there are any questions or you require clarification of the information provided please contact me at the address on the letterhead.

Sincerely,



Charles W. Holthaus  
RPF# 2727  
Western Timber Services, Inc.

Attachments: Posted Notice  
Map

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RESOURCE MANAGEMENT

NOTE

Information concerning archaeological sites has been removed from the **BRUCE G. ZIMMERMAN, TRUSTEE, THE BRUCE G ZIMMERMAN TRUST** <3 acre conversion exemption received 3/23/09 in accordance with the policy of the Office of Historic Preservation as adopted by the State Historical Resources Commission under the authority of Public Resources Code 5020.4.

Copies of the information have been sent to the following locations to facilitate review of the project:

1. CDF field unit – Fortuna
2. Reviewing Archaeologist, Santa Rosa (Region Office)

The original copy of this material is maintained in a confidential file at CDF Northern Region Headquarters, 135 Ridgway Avenue, Santa Rosa, CA 95401.

**PAGES 13-18 RECEIVED 3/23/09**

10/22/18

### "Plant Relocation Analysis-Detail"

10/22/18

Emerald Coast Genetics - #10559

Growth Year selected: 2012

#### **I. Structure-by-Structure Overview:**

*"A" through "Q" refer to structures labeled on the "Plant Relocation Analysis" site plan.*

A—Drying/processing continue in limited areas.

H, K and L—used for propagation only.

N—Possible relocation of a portion of propagation area within A. Relocation benefits endorsed by Ag Department.

O, Q and M—Proposed new "no lighting" greenhouses to accept a portion of move of outdoor grow on slopes exceeding 15%.

E—Fully-permitted existing E (640 sf) would be demolished and become part of the footprint of M.

P - P is 30 x 66 feet or 1,980 sf. Of the 1,980 sf, 1,620 sf will be mixed-light. The remaining area of 360 sf will be no-light portion of outdoor allocation.

I, J—Receiving a portion of 7,010 sf grow area.

C, F and P—C and F remain existing mixed-light production. P receives the remainder of applicant's 4,860 County-approved mixed-light area. Thus, C F and P are the only mixed-light production areas. E will continue to be mixed-light until the construction of P and M.

#### **II. Additional Details and Calculation:**

**1. Environmental Justification.** The westerly outdoor grow calculation is 7,010 sq. ft. This grow area is steeper than 15%, in some cases approaching 50% grade and will need to be relocated to flat ground in covered greenhouses (without light). The relocation will be superior environmentally by stopping any potential migration of soils on steep terrain and creating a non-porous, cleanable environment to fight pathogens of fusarium, pythium, and other systemic diseases that applicant and others have had to abate. Fusarium has wreaked havoc on our yields. Applicant is still unable to find pathogen-free starts at any nursery in California. Six recent clone stocks from different state licensed nurseries where we wanted to purchase from were all independently lab-tested to have positive results for fusarium or pythium or both! For many protective reasons the County Ag department as proposed moving outdoor grows to protected, clean areas. By moving to greenhouses, there would be effectively no discharge of nutrient water onto native grounds. As stated previously, Emerald Coast Genetics, Inc, (ECG), has a sophisticated water and nutrient recovery system where all greenhouse irrigation runoff is collected off the concrete floors by a floor drain and runoff gets recaptured in a holding tanks to be treated and reused on landscaping plants.

These new greenhouses would be placed on existing flats and no ground disturbance or grading would be required. Greenhouses would be of same design including concrete floors (no prime soils on property) with run-off capturing floor drains that is stored and reused.

**2. Propagation.** Structures H, K, and L are **propagation** facilities and will never be used to flower cannabis. Solely used to create vegetative plant mass (sterile tissue cultures, clones, mother plants, etc.) for future flowering in other greenhouses. Due to ECG's extended seasonal output ability and the property's extensive investment in commercial grade structures, 3phase ag power, etc., it is necessary to have the facilities propagation potential to be up to 20% of the Interim Permit total of 24,719 sq. ft. Although ECG would like to see closer to 30-35% (8,652 sf @ 35%) propagation area, ECG is limited on space at this time.

ECG's advanced propagation is to assure all greenhouses stay operational and have no down time between cycles due to disease, plant loss, or lack of vegetative starting stock. ECG will also be doing micro propagation tissue cultures for genetic archiving and Phylos testing that will require additional propagation space. (Brian Zimmerman was an honors organic chemistry student with advanced lab technique.)

ECG only flowers in small pots ranging from 5 gallon to 15 gallon in size and will require thousands of starts throughout its extended growing season. This propagation area will include structures "H", "K", and "L", the lower level of "A", and the proposed lean to structure "N"

### 3. Square Footage of Propagation Calculation; Totals Calculations

"H" (20'x48') 960 sq. ft + "K" (20x72) 1440 sq. ft. + "L" (20'x60') 1200 sq. ft +  
Downstairs room in "A" 863 sq. ft. + "N" (15'x44') 660 sq. ft. =  
5,123 sq. ft. of Propagation  
=20.72%\* of 24,719 sq. ft.

\*Propagation is allowable up to 35% with reason.

Proposed structure M consists of dismantling fully permitted greenhouse E and replacing it with a 30'x78' no-light greenhouse.

Agreed mixed-light allowance: 4,860 sq. ft. [Source: Zsofia Odry]

Apply mixed-light sq. footage to=

Greenhouse "C" 30'x60' = 1,800 ft sq. ft.

Greenhouse "F" 24'x60' = 1,440 sq. ft.

4,860-1,800-1,440= 1,620 remaining sq. ft. of County-allowed mixed-light.

Greenhouse P receives the 1,620 sf balance of approved 4,860 sf mixed-light.

"P" is 30'x66' = 1,980 sq. ft. consisting of 1,620 sq. ft. mixed-light and the balance (360 sf) of no-lite space.

Proposed Greenhouse "O" is 20'x48'= 960 sq. ft.

Proposed Greenhouse "Q" is 20'x60' = 1200 sq. ft.

Adding these proposed relocation greenhouse's square footage we get=  
"O" 960 + "Q" 1200 + "M" 2,340 sq. ft = 4,500 sq. ft  
Outdoor Grow area southwest of "C" is 7,010 sq. ft.

7,010 sq. ft. existing outdoor grow - 4,500 sq. ft. relocated to unlit greenhouses = 2,510sq. ft.  
remaining outdoor space from westerly 7,010 sf outdoor grow.

This 2,510 sq. ft. remainder could be relocated to hoop house "I" (15'x76' = 1,140 sq. ft.) and  
hoop house "J" 15'x50 = 750 sq. ft. (750 +1,140) = 1,890 sq. feet (620 sq. ft. remainder).  
Could elongate "I" and/or "J" by 620 sq. ft (also keep in mind thousands of square feet  
adjacent to greenhouse F could be moved to our flatter and better sun area near hoops "I"  
and "J").

**4. Conclusion.** Applicant's proposed adjustments produce substantial benefits both for  
the County and applicant by moving problematic outdoor grow areas to unlit greenhouses  
which are preferable for environmental reasons as well as a means to protect grow areas  
from disease. It creates no new grow areas beyond the Planning Department's own  
calculation of 2012 outdoor and mixed-use areas. It also serves to reduce the impact that  
the Interim Permit was clearly deficient by never acknowledging the existing 2012 mixed-  
light. The Interim Permit should be corrected immediately. If the Interim Permit had  
included applicant's 2012 existing mixed-light grow area countless months—certainly more  
than a year—would have been saved and final approval would have been issued long ago  
under 1.0, way before 2.0 became effective.

## A Message From the Land Owner: ECG; PLN-10559-CUP

My property isn't visible from the City of Arcata property—Arcata's property drops at a 40% slope downward from my property.<sup>1</sup> HRC is aggressively timber cutting surrounding me and HRC and Arcata actively buy and sell timber products between themselves. Timber sales constitute a significant portion of Arcata's budget. Ironically, Arcata's Director of Environmental Services is also responsible for its timber operations.

Eleven years ago, the City of Arcata received notice from the Board of Supervisors of my proposed 3-acre conversion permit area and did nothing. It's precisely the same area Arcata is now asking me to replant. I am the steward of 37 acres of pristine, uncut forest. I have diligently environmentally protected my property and have no environmental problems. Yet I am now surrounded by logging slash piles and remnants of bulldozers that have torn up trees and land. In his youth my son, CEO of applicant ECG, worked as a volunteer in the Ashley National Forest in Utah (attached—pg 4). I have witnessed his camping in the wilderness and he never leaves a trace behind. Some conclude that anyone growing cannabis on forest land must be a renegade, yet we have worked closely with the Planning Department and grown legally for 11 years in compliance with all laws and have long been state licensed. HRC is currently timber cutting surrounding the Jacoby Creek Forest. What HRC and Arcata really want is to own my land. I cherish this beautiful property. We've done everything possible to support Arcata's 150-foot setback request. The County building inspector claims that the quality of our site and building improvements are among the top in the County.

Please see the big picture and do the right thing. Isn't a clean, regulated micro cannabis farm surrounded by 37 acres of old forest better for the County than another massive agriculture, timber, or other project alternative that don't provide needed revenue to the County?

Bruce Zimmerman, land owner

• • •

Staff Report Page 68: **Applicant's original Interim Permit was issued for 24,719 sf. ECG has accommodated all parties by reducing its grow to 11,440 sf.**

Staff Report Page 85: **Comments to City of Arcata Staff Report dated 7/17/19:**

ECG has never been an "illegal operation". In 2012 a subsidiary of the Discovery Channel entered into a contract with the County Sheriff's Department to film cannabis "busts". The applicant's property was the target of the first bust because it was a fairly large grow located close to town. All cultivation charges were dismissed because an incorporated, legal medical marijuana operation was being conducted on the property.

Following the 2012 bust, Baird Engineering was retained to "determine the north property line" and the County agreed with Baird's line. However, during the CalFire 2019 investigation it was discovered that Baird made an error in determining the north property line in 2012. Baird then

<sup>1</sup> See 7/16/19 letter from Whitchurch Engineering to Cliff Johnson.

prepared a revised 2019 survey and the new survey line was incorporated into a Settlement Agreement with adjacent landowner Humboldt Redwood Company (“HRC”). The Settlement Agreement dated 6/17/20 provides, among other things, that only 5 trees had been cut on the HRC property. One tan oak (not actionable) was apparently cut on the City of Arcata property. The City of Arcata Staff Report erroneously claims that “0.4 acres” were cleared.

The HRC Settlement Agreement obligates HRC to replant within the area 150 feet from the southwest corner of HRC’s APN 406-041-005 (immediately adjacent to the Arcata-requested setback area on the ECG property)—see Staff Report map, pg 94. Consequently, applicant has effectively doubled the re-planting area requested by the City of Arcata.

**All existing site conditions and environmental studies confirm that the ECG property has no impact whatsoever on the city of Arcata property. Micro scale organic farming is not comparable to the impacts of Arcata’s commercial logging.**

• • •

### **ECG Property County Entitlement Chronology**

#### **2008:**

**7/23/2008**—City of Arcata acquired land to northwest, APN 406-041-006, by deed.

**12/8/2008**—ECG property purchase deed recorded. Owner commenced property development.

#### **2009:**

**3-acre Conversion; City of Arcata Received Notice.** CalFire accepted Zimmerman's 3-acre permit application 3/23/2009. Nearby land owner, the City of Arcata, was notified. The document includes a declaration signed and dated:

"I, Elizabeth Burks, declare as the authorized designee of the County Board of Supervisors that this conversion exemption is in conformance with all county regulatory requirements, including public notice [emphasis added]."

**City of Arcata Given Written Notice of 3-acre Conversion Request.** Page 11 of the Conversion permit states: "Adjacent Landowner Within 300 Feet of Project Area Letter Notification Mail List". Only two landowners were within 300 feet and sent notification letters: (1) Humboldt Redwood Company and (2) City of Arcata.

**12/17/09—Soils Report by Whitchurch Engineering approved** by Humboldt County Building Inspection Department for proposed residential and agricultural construction.

#### **2010:**

**2/11/2010—3-acre Conversion "Completion Report"** references final inspection and approval.

**1/7/2010—Formal site plan approved.** Formal approval of first site plan was officially stamped “APPROVED 1-7-10 HUMBOLDT COUNTY PLANNING COMMISSION LAND USE AND SETBACKS”

showing the monument brass cap at the northwest corner of the ECG property and the installed septic system set back 50' from corner property lines. This formally approved site plan includes a 60' x 45' barn within the setback the City of Arcata is requesting. The barn was also separately entitled.

**1/19/2010–Building permit issued for home.** Complete working drawings (elevations, foundation design, electrical, window/door schedule, etc.) for 2,640 sf home approved and building permit issued by Humboldt County Building Department.

**1/27/10–Septic System permitted and installed.** This system is very large—designed to serve 5 toilets and multiple shower/baths.<sup>2</sup> The Septic system is located where the City of Arcata is requesting 150-foot setback (plus reforestation).

**Grading completed on 3 acre buildable site.**

**Applicant began continuously cultivating cannabis** on behalf of a legal collective and later formed Emerald Coast Genetics, Inc., first as a pre-recreational nonprofit corporation and later as a Schedule C corporation, all in accordance with California law and the state's cannabis permitting regulations.

**2011:**

**1/19/2011–Approval of Foundation Excavation** and native soils inspection of 2,700 sf garage/workshop by Humboldt County Building Inspection Department.

**2012:**

**2,700 sf garage/workshop construction completed.** Additional improvements also completed including greenhouses, greenhouse electrical, fire hydrant, shed, etc.)

**2013:**

**8/26/2013–11 permits issued by this date.** Letter from Delilah Moxom, County Permit Supervisor, confirmed that as of this date the County had issued 11 permits and none were in violation. Permitted items include 2,700 sf workshop/garage, greenhouses, retaining walls, sheds, propane tanks, septic system, etc.

**2015:**

ECG upgraded to a **County-permitted 600 Amp 3-phase Agricultural rate PG&E service**—30% to 50% more efficient and economical than traditional single-phase circuitry. While the equipment was very expensive, the system produces dramatic savings in energy use. All ECG's grow lighting is 480 volt, 3-phase ballasts that use 30% to 50% less energy than standard 120/240 volt ballasts.

<sup>2</sup> A separate caregiver unit was planned for my disabled wife but she subsequently died.

**2016:**

ECG County Cannabis application filed in May, 2016.

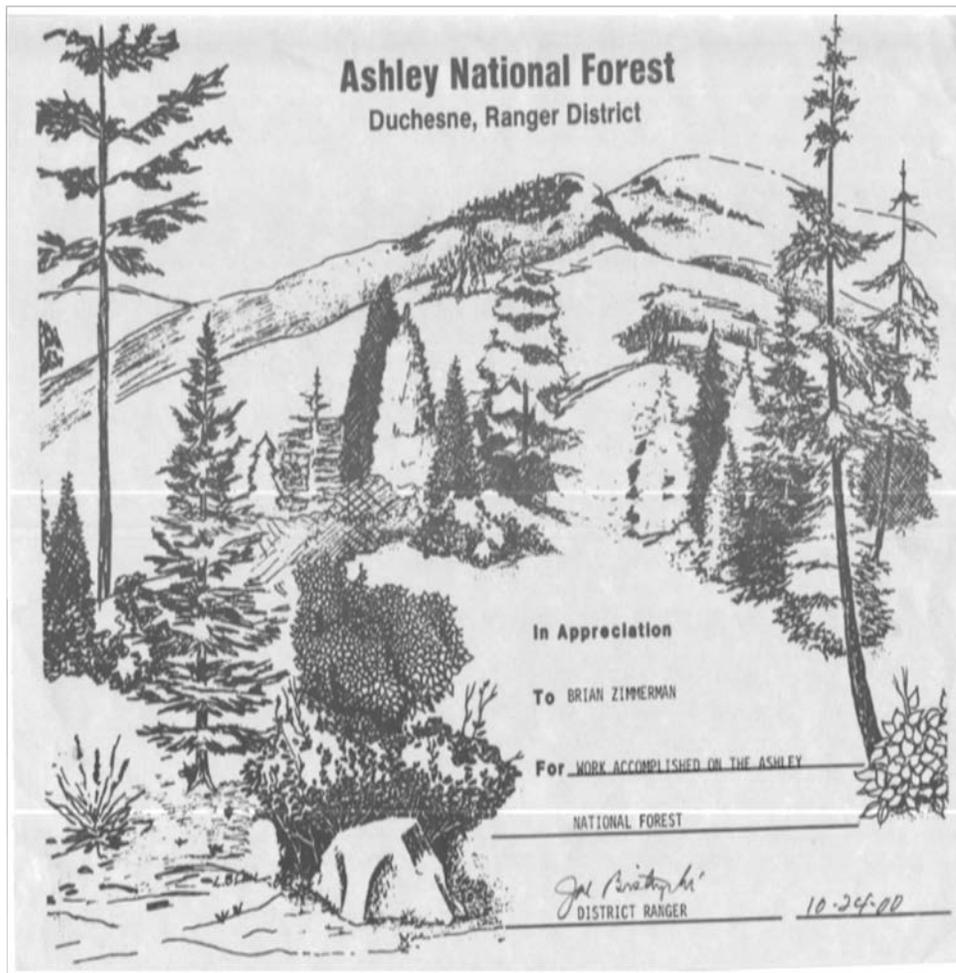
**2019:**

In the summer of 2019 ECG received notice for the first time of the City of Arcata's setback request—nine years after the City of Arcata received formal notice that applicant had filed for a conversion permit to legally remove timber from the setback area. The City of Arcata requests ECG to re-forest, yet the City of Arcata is commercially timber cutting on its property.

The City of Arcata acknowledged during meetings with ECG (May 16 and May 21 of 2019) that the City of Arcata did in fact receive proper prior notice of the 3-acre conversion in 2010 but failed to act on it.

**2020:**

ECG now has state licenses for 10,000 sf of mixed-light cultivation.



## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Comments	Attached
Division Environmental Health	✓	Approved	On file
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFIRE	✓	Comments	Attached
California Department of Fish & Wildlife	✓	Conditional Approval	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band Rancheria	✓	Comments	On file and confidential
Blue Lake Rancheria	✓	Comments	On file and confidential
Eureka High School	✓	Comments	On file
Humboldt County Sheriff	✓	Comments	On file
Humboldt Bay Municipal Water District	✓	Comments	Attached
County Counsel		No Response	
Kneeland Elementary		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	
Wiyot Tribe		No Response	



DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3595

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491  
BUSINESS 445-7652  
ENGINEERING 445-7371  
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 257-9540  
PARKS 445-7851  
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

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

DATE: 03-14-2018

RE:	Applicant Name	<i>Emerald Coast Genetics / Brian Zimmerman</i>
	APN	<i>314-131-033</i>
	APPS#	<i>10559 CUP16-036</i>

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

*Parcel has an outstanding fence violation that to date has not been resolved. See Exhibit A*

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

APPS # 10559

(All checked boxes apply)

COUNTY ROADS- FENCES & ENCROACHMENTS:

All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.



This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 1):

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building Approval for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and Department of Public Works policies. Notes:

COUNTY ROADS- DRIVEWAY (PART 2):

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 3):

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- PRIVATE ROAD INTERSECTION:

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- ROAD EVALUATION REPORT(S):

All recommendations in the Road Evaluation Report(s) for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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



Ref: 7100 Planning  
Date: September 22, 2017

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

**Attention:** Cannabis Planner (CPOD)  
**Applicant:** Emerald Coast Genetics  
**APN:** 314-131-033-000  
**Area:** Kneeland  
**Case Numbers:** CUP16-036

**Humboldt County Application #:** 10559  
**Type of Application:** Conditional Use Permit  
**Date Received:** 9/15/2017  
**Due Date:** 9/29/2017

**Project Description:** A Conditional Use Permit for an existing 24,719 square foot outdoor medical cannabis cultivation operation. Irrigation water source is a permitted well. Water storage totals 16,500 gallons in four (4) tanks. Operation uses a water recycling process to capture and reuse nutrients. Processing will take place on-site in a shop on the west side of the parcel. Electricity is provided by a PG&E connection. NOI has been filed with the Regional Water Board. A less than three (3) area timberland conversion was accepted in 2009. A Water Resources Protection Plan is currently being prepared.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion  
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

## FIRE SAFE

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

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

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

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

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

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

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

## RESOURCE MANAGEMENT

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

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

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

## CANNABIS PROJECTS

### **Local Responsibility Areas:**

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

### **State Responsibility Areas:**

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

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

### **General Recommendations:**

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.



**California Department of Fish and Wildlife  
CEQA: Project Referral Comments**



Applicant: Emerald Coast Genetics		Date: 4/30/19	
APPS No.: 10559	APN: 314-131-033	DFW CEQA No.: 2017-0766	Case No.: CUP
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Mixed-light (SF):	<input checked="" type="checkbox"/> Outdoor (SF): <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

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

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

**Please note the following information and/or requested conditions of Project approval:**

- The Department does not have record of receiving a Notification pursuant to Fish and Game Code 1602.
- This Project may have a potentially significant adverse effect on biological resources, specifically Northern Spotted Owl (*Strix occidentalis caurina*; NSO). Consistent with CEQA Guidelines, Section 15380, Northern Spotted Owl (NSO) has been identified as a threatened species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 *et seq.*) and under the California Endangered Species Act (Fish & G. Code, § 2050 *et seq.*) qualifies it as an endangered, rare, or threatened species under CEQA. The Project proposes to utilize Mixed-light (artificial light in greenhouse structures) cultivation within NSO occupied habitat. Mixed-light cultivation methods allow for an extension of the growing season which increases the period of overlap between cultivation operations and the NSO breeding season. Components of Mixed-light cultivation methods, such as artificial light, may disrupt nocturnal foraging and nesting of NSO through disorientation as well as decreased activity of prey species (Brown *et al.* 1988, Longcore and Rich 2004, 2016). Noise from road use, generators, fans, and other equipment may disrupt hunting of NSO, which primarily use hearing to hunt. Also, exposure to vehicle noise has been shown to increase stress hormone levels in NSO, which was particularly evident in males during times when they were exclusively responsible for feeding their mates and nestlings (Hayward *et al.* 2011).

As a condition of Project approval, CDFW requests that a physical Habitat Assessment (HA) be conducted by an experienced qualified professional within sixty-days following execution of the final Permit, to assess the potential for presence/absence of NSO nesting/roosting habitat. Prior to HA completion, CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. CDFW requests the succeeding measures, as conditions of Project approval:

- To avoid disturbance of NSO and other sensitive species, CDFW requests the construction of noise containment structures for all generators and fans on parcel; noise released shall be no more than 50 decibels measured from 100ft or edge of habitat whichever is closer.
- To minimize impacts to sensitive species, such as NSO, potentially affected by this Project, CDFW requests, that artificial light used for cannabis cultivation operations (including ancillary nurseries) be fully contained within structures such that no light escapes (e.g., through automated blackout curtains) between 30 minutes prior to sunset

and 30 minutes after sunrise to prevent disruption to crepuscular and nocturnal wildlife. CDFW further requests, that security lighting be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.

- That additional timber removal be prohibited within 150ft of the designated cultivation sites.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Maple-leaved Checkerbloom (*Sidalcea malachroides*), Northern Spotted Owl (*Strix occidentalis caurina*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Rough-skinned Newt (*Taricha granulosa*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov).

Sincerely,

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

## References

- Brown, J. S., B. P. Kotler, R. J. Smith, and W. O. Wirtz II. 1988. The effects of owl predation on the foraging behavior of Heteromyid rodents. *Oecologia* 76:408–415.
- Franklin, A. B., P. C. Carlson, A. Rex, J. T. Rockweit, D. Garza, E. Culhane, S. F. Volker, R. J. Dusek, V. I. Shearn-Bochsler, M. W. Gabriel, and K. E. Horak. 2018. Grass is not always greener: rodenticide exposure of a threatened species near marijuana growing operations. *BMC Research Notes* 11:1–8.
- Gabriel, M. W., L. V. Diller, J. P. Dumbacher, G. M. Wengert, J. M. Higley, R. H. Poppenga, and S. Mendia. 2018. Exposure to rodenticides in Northern Spotted and Barred Owls on remote forest lands in

northwestern California: evidence of food web contamination. *Avian Conservation and Ecology* 13:art2.

Hayward, L. S., A. E. Bowles, J. C. Ha, and S. K. Wasser. 2011. Impacts of acute and long-term vehicle exposure on physiology and reproductive success of the northern spotted owl. *Ecosphere* 2:art65.

International Dark-Sky Association (IDA) 2018.

Longcore, T., and C. Rich. 2004. Ecological light pollution - Review. *Frontiers in Ecology and the Environment* 2:191–198.

National Drug Intelligence Center [NDIC]. 2007. Domestic cannabis cultivation assessment 2007. United States Department of Justice, Washington, D.C., USA.



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

**10/12/2018**

**PROJECT REFERRAL TO: Humboldt Bay Municipal Water District**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Blue Lake Rancheria, Wiyot Tribe, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, D.A., Ag Commissioner, Div. of Water Rights, HCSO, Eureka High School School District, Kneeland Elementary School District, Humboldt Bay Municipal Water District

**Applicant Name** Emerald Coast Genetics, Inc **Key Parcel Number** 314-131-033-000

**Application (APPS#)** 10559 **Assigned Planner** Zsofia Odry (707) 268-3727 **Case Number(s)** CUP16-036

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

**Return Response No Later Than** **10/27/2018**

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

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

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

Other Comments: See attached letter

DATE: 10/29/18

PRINT NAME: John Friedenbach, General Mgr.



# HUMBOLDT BAY MUNICIPAL WATER DISTRICT

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

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

FAX 707-443-5731 707-822-8245

EMAIL [OFFICE@HBMWD.COM](mailto:OFFICE@HBMWD.COM)

Website: [www.hbmwd.com](http://www.hbmwd.com)

## BOARD OF DIRECTORS

SHERI WOO, PRESIDENT

NEAL LATT, VICE-PRESIDENT

J. BRUCE RUPP, SECRETARY-TREASURER

BARBARA HECATHORN, DIRECTOR

MICHELLE FULLER, DIRECTOR

## GENERAL MANAGER

JOHN FRIEDENBACH

October 29, 2018

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

## RE: Case Number CUP16-036, Key Parcel Number 314-131-033-000

Humboldt Bay Municipal Water District (District) submits this letter to express concerns regarding Conditional User Permit application 16-036 submitted by Emerald Coast Genetics, LLC (Applicant).

The Applicant seeks a conditional use permit for an existing 24,719SF operation of an outdoor medical cannabis facility (project). Irrigation water is a permitted well. The District requests confirmation that based on the well permit drilling log and local geology the water source is hydrologically disconnected from surface water or the influence of surface water.

### I. The Project Is Prohibited in TPZ

The project is located in a Timberland Production Zone (TPZ). The project proposed is in TPZ where new or expanded cultivation activities are prohibited. Expansion of Pre-Existing Cultivation Site Permits Is Specifically Prohibited in Timberland Production Zones. TPZ is a special zoning designation affording superior protection to timberland preserves. (Humboldt County Code, § 314-7.1; Government Code, § 51101, 51102.) These areas are devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses. (Humboldt County Code, § 314-7.4; Government Code, § 51110, subd. (b).) The Cannabis Ordinance provides “[e]xpansion of Pre-Existing Cultivation Sites is prohibited where located within the [Commercial Timberland (TC)] or TPZ.” (Humboldt County Code, § 55.4.6.5.)

The Cannabis Land Use ordinance section 55.4.11 allows the County to require additional information from the applicant. We encourage the County to request materials including: Irrigation Plan, and documentation of water use, source, and storage.

## **II. Regional Water Board Approval**

The referral information states that the Applicant has submitted an NOI to the Regional Water Board and that a Water Resources Protection Plan is currently being prepared. The District requests that the Planning Commission defer action on this CUP until all conditions under the Regional Water Board's NOI have been satisfied and until the Water Resources Protection Plan has been completed and reviewed by Planning Department staff and circulated to referral agencies for comment.

## **III. The Project May Jeopardize the SGMA-Subject Mad River Valley Basin.**

The California legislature passed the Sustainable Groundwater Management Act (SGMA) in 2014 in order to identify strategies and conservation plans to provide long-term sustainable groundwater management across the State. (Wat Code, § 10720 et seq.) Medium and high priority basins are required to form sustainability plans in order to prevent the basins from being depleted any further than they currently are. (*Id.*, § 10720.5, subd. (a).) This means that increased protections and water management techniques are to be required in certain areas.

The Mad River Valley Basin is a medium-priority basin where the groundwater resources in the area are stressed and subject to SGMA controls. (2018 SGMA Basin Prioritization Process and Results, May 2018, p. 6.) The project plans to draw an undisclosed amount of groundwater per year from the Mad River Valley Basin. This project would further stress the limited groundwater resources in the area that are relied on by the nearby communities and other established commercial uses.

## **IV. The Project Is Subject to CEQA Review**

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

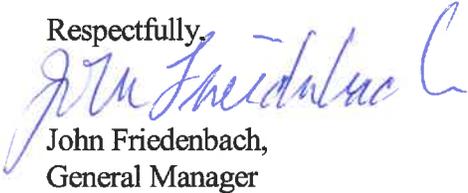
Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts... The individual effects may be changes resulting from a single project or a number of separate projects. (CEQA Guidelines, § 15355,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

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

For the above reasons, the District requests the Planning Department require full environmental review of Conditional Use Permit application 16-036 for Cannabis Cultivation Sites. Additionally, we request that the District be notified when the level of environmental review is determined and when the draft environmental document is available for review by the public.

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

Respectfully,



John Friedenbach,  
General Manager

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