



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: May 19, 2022

To: Humboldt County Planning Commission

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

Subject: **Daydream Enterprise, LLC, Conditional Use Permit and Special Permit**
Record Number: PLN-12493-CUP
Assessor's Parcel Number (APN): 208-231-011
Section 35 of Township 02 North, Range 05 East, H.B&M., Dinsmore area

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Please contact Megan Marruffo, Assigned Planner, at 707-443-5054 or by email at marruffom@lacoassociates.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 19, 2022	Conditional Use Permit and Special Permit	Megan Marruffo

Project Description: A Conditional Use Permit for continued cultivation of 18,135 square feet (SF) of outdoor cannabis utilizing full sun and light deprivation techniques and 1,000 SF of proposed ancillary propagation. Water for irrigation is sourced from a 145,000-gallon rainwater catchment pond. Existing available water storage is 164,150 gallons including the pond and a series of hard-sided tanks. Estimated annual water usage is 106,800 gallons. Processing activities will occur in a proposed 768 SF commercial building. A maximum of six (6) employees may be utilized onsite. Power is provided by two (2) gasoline generators and a 320-watt solar array, and the applicant has long-term plans to add additional solar once financially feasible. A Special Permit is also requested for relocation and remediation activities within the Streamside Management Area (SMA).

Project Location: The project is located in Humboldt County, in the Dinsmore area, on the north and east side of River Road, approximately 1.4 miles from the intersection of Ridge Road and River Road, on the property known to be in Section 35 of Township 02 N, Range 05 E, Humboldt Base & Meridian.

Present Plan Land Use Designations: Residential Agriculture (RA20-160), Density: forty acres per dwelling unit, Slope Stability: High instability (3).

Present Zoning: Forestry Recreation with a 40-Acre Minimum Special Building Site Combining Zone (FR-B-5(40))

Record Number: PLN-12493-CUP

Assessor's Parcel Number: 208-231-011

Applicant

Daydream Enterprise, LLC
79 Ole Hansen Road
Eureka, CA 95503

Owner

Michael and Dena Powers
2704 Sunny Grove Avenue
McKinleyville, CA 95519

Agent

Margro Advisors
Suzanne Maese/Kelly Flores
2306 Albee Street
Eureka, CA 95501

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.

Daydream Enterprise, LLC
Record Number: PLN-12493-CUP
Assessor's Parcel Number: 208-231-011

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:

1) Find that the 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; 2) make all of the required findings for approval of the Conditional Use Permit and Special Permit; 3) and approve the Daydream Enterprise, LLC, Conditional Use Permit and Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: A Conditional Use Permit to allow the continued cultivation of 18,135 square feet (SF) of outdoor cannabis utilizing full sun and light deprivation techniques and 1,000 SF of proposed ancillary propagation (for a total of 18,788 SF of onsite cultivation) 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). A Special Permit is also requested for relocation and remediation activities within the Streamside Management Area (SMA) in accordance with the County's Streamside Management and Wetlands Area Ordinance (SMAWO). The site is designated as Residential Agriculture (RA20-160) in the Humboldt County 2017 General Plan Update and zoned Forestry Recreation with a 40-acre minimum Special Building Site combining zone (FR-B-5(40)). Cultivation occurs within the northern, northwestern, and western portions of the site and include 5,088 SF of light deprivation cultivation occurring in four (4) greenhouses and 12,700 SF of full sun outdoor cultivation. Ancillary propagation is proposed within a 1,000 SF within the southern portion of the subject property. Two (2) harvests are anticipated annually for the cultivation utilizing light deprivation techniques and one (1) harvest for the full sun outdoor cultivation, for a growing season that extends from March through October.

Processing activities including trimming and packaging will occur in a 768-square-foot (24'x32') commercial building proposed within the northwestern corner of the subject property. Up to six (6) employees may be utilized during peak operations. The operation will be secured behind a gated road, motion sensor security cameras, and locked structures.

Power is provided by two (2) gasoline generators (Honda EU2000 and EU3000) and a 320-watt solar array. The solar array is located on an adjacent property (APN 208-231-013), located southeast of the subject site. In information provided by the applicant's agent in March and April 2022, it was noted the applicant has long-term plans to add additional solar when financially feasible and is agreeable to fully converting to solar. Conditions of approval require the applicant to submit an energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing) and how much power is required on a monthly and annual basis. The energy plan shall also include a description of the generator(s) used to meet the power demand and state how the size of the generator is reasonable based on the power demand. The generator(s) used to support operations shall not be larger than required to meet operational needs. The plan shall also describe how the operation will transition to use of 80% renewable energy (e.g., solar, wind, and/or hydropower) sources by the end of 2026 (**Condition of Approval #10**). In addition, should continued use of the solar array on the adjacent property (APN 208-231-013) for the project occur, the applicant shall record a contingent easement to allow conveyance of power from the solar array from APN 208-231-013 to allow for cultivation to continue as described by this application if the subject parcels are sold and operated by different entities. The contingent easement will specify that in the event APN 208-231-013 is sold, an easement will be granted along with the property transfer (**Condition of Approval #11**).

While Six Rivers National Forest appears to be located near the subject site, as shown on the County's GIS portal, the nearest cultivation area appears to be located approximately 760 feet east of the public lands as measured on Web GIS, which is outside of the 600-foot required setback from public lands.

Cultivation and Nursery Space

As noted above, the application is for 18,135 SF of existing outdoor cannabis cultivation in addition to 1,000 SF of ancillary propagation proposed within a separate greenhouse. The onsite nursery equates to approximately 5.6% of the total current cultivation area, which complies with what planning division staff and the Planning Commission have found allowable in the past (i.e., a nursery space of 10% of the cultivation area). Based on the County's cultivation area verification, 18,135 SF of cultivation was in existence prior to the CMMLUO environmental baseline date of January 1, 2016. Because the parcel is zoned FR, is over 5 acres in size, and irrigation water is sourced from a non-diversionary source, new cultivation could be considered on the subject parcel and Planning staff is supportive of the proposed ancillary propagation space. A condition of approval is recommended to require the proposed propagation greenhouse be located outside of all required Streamside Management Area (SMA) buffers and on a previously disturbed area (**Condition of Approval #8**).

Onsite Relocation

As previously described, a Special Permit is included for relocation and remediation activities within the Streamside Management Area (SMA) in accordance with the County's Streamside Management and Wetlands Area Ordinance (SMAWO). Onsite relocation is proposed under the project in order to relocate an existing greenhouse currently located within a SMA buffer outside of the required buffer. A *Cultivation Site Relocation Assessment* was prepared by Kyle S. Wear, a botanical consultant, in October 2018, that evaluated a cannabis cultivation relocation area on the subject site, as well as on an adjacent property to the southeast (APN 208-231-013), for sensitive biological and aquatic resources (Attachment 3). As shown on the Site Plan, a 1,440 SF greenhouse, a 384 SF structure utilized for harvest, generator, and fuel storage, wash station, and break area, and three (3) poly water tanks (two of which are utilized for domestic use) are located onsite within the Streamside Management Area (SMA) setback distance buffer as described in the Streamside Management Area and Wetland Ordinance (SMAWO). The *Assessment* determined that the relocation area for the greenhouse on the subject property (identified as Cultivation Area 2 on the Site Plan) is located within grassland dominated by non-native grasses, which has relatively low potential for special status plants and wildlife. Additionally, the relocation area was found to be on more gentle slopes than the original site, thus having less potential for erosion, and is outside of required SMA buffers. Due to the environmental description and findings provided in the *Assessment*, Planning staff supports the relocation of this cultivation area to an area considered to be environmentally superior to its current location. As described in the Cultivation and Operations Plan (Attachment 3), the greenhouse has been relocated and remediation has occurred. The project is conditioned to relocate the other cultivation-related infrastructure identified within the SMA buffer (including the 384 SF structure and 300-gallon water storage tank) to a previously disturbed area outside of required SMA buffers without the use of heavy machinery. In addition, the applicant shall provide and adhere to a remediation plan prepared by a qualified professional to assess and provide recommendations on remediation actions at these historic locations (**Condition of Approval #7**).

Water Resources

Estimated annual water usage is 106,800 gallons (8.56 gal/SF) with peak demand occurring in at approximately 30,300 gallons, respectively, per the table below (Table 1).

Table 1. Estimated Monthly Water Use Estimates (in gallons)

Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	0	800	3,100	10,200	30,300	29,000	26,800	6,600	0	0

Total: 106,800 gallons

Water for irrigation is provided by a rainwater catchment pond with an approximate storage capacity of 145,000 gallons. The site also contains eight (8) hard-sided water storage tanks for irrigation (totaling 19,150 gallons), including three (3) 5,000-gallon, one (1) 250-gallon, two (2) 3,000-gallon, one (1) 2,500-

gallon, and three (3) 300-gallon hard-sided water storage tanks, for a total of 164,150 gallons of onsite water storage. Rainwater from the pond is used to fill the water storage tanks. The average rainfall for the project area is 55.4 inches (4.62 feet), based on averaging rainfall values from 2011 through 2020 as recorded by PRISM Climate Group. The total storage capacity of the rainwater catchment pond and storage tanks (164,150 gallons) exceeds project needs estimated at 106,800 gallons by 57,350 gallons per year, or 35%. Conditions of approval require the applicant to monitor water use from the pond and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs (**Condition of Approval #25**).

The Humboldt Bay Municipal Water District (District) provided comments on the project in October 2018 (Attachment 4), in which it was noted the project may be subject to CEQA review and requests the County to verify with the Water Board the water rights claimed to be owned and permitted by the applicant, as the District understands the State Water Resources Control Board (SWRCB) has determined the Mad River is fully appropriated and are therefore no more water rights available for appropriation. Water for irrigation is provided by rainwater catchment, therefore, no appropriate water rights are required to support the project. Regarding CEQA review, an Addendum to a previously adopted Mitigated Negative Declaration has been prepared for the project per §15164 of the State CEQA Guidelines (Attachment 2), as the current project was in existence prior to the CMMLUO environmental baseline date of January 1, 2016, and was thereby assessed under the by the MND. Additionally, Planning staff finds that compliance with the provisions of the CMMLUO and the recommended conditions of approval will ensure all potential environmental impacts of the project are reduced to a less than significant level.

Regarding the project's water right, the project was confirmed to have an active Initial Statement of Water Diversion and Use (S026334) with the SWRCB for an instream point of diversion in an unnamed tributary to the Mad River for domestic use. This permit does not authorize the use of the point of diversion for irrigation for commercial cannabis production. As detailed in the Supplemental Statements of Water Diversion and Use for 2017 through 2020 on the SWRCB's Electronic Water Rights Information Management System (eWRIMS) portal, the water associated with this water right is stated to be utilized for one (1) person and a small vegetable garden, and is not utilized for the cultivation of cannabis.

Biological Resources

A review of the California Department of Fish and Wildlife (CDFW) Biogeographic Information and Observation System (BIOS) was performed on October 14, 2021, in which one (1) sensitive species (Oregon goldthread) was mapped to have the potential to occur onsite but did not overlap any existing or relocated cultivation areas. The nearest NSO activity center is located approximately 2.34 miles away from the nearest cultivation area with the nearest positive sighting located approximately 0.7 miles away. Lands surrounding the site are not heavily forested, thus there is a low potential for NSO habitat. The proposed project involves full sun outdoor cultivation and outdoor cultivation utilizing light deprivation techniques. As previously discussed, power is provided by two (2) gasoline generators (a Honda EU2000 and a EU3000) and a 320-watt solar array, with the solar array located on an adjacent property (APN 208-231-013), located southeast of the subject property. Both of the generators are housed in sheds that insulate noise. The applicant has long-term plans to add additional solar as financially feasible and is agreeable to fully converting to solar. Conditions of approval require the applicant to submit an energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing) and how much power is required on a monthly and annual basis. The energy plan shall also include a description of the generator(s) used to meet the power demand and state how the size of the generator is reasonable based on the power demand. The generator(s) used to support operations shall not be larger than required to meet operational needs. The plan shall also describe how the operation will transition to use of 80% renewable energy (e.g., solar, wind, and/or hydropower) sources by the end of 2026 (**Condition of Approval #10**). In addition, should continued use of the solar array on the adjacent property (APN 208-231-013) for the project occur, the applicant shall record a contingent easement to allow conveyance of power from the solar array from APN 208-231-013 to allow for cultivation to continue as described by this application if the subject parcels are sold and operated by different

entities. The contingent easement will specify that in the event APN 208-231-013 is sold, an easement will be granted along with the property transfer (**Condition of Approval #11**). The project is also conditioned such that generators shall have secondary containment for fluid catchment and noise generated from generators shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code (**Condition of Approval #20**). Further, any supplemental lighting utilized for security or within the proposed nursery area will adhere to International Dark Sky Association standards and prevent light spillage to reduce impacts on local wildlife (**Condition of Approval #21**).

The Site Plan shows that seven (7) Class III watercourses and one (1) Class II watercourse traverse the site and includes the associated 50 and 100-foot Streamside Management Area (SMA) buffers, respectively. As described above and as shown on the Site Plan, a 1,440 SF greenhouse, a 384 SF structure utilized for harvest, generator, and fuel storage, wash station, and break area, and three (3) poly water tanks (two of which are utilized for domestic use) are located within the SMA buffers and are proposed to be relocated to areas outside of these buffer areas to protect riparian habitat. As described above and detailed in the Cultivation and Operations Plan (Attachment 3), the greenhouse has been relocated and remediation has occurred. The project is conditioned to relocate the other cultivation-related infrastructure identified within the SMA buffer (including the 384 SF structure and 300-gallon water storage tank) to a previously disturbed area outside of required SMA buffers without the use of heavy machinery. In addition, the applicant is required to provide and adhere to a remediation plan prepared by a qualified professional to assess and provide recommendations on remediation actions at these historic locations (**Condition of Approval #7**).

A Site Management Plan (SMP) was prepared by Margro Advisors, dated 6/27/2019 and revised 11/12/2020 (WDID 1_12CC417805; Attachment 3) in compliance with the Cannabis General Order in order to identify conditions present onsite that may pose a threat to water quality and resources and establish a plan to meet or surpass requirements set for in the Cannabis General Order, as well as to describe how the cultivation is implementing the required best practical treatment or control (BPTC) measures listed in Attachment A of the Cannabis General Order. The SMP identifies six (6) water crossings onsite, five (5) of which were noted to be in good condition. However, one (1) existing dirt ford is the replacement with a rocked ford crossing. The project is conditioned to require implementation of all recommendations and ongoing adherence to all actions detailed in the SMP (**Condition of Approval #13**).

A Final Streambed Alteration Agreement (SAA) was executed on 6/13/2018 between the landowner and the California Department of Fish and Wildlife (CDFW; Notification No. 1600-2017-0387-R1; Attachment 3). The SAA covers eight (8) encroachments, including a water diversion from an unnamed tributary to the Mad River for domestic use, five (5) culvert upgrades, and two (2) encroachments to install rocked fords. Conditions of approval require the applicant to implement any remaining projects and to comply with the requirements established under the Final SAA (**Condition of Approval #15**). . . Staff reached out to CDFW for comments on the project on 10/14/2021 (Attachment 4); to date, no response has been received.

Conditions of approval require the applicant to implement light and noise attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife (**Conditions of Approval #20-23 and Ongoing Conditions of Approval #4, 5, and 7**). Further, due to the onsite pond, the project is conditioned to require the applicant coordinate with CDFW to determine if a Bullfrog Management Plan is required and meet the annual reporting requirements, and install an overflow spillway to the off-stream pond that will withstand a 100-year flood event and exit ramps to the off-stream pond to prevent wildlife entrapment (**Condition of Approval #16**). In addition, the applicant shall not stock the pond with fish without written permission from CDFW for the life of the project (**Ongoing Condition of Approval #24**). As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

Proximity to Dinsmore Airport

The project is partially located within Airport Protected Airspace due to its proximity to the Dinsmore Airport, located approximately 1.5 miles away, as shown on the County's GIS portal. The applicant submitted Form 7460 and obtained a Determination of No Hazard to Air Mitigation from the Federal Aviation Administration (FAA), issued on 08/09/2019 (Attachment 4). According to the FAA, the project and associated onsite structures do not exceed obstruction standards, would not be a hazard to air navigation provided the conditions in the Determination are met (included as **Ongoing Conditions of Approval #25-27**), and no marking or lighting is necessary for flight safety. If any construction or alteration is made to the building heights on the parcel, a notice must be submitted to the FAA within five days after the construction or alteration is dismantled or destroyed, and is included as an ongoing condition of approval (**Ongoing Condition of Approval #27**). Further, the FAA Determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction. However, this equipment shall not exceed the overall heights as indicated in the FAA Determination. Equipment which has a height greater than the studied structure requires separate notice to the FAA (**Condition of Approval #22**).

The project was referred to the Director of Aviation of for the County of Humboldt on in November 2021. Humboldt County Code Section 333-8 allows the Director of the Department of Aviation to administratively grant a variance when portions of a structure or a tree penetrate the airport protected airspace and the FAA has determined no hazard (see Attachment 3). In correspondence dated March 2022 (see Attachment 4), it was noted the maximum height of structures onsite would be 25 feet associated with a new building (the proposed commercial building). On 3/19/2022, the Director of Aviation noted the Department has no objection to the project's approval. The project is, therefore, in conformance with County airport approach zone building height restrictions. A condition of approval is included requiring the applicant record an overflight easement on the property in order to comply with the Airport Safety Land Use Compatibility Requirements (**Condition of Approval #19**).

Access

Access to the site is via a privately maintained road, Bronco Road, off River Road, leading out to the Humboldt County and Trinity County line. Road Evaluation Reports for a 2.50-mile segment of River Road, from the Humboldt/Trinity County line to Bronco Road (identified as "Unnamed Main Rd), and a 1.25-mile segment of Bronco Road from River Road to the project site, were prepared by DTN Engineering and Consulting in November 2018 (Attachment 3), which indicates the roadway can accommodate the cumulative increased traffic (<400 ADT) from this project and all known cannabis projects if the recommendations in the supplemental report are implemented. As noted in the Report, River Road generally has a width that varies from 12-14 feet in width with 1-2 foot shoulders, most grades are below 16%, and most of the roadway curves generally have turnouts at curves and pullouts at strategically-placed locations along with turnaround areas. Bronco Road was noted to have a width between 10-12 feet in width with 1-2 shoulders, with many grades above 16%. Most of Bronco Road's roadway curves were noted to have turnouts at curves and pullouts at strategically placed locations.

The primary issues identified along the roadway are primarily due to drainage, including partially clogged culverts, lack of waterbars and rolling dips, areas of roadway width reduced due to erosion, driveway approaches at angles less than 75%, hillside slips, and at limited locations, the roadway is under 12 feet in width and over 16% grade. Recommendations in the report include the following:

- Construct three (3) turnouts (Photo locations 18, 184, & 195).
- Repairs to five (5) areas (Photo locations 51, 56, 116, 117, & 118) where slides have occurred including re-establishing a stable slope with grading and placing Rock Slope Protection on the Slope to stabilize with weight.
- Address twenty-nine (29) erosion/drainage issues (Photo locations 8/9, 14, 25/27, 30/31/32, 41, 60, 89, 99, 114/115/116, 117/118/119, 125/126/127, 129, 140, 174, 192, 754, 781, and 848) which includes construction of water bars or rolling dips, areas impacted by nearby slides, or cleaning out clogged culverts.

Due to the number of cultivation projects along Bronco and River Road, both approved and pending, and to assist with the funding to implement the recommended conditions included in the Report, the applicant shall take steps to form a Road Maintenance Association for the maintenance of Bronco Road and River Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road (**Condition of Approval #18**).

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 66 permits and the total approved acres would be 24.89 acres of cultivation.

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

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) and Special Permit (SP).

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

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

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

Resolution Number: 22-

Record Number: PLN-12493-CUP

Assessor's Parcel Number: 208-231-011

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Daydream Enterprise, LLC, Conditional Use Permit and Special Permit request.

WHEREAS, Daydream Enterprise, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for continued cultivation of 18,135 square feet (SF) of existing outdoor cannabis utilizing full sun and light deprivation techniques and 1,000 SF of proposed ancillary propagation. Water for irrigation is sourced from a 145,000-gallon rainwater catchment pond and there will be a total of 169,650 gallons of onsite water storage in the pond and a series of hard-sided tanks. Estimated annual water usage is 106,800 gallons. Processing activities will occur in a proposed 768 SF commercial building. A maximum of six (6) employees may be utilized onsite. Power is provided by two (2) gasoline generators and a 320-watt solar array, and the applicant has long-term plans to add additional solar once financially feasible. A Special Permit is also requested for relocation and remediation activities occurring within the Streamside Management Area (SMA); and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **May 19, 2022**, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

1. FINDING: **Project Description:** The application is a Conditional Use Permit for continued cultivation of 18,135 square feet (SF) of existing outdoor cannabis utilizing full sun and light deprivation techniques and 1,000 SF of proposed ancillary propagation. Water for irrigation is sourced from a 145,000-gallon rainwater catchment pond and there will be a total of 169,650 gallons of onsite water storage in the pond and a series of hard-sided tanks. Estimated annual water use is 106,800 gallons. Processing activities will occur in a proposed 768 SF commercial building. A maximum of six (6) employees may be utilized onsite. Power is provided by two gasoline generators and a 320-watt solar array. A Special Permit is also requested for relocation and remediation activities occurring within the Streamside Management Area (SMA).

EVIDENCE: a) Project File: PLN-12493-CUP

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

Supervisors on January 26, 2016.

EVIDENCE:

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Site Management Plan was prepared by Margro Advisors (WDID 1_12CC417805) in June 2019 and revised in November 2022 and a Notice of Applicability was submitted by the applicant to show compliance with the State Water Board Cannabis General Order for Waste Discharge. Conditions of approval require the applicant to adhere to and implement the recommendations of the SMP and NOA, and maintain enrollment in the Cannabis General Order for the life of the project.
- d) A review of the California Department of Fish and Wildlife (CDFW) Biogeographic Information and Observation System (BIOS) was performed on October 14, 2021, in which one (1) sensitive receptor (Oregon goldthread) was mapped to have the potential to occur onsite but did not overlap any existing or proposed (through onsite relocation) cultivation areas. The nearest NSO activity center is located approximately 2.34 miles away from the nearest cultivation area with the nearest positive sighting located approximately 0.7 miles away. The project is conditioned such that combined noise generated from generators shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. Furthermore, the project is conditioned to adhere to International Dark Sky Standards for any supplemental lighting used for security or within the proposed nursery area, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance and will not negatively impact NSO or other sensitive species.
- e) A review of historic aerial imagery dating back to 2004 does not show evidence of timber conversion occurring onsite. The project does not propose any timber conversion, and, as such, the project can be implemented with no net loss of timberland after the environmental baseline of December 31, 2015.
- f) The Cultural Resources referral process carried out by staff concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol was recommended by the Bear River Band of the Rohnerville Rancheria in December 2017, which has been included as an ongoing condition of approval.
- g) Access to the site is via Bronco Road off River Road, leading out to the Humboldt County and Trinity County line. Road Evaluation Reports were prepared for Bronco Road and River Road by DTN Engineering and Consulting on 11/29/2018, which concluded that although the roadway segments are not developed to the equivalent of a road Category 4 or better, the roads would be suitable for safe access to and from the project site, and the access roads can accommodate the cumulative increased traffic (<400 ADT) from this project and all known cannabis projects, if the

recommendations included in the report are implemented. The project is conditioned to form or show proof that the applicant is a member of a formalized Road Maintenance Association, and all applicable permits have been ascertained to implement the safety, environmental, and drainage recommendations outlined in the Road Evaluation Report.

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT

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

EVIDENCE a) General agriculture is a use type permitted in the Residential Agriculture (RA20-160) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING The proposed development is consistent with the purposes of the existing Forestry Recreation with Special Building Site combining zone (FR-B-5(40)) in which the site is located.

EVIDENCE a) The Forestry Recreation or FR Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.

b) General agricultural uses and ancillary structures are principally permitted in the FR zone.

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acres subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 18,135 SF of outdoor cultivation on a 40-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

d) Cultivation-related infrastructure has been identified within the SMA buffer (including a 384 SF structure and 300-gallon water storage tank), which is required to be located to a previously disturbed area outside of required SMA buffers without the use of heavy machinery. In addition, the project is conditioned to require the applicant provide and adhere to a remediation plan prepared by a qualified professional to assess and provide recommendations on the best remediation actions to take on these historic locations. Conditions of approval also require the applicant to adhere to and implement the projects and recommendations contained in the Final SAA (Notification No. 1600-2017-0387-R1, executed on 6/13/2018) and provide evidence to the Planning Department that the projects included in the Final SAA are completed to the satisfaction of CDFW. By relocating existing cultivated-related infrastructure outside of the SMA buffer, performing remediation, and implementing permit conditions from the CDFW, impacts to the SMA are minimized.

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned (FR) (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations and has been determined to be one legal parcel (Lot 122) as per the Record of Survey in Book 26 of Surveys, Page 135 ("Timberline Ranch"), recorded May 19, 1971.
- c) Water for irrigation is provided by a rainwater catchment pond with a storage capacity of 145,000 gallons. The site also contains eight (8) hard-sided water storage tanks for irrigation, totaling 19,150 gallons. Rainwater from the pond is used to fill the water storage tanks. The total storage capacity of the rainwater catchment pond and storage tanks (164,150 gallons) exceeds project needs estimated at 106,800 gallons by 57,350 gallons per year, or 35%. Conditions of approval require the applicant to monitor water use from the pond and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs.
- d) Access to the site is via Bronco Road off River Road, leading out to the Humboldt County and Trinity County line. Road Evaluation Reports were prepared for Bronco Road and River Road by DTN Engineering and Consulting on 11/29/2018, which concluded that concluded the access roads can accommodate the cumulative increased traffic (<400 ADT) from this project and all known cannabis projects if the recommendations included in the report are performed. The project is conditioned to show proof that the applicant is a member of a formalized Road Maintenance Association, and all applicable permits have been ascertained to implement the safety, environmental, and drainage recommendations outlined in the Road Evaluation Report.
- e) Review of the Humboldt County WebGIS portal indicates the slope of the land where cannabis will be cultivated is less than 30%.
- f) A review of historic aerial imagery dating back to 2004 does not show evidence of timber conversion occurring onsite. The project does not propose any timber conversion, and, as such, 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 from any property line, more than 300 feet from any off-site residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

6. FINDING

The cultivation of 18,135 square feet of cannabis cultivation (including 1,000 SF of ancillary propagation) 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) Access to the site is via Bronco Road off River Road, leading out to the Humboldt County and Trinity County line. Road Evaluation Reports were prepared for Bronco Road and River Road by DTN Engineering and Consulting on 11/29/2018, which concluded that although the roadway segments are not developed to the equivalent of a road Category 4 or better, the access roads can accommodate the cumulative increased traffic (<400 ADT) from this project and all known cannabis projects if the recommendations included in the report are implemented. The project is conditioned to form or show proof that the applicant is a member of a

formalized Road Maintenance Association, and all applicable permits have been ascertained to implement the safety, environmental, and drainage recommendations outlined in the Road Evaluation Report..

- b) 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.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Water for irrigation is provided by a rainwater catchment pond with a storage capacity of 145,000 gallons. The site also contains eight (8) hard-sided water storage tanks for irrigation, totaling 19,150 gallons. Rainwater from the pond is used to fill the water storage tanks. The total storage capacity of the rainwater catchment pond and storage tanks (164,150 gallons) exceeds project needs estimated at 106,800 gallons by 57,350 gallons per year, or 35%. Conditions of approval require the applicant to monitor water use from the pond and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.
- f) The Planning Commission finds that the generator use associated with the project may increase potential impacts of the project associated with greenhouse gases and wildfire. To ensure impacts associated with greenhouse gases and wildlife, the Planning Commission added two conditions of approval, including preparation and approval of an energy plan that requires the applicant to use 80% renewable energy by the end of 2026 and required use of fire-resistant materials when construction the generator containment structures. With the addition of the two conditions, the Planning Commission found the project will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

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 and is not currently developed with an existing residence. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be developed on this parcel.

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

EVIDENCE a) The project site is located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With

the approval of this project the total approved permits in this Planning Watershed would be 66 permits and the total approved acres would be 24.89 acres of cultivation.

DECISION

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

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

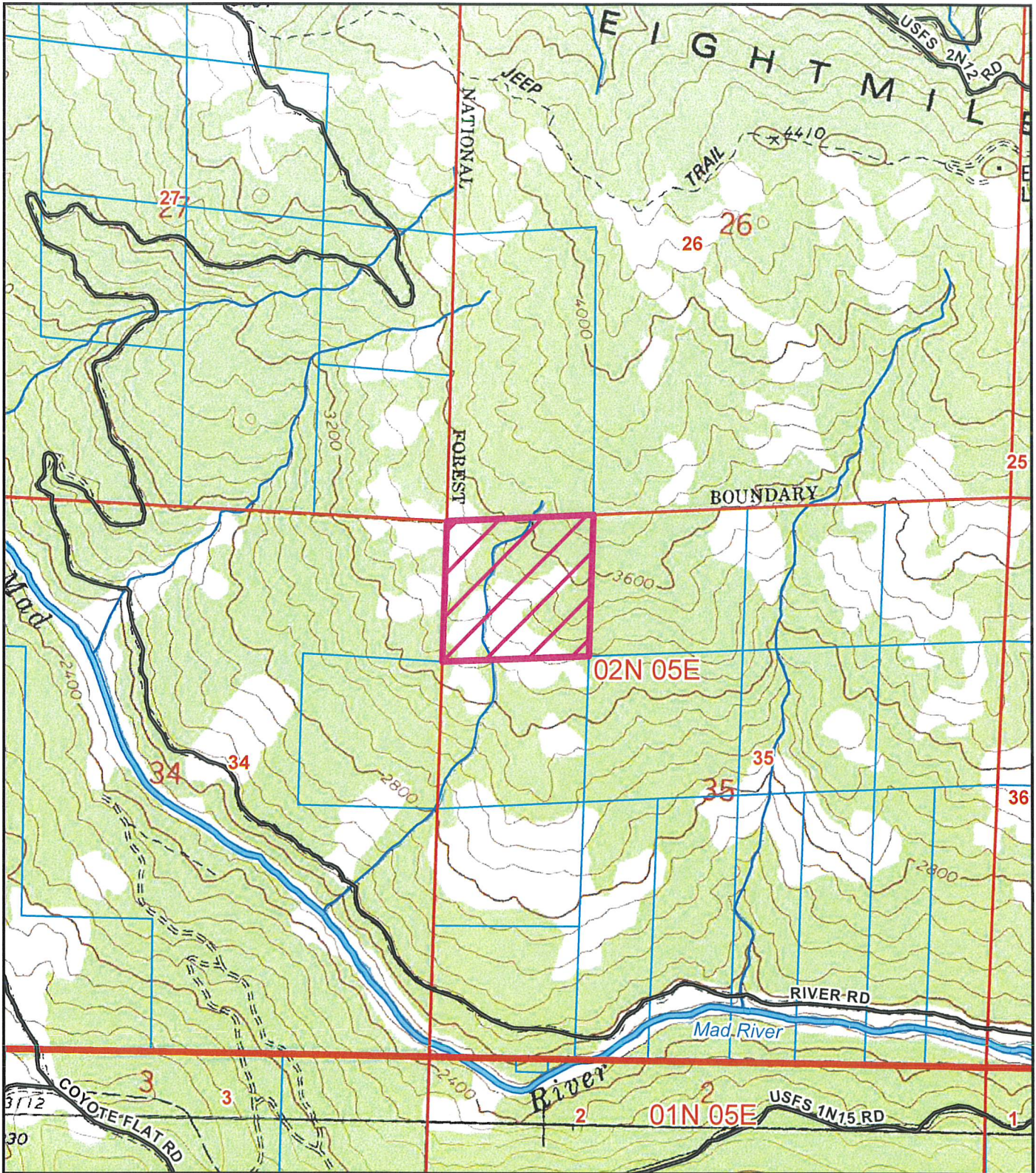
Adopted after review and consideration of all the evidence on **May 19, 2022.**

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

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

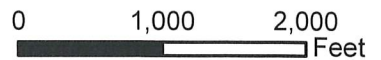
I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department

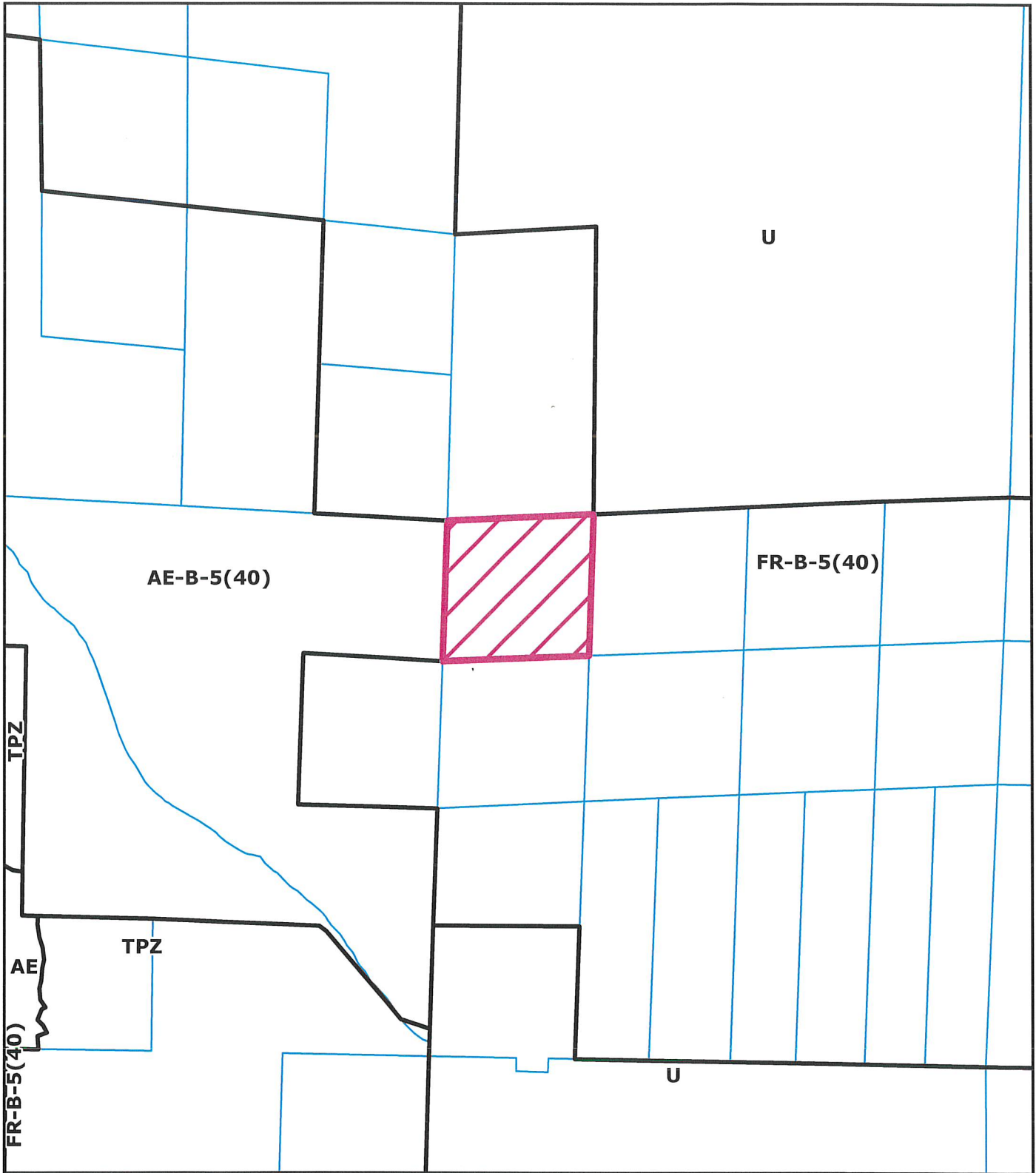


TOPO MAP
PROPOSED DAYDREAM ENTERPRISES LLC
DINSMORE AREA
CUP-16-705
APN: 208-231-011
T02N R05E S35 HB&M (BLAKE MOUNTAIN)


Project Area =




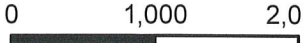
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



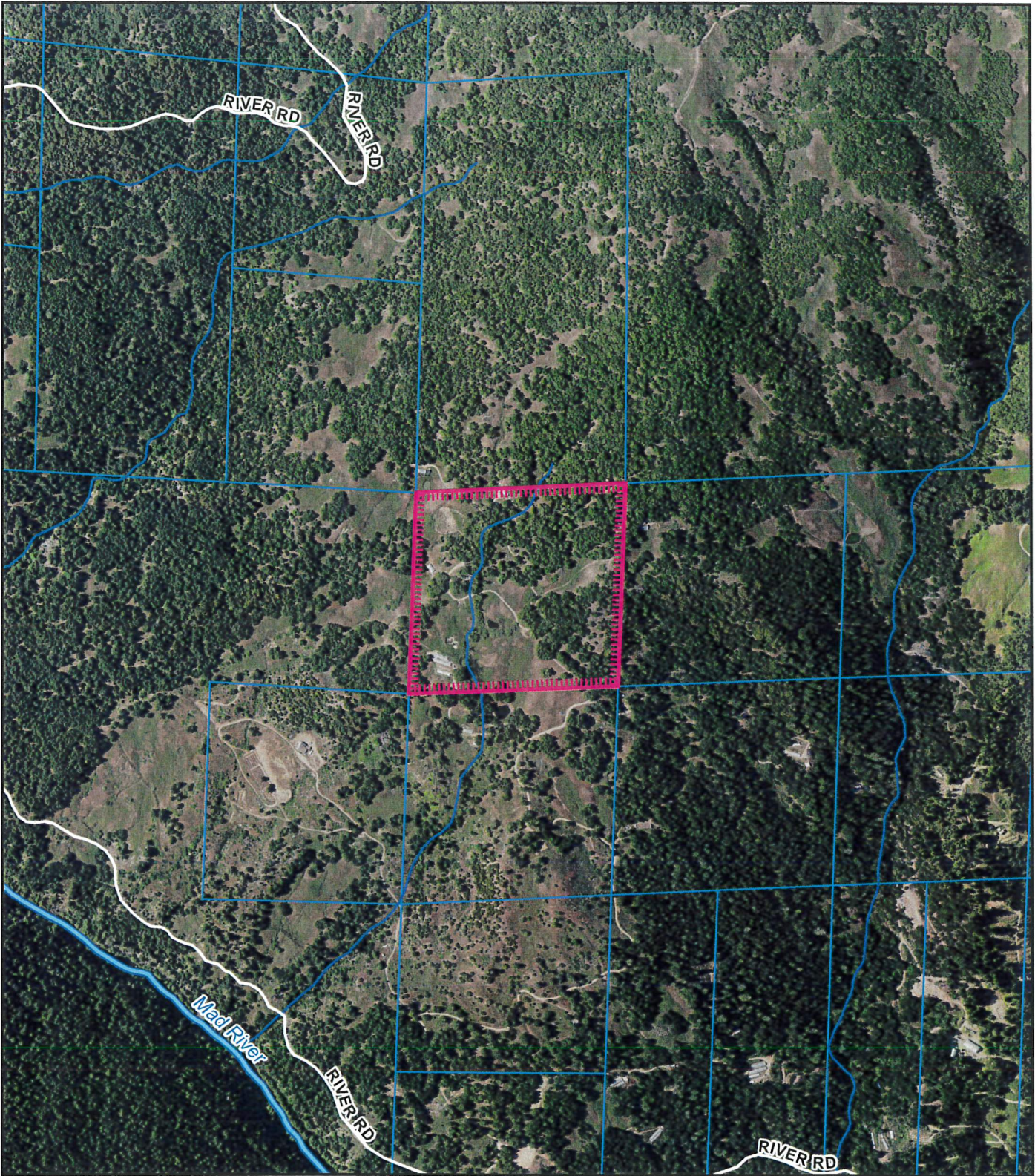
**ZONING MAP
 PROPOSED DAYDREAM ENTERPRISES LLC
 DINSMORE AREA
 CUP-16-705
 APN: 208-231-011
 T02N R05E S35 HB&M (BLAKE MOUNTAIN)**

Project Area = 

N


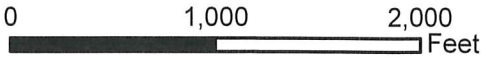
0 1,000 2,000
 Feet

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 DAYDREAM ENTERPRISES LLC
DINSMORE AREA
CUP-16-705
APN: 208-231-011
T02N R05E S35 HB&M (BLAKE MOUNTAIN)**

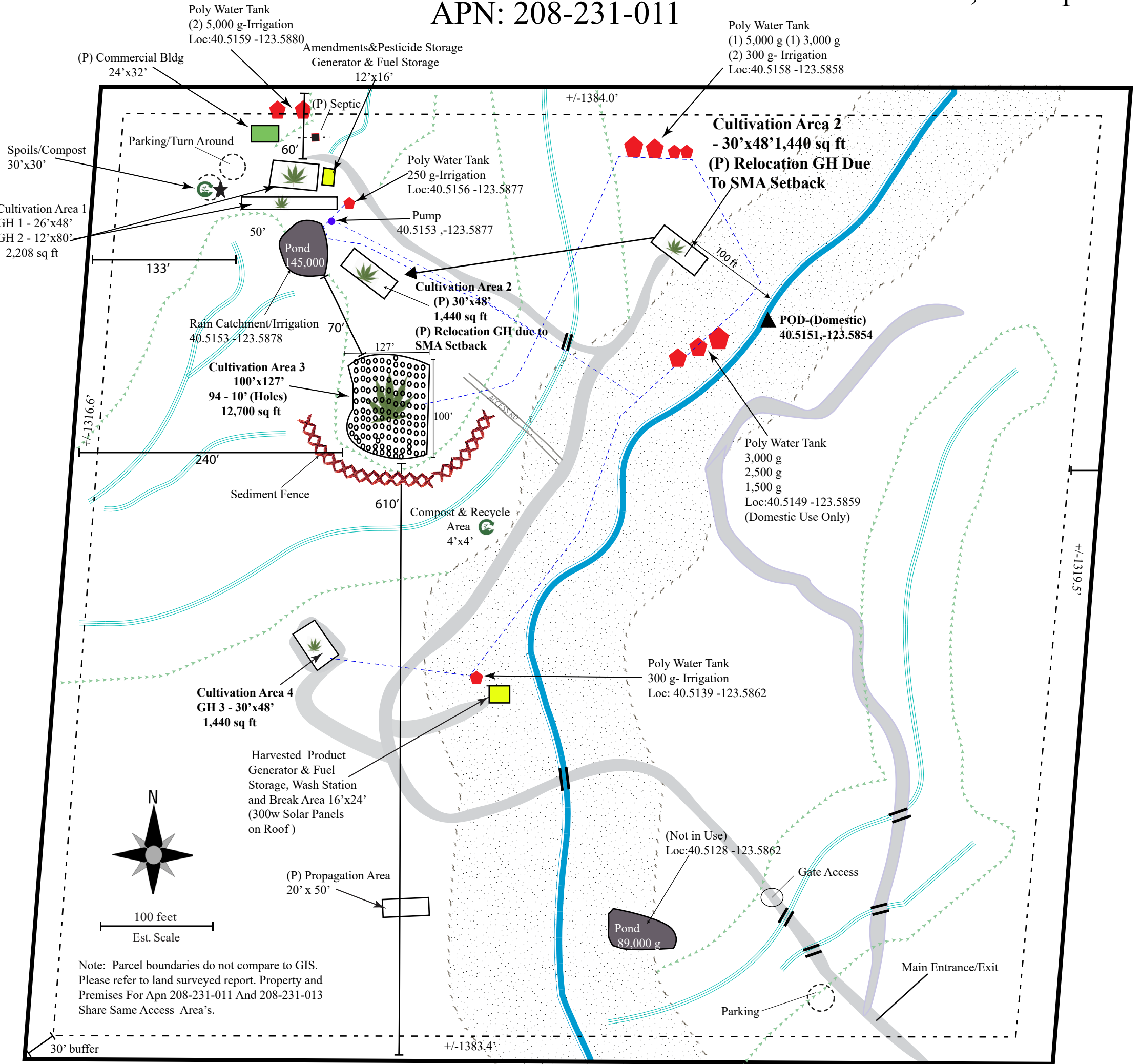
Project Area = 



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.

Sean Porter Daydream Enterprises APN: 208-231-011

Total Cultivation:
17,788 Sq Ft



Legend

- | | | |
|--|--|--|
| <ul style="list-style-type: none"> ■ Cultivation Area ■ Poly Water Tank ▲ Point of Diversion ■ Commercial Building ■ Solar Panel (4'x9') ■ Compost & Recycle Area ★ Soil Spoil Area | <ul style="list-style-type: none"> --- Irrigation Line --- Property Line --- Property Setback 30' --- Culverts --- Road/Graded Area ■ Ag Storage ■ Septic System | <ul style="list-style-type: none"> ● Pond --- Class II Watercourse --- Class III Watercourse --- Streamside Area Setback 100' --- Streamside Area Setback 50' --- Logging/Landing or Skid Trail (P) Proposed |
|--|--|--|

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. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #21. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. Within 60 days of the effective date of permit approval, whichever comes first, the applicant shall submit a revised Site Plan detailing and showing the following, in addition to what is shown:
 - a. Specify the location of the cultivation-related infrastructure identified within the SMA buffer (including a 384 SF structure and 300-gallon water storage tank), to be relocated to a previously disturbed area outside of required SMA buffers without the use of heavy machinery.
 - b. The location for a 5,000-gallon water storage tank to be utilized solely for fire response and suppression storage.
 - c. Identify a suitable turnaround location onsite adequate for the use by emergency response vehicles.
7. The applicant shall relocate the cultivation-related infrastructure identified within the SMA buffer (including the 384 SF structure and 300-gallon water storage tank) to a previously disturbed area outside of required SMA buffers without the use of heavy machinery. In addition, the applicant shall provide and adhere to a remediation plan prepared by a qualified professional to assess and

provide recommendations for remediation actions at these historic locations. The applicant shall submit evidence (e.g., statement from qualified professional and/or photographs) to demonstrate compliance with this condition. Alternatively, the applicant may request a site inspection with the Planning Department to verify this condition is met. A sign-off from the Planning Department will satisfy this condition.

8. The proposed 1,000-square-foot propagation greenhouse shall be located outside of all required Streamside Management Area (SMA) buffers and on a previously disturbed area. The applicant shall submit evidence (e.g., statement from qualified professional and/or photographs) to demonstrate compliance with this condition. Alternatively, the applicant may request a site inspection with the Planning Department to verify this condition is met. A sign-off from the Planning Department will satisfy this condition.
9. The applicant shall secure permits for all structures and grading 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, processing, and storage, graded flats, 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.
10. Within 60 days of project approval, the applicant shall submit an energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing) and how much power is required on a monthly and annual basis. The energy plan shall also include a description of the generator(s) used to meet the power demand and state how the size of the generator is reasonable based on the power demand. The generator(s) used to support operations shall not be larger than required to meet operational needs. The plan shall also describe how the operation will transition to use of 80% renewable energy (e.g., solar, wind, and/or hydropower) sources by the end of 2026. A sign-off from the Planning Department will satisfy this condition.
11. Should continued use of the solar array on Assessor's Parcel Number (APN) 208-231-013 for the project occur, the applicant shall record a contingent easement to allow conveyance of power from the solar array from APN 208-231-013 to allow for cultivation to continue as described by this application if the subject parcels are sold and operated by different entities. The contingent easement will specify that in the event APN 208-231-013 is sold, an easement will be granted along with the property transfer. The applicant shall provide a copy of the contingent easement to the Planning Department for review and approval prior to recording. The recorded easement and a sign-off by the Planning Department will satisfy this condition.
12. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
13. The applicant shall implement all corrective actions detailed in the Site Management Plan (SMP; WDID 1_12CC417805) developed for the parcel, prepared by Margro Advisors, dated 6/27/2019 and revised 11/12/2020 (WDID 1_12CC417805), pursuant to Tier 1 enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). The applicant shall submit a letter or similar communication from a qualified professional (e.g., civil engineer or Registered Professional Forester) that the improvements were completed as recommended in the SMP. A sign-off from the Planning Department will satisfy this condition.

14. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, 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.
15. The applicant shall adhere to and implement the Final Streambed Alteration Agreement (Notification No. 1600-2017-0387-R1) issued by CDFW, dated 6/13/2018. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
16. Due to the onsite pond, the applicant shall consult with CDFW to determine if a Bullfrog Management Plan is required and meet the annual reporting requirements. If not already in place, the applicant shall install an overflow spillway to the off-stream pond that will withstand a 100-year flood event, and exit ramps to the off-stream pond to prevent wildlife entrapment. The overflow spillway shall be designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. Exit ramps shall be installed no greater than 2:1 slope, secured at the upslope end, and made of solid material (e.g., wood). As applicable, the applicant shall obtain an addendum to the Final Streambed Alteration Agreement from CDFW for these items or obtain an additional Final Streambed Alteration Agreement from CDFW, whichever is required. Alternatively, a letter or similar communication from CDFW stating an addendum or second agreement is not required shall satisfy this condition.
17. The applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation prior to processing on-site. This can be accomplished by either installing a new, permitted septic system; or by providing the Department of Environmental Health (DEH) with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or registered environmental health specialist (REHS) that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. Portable toilet and handwashing facilities may be utilized during the construction of these improvements to support cultivation staff only. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
18. Within 1 year from the effective date, the applicant shall take steps to form a Road Maintenance Association for the maintenance of Bronco and River Roads. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation of a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. A sign-off from the Planning Department will satisfy this condition.
19. Within 1 year from the effective date, the applicant shall record an overflight easement on the property in order to comply with the Airport Safety Land Use Compatibility Requirements.
20. The applicant shall construct noise containment structures for all generators used on the parcel with secondary containment for fluid catchment. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and

Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard. In addition, fire-resistant materials shall be utilized for construction of the generator containment structures.

21. All artificial lighting including security and propagation area lighting shall 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, up light, 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. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.
22. The Determination of No Hazard to Air Mitigation issued by the Federal Aviation Administration (FAA) on 08/09/2019 includes temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the project. However, this equipment shall not exceed the overall heights as indicated in the FAA Determination. Equipment which has a height greater than the studied structure requires separate notice to the FAA. A sign-off from the Planning Department will satisfy this condition.
23. The applicant shall not use any erosion control measures that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. 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 weaves.
24. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
25. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the rainwater catchment pond and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
26. 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.
27. 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.
28. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The 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 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. 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.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than 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.

12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. 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.
14. 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).
15. 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.
16. 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).
17. 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.
18. 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).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. 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.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
24. Fish stocking is prohibited without written permission from the California Department of Fish and Wildlife (CDFW) pursuant to Section 6400 of the Fish and Game Code for the life of the project.
25. If any marking/lighting is added, it shall be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

26. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 November 2007, will void the FAA Determination of No Hazard to Air Navigation, issued on August 9, 2019. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.
27. If any construction or alteration is made to the building heights on the parcel, a notice must be submitted to the FAA within five days after the construction or alteration is dismantled or destroyed.

Performance Standards for Cultivation and Processing Operations

28. 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."
29. 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).
30. 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.
31. 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.
32. 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
 33. 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.
 34. 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.
 35. 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.
 36. 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.
 37. 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.

38. 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.

ATTACHMENT 2

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

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

**APN 208-231-011; Section 35 of Township 02 North, Range 05 East, H.B&M., Dinsmore area
County of Humboldt**

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

May 2022

Background

Modified Project Description and Project History –

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

The project involves A Conditional Use Permit for continued cultivation of 18,135 square feet (SF) of cannabis utilizing full sun and light deprivation techniques, including 1,000 SF of proposed ancillary propagation. Water for irrigation is sourced from a 145,000-gallon rainwater catchment pond. Water storage onsite consists of the pond and a series of hard-sided tanks, for a total of 164,150 gallons of onsite water storage. Estimated annual water use is 106,800 gallons. Processing activities will occur in a proposed 768 SF building. A maximum of six (6) employees may be utilized onsite. Power is provided by two (2) gasoline generators and a 320-watt solar array, and the applicant has long-term plans to add additional solar. A Special Permit is requested for relocation and remediation activities occurring within the Streamside Management Area (SMA).

A review of the California Department of Fish and Wildlife (CDFW) Biogeographic Information and Observation System (BIOS) was performed on October 14, 2021, to find positive indicators for the potential occurrence of sensitive receptors on around the cultivation areas. One sensitive receptor (Oregon Goldthread) was mapped to have the potential to occur onsite but did not overlap any existing or proposed (through onsite relocation) cultivation areas. The nearest NSO activity center is located approximately 2.34 miles away from the nearest cultivation area with the nearest positive sighting located approximately 0.7 miles away. Additionally, lands surrounding the site are not heavily forested, thus there is a low potential for NSO habitat. The solar array is located on an adjacent property (identified as APN 208-231-013), which is located southeast of the subject property. Both of the generators utilized for the project are housed in sheds that insulate noise, enabling the generators to meet noise requirements of less than or equal to 50 decibels at 100 feet or edge of riparian habitat. The project is conditioned such that generators shall have secondary containment for fluid catchment and noise generated from generators shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11 (o) Humboldt County Code. Additionally, any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits. Additionally, any supplemental lighting utilized for security or within the nursery area will adhere to International Dark Sky Association standards for Lighting Zone 0 or 1 preventing light spillage which may impact local wildlife.

The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Bear River Band of the Rohnerville Rancheria in December 2017. Additionally, the project is required to relocate cultivation-related infrastructure (including a 384 SF structure and 300-gallon water storage tank) currently located within the SMA to a previously disturbed area outside of required SMA buffers without the use of heavy machinery.

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 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. Further, due to the onsite pond, the project is conditioned to require the applicant coordinate with CDFW to determine if a Bullfrog Management Plan is required and meet the annual reporting requirements, and install an overflow spillway to the off-stream pond that will withstand a 100-year flood event and exit ramps to the off-stream pond to prevent wildlife entrapment. In addition, the applicant shall not stock the pond with fish without written permission from CDFW for the life of the project.

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 18,135 square feet of cultivation with ancillary propagation and processing 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:

- Site Plan prepared by Margro Advisors, received 3/30/22.
- Cultivation and Operations Plan prepared by Margro Advisors, received 3/30/22, with additional project information provided by Margro Advisors on 3/30/22 and 4/4/22.

- Streambed Alteration Agreement (Notification No. 1600-2017-0387-R1) issued by the California Department of Fish and Wildlife, dated 6/8/18.
- Site Management Plan (WDID 1_12CC417805) prepared by Margro Advisors, dated 6/27/19 and revised 11/12/20, for the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy) and Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order).
- Road Evaluation Reports for Bronco Road and River Road prepared by DTN Engineering and Consulting, dated 11/29/18.
- Determination of No Hazard to Air Navigation prepared by the Federal Aviation Administration, dated 8/9/19.
- Cultivation Site Relocation Assessment prepared by Kyle S. Wear, Botanical Consultant, dated October 2019.
- Notice of Applicability (WDID 1_12CC417805) issued by the State Water Resources Control Board, dated 2/15/22.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by Margro Advisors, received 3/30/22 – **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 Margro Advisors, received 3/30/22, with additional project information provided by Margro Advisors on 3/30/22 and 4/4/22 – **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (–Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (item 7. below)
7. 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. (Site Management Plan (WDID 1_12CC417805) prepared by Margro Advisors, dated 6/27/19 and revised 11/12/20 – **Attached**; Notice of Applicability (WDID 1_12CC417805) issued by the State Water Resources Control Board, dated 2/15/22 – On file)
8. 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. (Streambed Alteration Agreement (Notification No. 1600-2017-0387-R1) issued by the California Department of Fish and Wildlife, dated 6/8/18 – **Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Road Evaluation Reports for Bronco Road and River Road prepared by DTN Engineering and Consulting, dated 11/29/18. **(Attached)**
16. Determination of No Hazard to Air Navigation prepared by the Federal Aviation Administration, dated 8/9/19. **(Attached)**
17. Cultivation Site Relocation Assessment prepared by Kyle S. Wear, Botanical Consultant, dated October 2019. **(Attached)**

Cultivation Plan Parcel # 208-231-011 / APP# 12493

The following plan describes the general operations for managing a 17,788 sq ft outdoor cultivation site.

1. Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, from an average 150 gallons a day up to 1,000 gallons a day during peak summer periods. Details of the grower’s cultivation and water usage is outlined below.

Water is collected from rain catchment throughout the year, stored in an onsite pond and poly water tanks. The pond holds approximately 145,000 gallons. There are also three (3) 5,000 gallon, one (1) 3000 gallon, (3) less than 300 gallon tanks for water storage and irrigation. A gas powered pump sends water to irrigation tanks near the cultivation sites. Gravity then directs waterflow to crops with timed irrigation.

Irrigation starts at once a week then increases to daily during the summer. Organic soils along with woodchip and straw mulch improves overall water retention. Timed irrigation, with immediate oversight, helps to prevent irrigation runoff. All irrigation is dispersed by a timed delivery cycle with a drip system to maximize water conservation.

Water flow is metered and will be regularly recorded and reported with the end of the year monitoring report. Tanks, lines, and connections will be checked periodically for wear, damage, and leaks. Repairs are done immediately or mitigated until replacement parts are obtained.

The following provides an estimate of monthly irrigation use in gallons:

Water USE by month

Jan	Feb	Mar	Apr	May	June
0	0	0	809	3,109	10,223

July	Aug	Sept	Oct	Nov	Dec
30,287	29,043	26,741	6,588	0	0

Approximate total water use: 106,800 gallons annually

2. Watershed Protection

To protect nearby watershed areas and nearby habitat the site is managed to meet standard conditions and follow best practices in accordance with guidelines provided by the State Water Resources Control Board (SWRCB). These practices address erosion control and drainage features, spoils management, water storage and use, irrigation runoff, fertilizers and pesticides, and stream and wetland buffers when applicable.

The most active steps for this site include:

- Moderate road shaping and ditch-relief used to optimize drainage to stable areas
- Areas between the watercourses and cultivation site are kept well vegetated with a variety of grasses
- Topping plant soils with mulch to prevent run-off

The parcel has a Class II and series of class III watercourses inside it. Most cannabis cultivation areas occur at least 100 feet away from all watercourses, pursuant to the State Water Resources Control Board (SWRCB) specifications. For the site within 100 feet, special arrangements were made to ensure no runoff occurs to nearby waterways. Relocation and consolidation with other site areas were arranged for cultivation in a more environmentally sound location beyond the 100 foot setback.

All stream crossings, rainwater flow, and onsite pond use are being improved to meet the regulations and requirements set by the California Department of Fish and Wildlife.

The grower, designated as the “Discharger”, is enrolled in the SWRCB Waiver of Waste Discharge as a Tier II Discharger. The cultivation site includes a Site Management Plan (SMP) for the property. A copy of the SMP is kept onsite for any official inspections.

3. Power Source

The site uses a Honda EU2000, EU3000 gasoline generator, two 2000 Watt Fermin Generators and 320 Watt Solar array (on the owner’s adjacent property) for electricity. Estimated power usage is from 6kWh-36kWh per day depending on need for ventilation and farming equipment. The EU2000 generator is rated by the manufacturer at maximum 59dB or lower, and the EU3000 is rated at a maximum of 57dB or lower. Both generators are housed in sheds that insulate sound enabling the generators to meet perimeter noise restrictions required by environmental regulations.

4. Onsite Structures

There are currently two storage sheds onsite. Plans are being made to construct a commercial building to handle processing. The site will use two (2) greenhouses with the rest of the cultivation occurring in smart pots (See Site Plan).

All greenhouses have permeable floors and utilize open soil beds with living soil that allows further permeability of the greenhouses.

5. Materials Storage

Currently there are no chemical pesticides or herbicides utilized in any onsite cultivation. Natural fertilizers include:

- Organic Mothership Mix from Soilscape Solutions
- Stutzman chicken manure
- Gro-pro
- Ful power humic acid
- Earth Juice cal/mag
- Dyna Silica
- Fish Hydrolysate
- Sparetime Molasses=
- Molasses
- Paleo Bloom
- Kelp Meal
- Trace Minerals
- Oceanic Hydrolysate
- Terara Thrive
- Dirt MD
- Earth Juice -Microblast
- Rocky Mountain Bio Ag
- Phyzo-Genesis
- Bio genesis
- Mycos
- Root Excelurator
- Trace Minerals
- True-Bloom-Sea Phos
- Mocha Bat Guano
- Max- sea
- Anasazi Gold
- Be-1
- Sea Phos
- Moab

Currently there are no chemical pesticides used. The primary pesticide applied to control mites and powdery mildew is:

- Organocide 3 in 1
- Plant Therapy
- Green Cure
- Og Biowar
- Actinovate
- H2O2
- Isopropyl Alcohol
- Chester Bone soap
- Trifecta
- Regalia
- Emp Barrier
- Pure Crop 1
- Coco -wet
- Diatomatous Earth
- Liquid Fence

Appropriate Material Safety Data Sheets (MSDS) are kept onsite as a component of the cultivator’s SMP. A dedicated and secure shed is used for the storage of all amendments, as well as fuel. Pesticides are brought onsite when needed, then stored offsite.

The site’s generator and fuel is housed in a secure shed. Standard polyethylene fuel containers are set in totes for secondary containment. A spill kit is stored alongside to provide safe and quick clean-up if any spillage occurs.

6. Waste Management

All plant waste saved for reuse is stored in a covered area. Unusable plant waste is burned after harvest is completed. Other solid waste, as well as recyclables, are stored in a neighboring secure trailer, then transported weekly to the Humboldt Waste Management Authority.

Materials intended for onsite reuse are stored in a clean and secure manner. A porta-potty (serviced by Six Rivers Portable Toilet) exists onsite to safely manage human waste and prevent threats to local wildlife and water sources. Plans are underway to build a permitted septic system.

7. Cultivation Activities

Jan-Feb	<ul style="list-style-type: none"> <input type="checkbox"/> Ensure complete off-season water storage <input type="checkbox"/> Submit SWRCB enrollment report and fee <input type="checkbox"/> Install and repair any infrastructure and systems necessary <input type="checkbox"/> Perform initial site inspection
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	<ul style="list-style-type: none"> <input type="checkbox"/> Setup greenhouses <input type="checkbox"/> Submit soil samples for testing <input type="checkbox"/> Check water meters and record monthly usage
Mar-Apr	<ul style="list-style-type: none"> <input type="checkbox"/> Start seeds in greenhouse nursery area <input type="checkbox"/> Purchase amendments for soil preparation based on soil test results <input type="checkbox"/> Begin tilling amendments into soils <input type="checkbox"/> Record inventory of amendments and verify proper storage
May-Jun	<ul style="list-style-type: none"> <input type="checkbox"/> Transplant crop to outdoor cultivation areas <input type="checkbox"/> Encage and trellis for stability <input type="checkbox"/> Begin daily plant inspections
Jul-Aug	<ul style="list-style-type: none"> <input type="checkbox"/> Top and prune plants as needed <input type="checkbox"/> Add nutrients as needed
Sep-Oct	<ul style="list-style-type: none"> <input type="checkbox"/> Harvest crop <input type="checkbox"/> Dry plants in shed with dehumidifiers and fans <input type="checkbox"/> Complete machine trimming, curing, and storage <input type="checkbox"/> Burn plant waste following harvest

8. Soil Management

Prior to the season, soil is sent for lab testing and analysis. Based on the test results, a prescription of amendments is created. Items are purchased, applied, stored and inventoried. Once tilling is completed and soil has been prepared, planting begins.

Following the harvest, reusable soil is maintained using cover crop until the next season.

9. Cultivation Cycles

There is one outdoor cultivation cycle. Seeds are planted in March and nursed in a greenhouse until ready to transplant in May. Harvest takes place in October.

10. Plant Management

During the cultivation cycles, plants are inspected every day. Irrigation is monitored and adjusted based on the impact of environmental factors, mainly heat and precipitation. During the vegetative state, plants are upgraded to larger pots until ready for final planting. Once plants are placed in the ground they are encaged and trellised for stability. Plants are then occasionally pruned and topped until ready for harvest.

11. Processing Practices

After being harvested, the cannabis is taken offsite to be processed in a licensed facility. Plans are being developed to create a commercial building to house onsite processing. All work surfaces and equipment are maintained in clean conditions. Protocols are strictly followed to prevent the spread of mold and fungus. The final cannabis product is packaged and then stored in a secure location.

12. Staffing

The site is a family farm with two (2) family members and is currently not hiring full-time employees. One part-time employee may be hired on an as-needed basis with no lodging provided on site. This individual would commute and/or carpool to the site as needed. Harvesting and processing is done with the support of family members and the part-time employee. A third-party licensed contractor or temporary employment agency services may be utilized on a temporary basis to support the farm's operations.

13. Security Measures

A number of security measures have been established on the site. They include:

- The road accessing the property and areas within the site are restricted by locked gates. Gates are of heavy steel construction with a steel combination lock.
- There is 24/7 presence onsite throughout the cultivation cycle.
- Guard dogs provide onsite protection against human intruders and invasive wildlife.
- Motion sensor security cameras are in the process of being acquired and installed.

14. Site Improvements

After consultation with water and environmental experts, it was recommended the 1,440 sq ft greenhouse cultivation site on the east side of the property be relocated due to the potential for erosion and setbacks needed as a result of nearby class II and III waterways. Removal and remediation has been completed. The relocation area is the same size as the prior area and is a superior location.

In addition, plans are being developed to add a commercial structure to properly handle processing onsite.

15. Health and Safety

When employees are hired this site will be operated as an "agricultural employer" as defined by the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code, and comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers. At the

first establishment of 20 or more employees, the firm will sign and enact a Labor Peace Agreement and allow upon written request, all bona fide labor organizations access at reasonable times to areas in which the farm's employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment.

An Injury and Illness Prevention Program (IIPP) Plan will be posted. It includes safety protocols including emergency action plan and fire prevention plan, use of personal protective equipment, proper equipment and materials handling, heat illness prevention, employee accident reporting policies and logs, communication of hazards and Material Safety Data Sheets for amendments and chemicals used onsite, and employee training logs.

Posted and available documentation for employees (if applicable) will include:

- *Injury and Illness Prevention Program (IIPP) Plan* - T8 CCR Section 3203 of the General Industry Safety Orders
- *Agricultural Occupations Notice* - Industrial Welfare Commission Order No. 14-2001
- *Professional, Technical, Clerical, Mechanical, and Similar Occupations Notice* - Industrial Welfare Commission Order No. 4-2001
- *Safety and Health Protection on the Job* - Labor Code section 6328
- *California Minimum Wage* - MW-2017 General Minimum Wage Order
- *Healthy Workplaces/Healthy Families Act of 2014 Paid Sick Leave* - Division of Labor Standards
- *Payday Notice* - Labor Code section 207
- *Emergency Numbers* - Title 8 Section 1512 (e), California Code of Regulations
- *Access to Medical and Exposure Records and General Industry Safety Order 3204*
- *Injuries Caused by Work* - Title 8, California Code of Regulations, Division of Workers' Compensation section 9881
- *Whistleblower Protections* - Labor Code Section 1102.8(a)
- *No smoking signage* - Labor Code section 6404.5(c)(1)
- *Farm Labor Contractor Statement of Pay Rates* - California Labor Code Section 1695(7)
- *Insurance and Paid Leave Notice to Employees* - DE 1857A
- *Equal Employment Opportunity is the Law* - EEOC-P/E1 and Americans with Disabilities Act
- *Human Trafficking Public Notice* - Civil Code § 52.6

16. International Dark Sky Standards

Any greenhouse or propagation area with supplemental lighting will be properly maintained to avoid being visible from any neighboring property between sunset and sunrise. The site will comply with International Dark Sky Association standards for Lighting Zone 0, and prevent light

spillage which may impact local wildlife. Any and all complaints received in writing regarding light spillage will be corrected within 10 business days from the date of receipt.

**Site Management Plan for:
WDID: 1_12CC417805
APN: 208-231-011**



Prepared for:
State Water Resources Control Board (SWRCB)
North Coast Regional Water Quality Control Board (NCRWQCB)

Prepared by:
Margro Advisors
230 4th St, Eureka CA, 95501

Date of Completion:
06/27/2019
Rev:11/12/2020

Introduction

This Site Management Plan (SMP) as required by the State’s General Order¹, is for a cannabis cultivation site operated by Daydream Enterprises LLC, located in the Mad River area, GPS coordinates 40.5131, -123.5856 in Humboldt County. The site has no postal address. The site is located in watershed HUC 12-180101020302. The purpose of this order is to provide a regulatory structure for cannabis cultivation that reduces contributions to existing water quality issues and prevents additional adverse impacts to water resources throughout California. The purpose of the SMP is to identify conditions present on a parcel that may pose a threat to water quality and resources and establish a plan to meet or surpass requirements set forth in the order, as well as to describe how the cultivator is implementing the best practical treatment or control (BPTC) measures listed in Attachment A of the Cannabis General Order. Refer to Attachment D of the General Order for further technical report guidance.

Margro Advisors has made an initial assessment of this parcel through field work as well as through a variety of county, state, and private websites (e.g. USDA web soil survey, Google Earth, and Humboldt County Web GIS). The parcel boundaries are approximate and obtained from Humboldt County.

Attached is a map of directions to the site from Google Maps

¹ Order entitled “STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2017-0023-DWQ GENERAL WASTE DISCHARGE REQUIREMENTS AND WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF WASTE ASSOCIATED WITH CANNABIS CULTIVATION ACTIVITIES”



← from Mad River, California
to 40.5131, -123.5856

27 min (7.0 miles)

via County Line Creek Rd and Salyer Mad River Rd
Fastest route

Mad River

California

↑ Head west on County Line Creek Rd
4.2 mi

↑ Continue onto Salyer Mad River Rd
2.8 mi

40.5131, -123.5856

Site Characteristics

This project is associated with Humboldt County Interim Permit # 12493-CUP, and has been granted a permit for 18,100 ft² of outdoor cultivation and a license from CDFA State License # CCL18-0003017.

Processing

After being harvested, the cannabis is taken to the owner's neighboring site where it will be dried, machine trimmed, and cured. Plans are being developed to create a commercial building to house onsite processing. All work surfaces and equipment are maintained in clean conditions. Protocols are strictly followed to prevent the spread of mold and fungus. The final cannabis product is packaged and then stored in a secure location.

Power

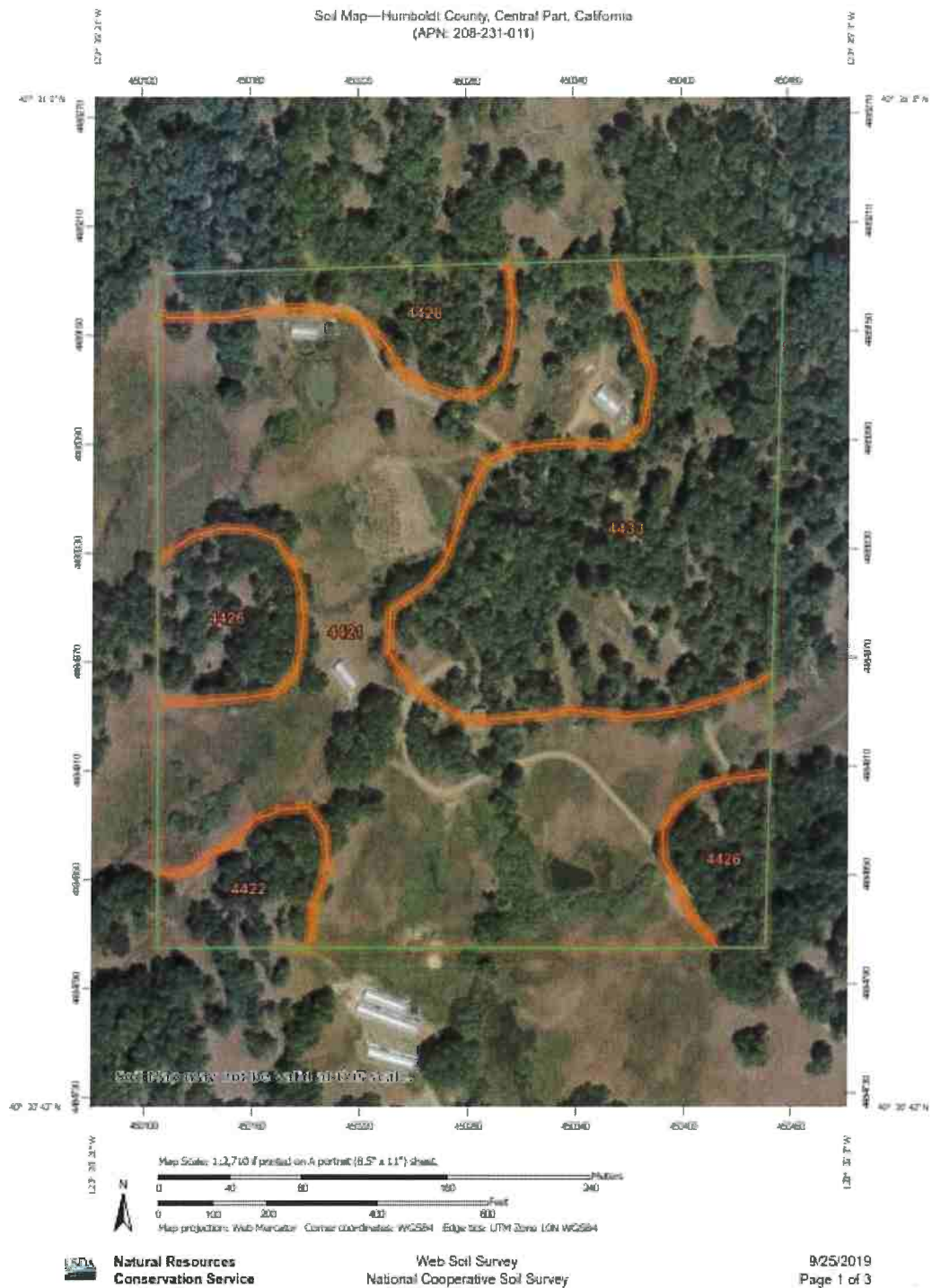
The site uses a Honda 2000 gasoline generator and 300 watt solar panel for electricity. Estimated power usage is from 6kWh-36kWh per day depending on need for ventilation and farming equipment.

Elevation within this parcel ranges from approximately 3,200 to 3,600 feet. Mean annual precipitation is 49 to 102 inches. Mean annual air temperature is 52 to 55 degrees Fahrenheit. The frost free period is 240 to 280 days.

Attached at the end of this document is a site map. The site map includes features such as: access roads, vehicle parking areas, streams, cultivation sites, disturbed areas, buildings, and other relevant site features.

Soil Description

Attached is a soil map of the parcel. The soils within the area are primarily Highyork-Elkcamp-Airstrip Complex (Map Unit 4421& 4422, 57.6% of parcel), Pasturerock-Coyoterock-Maneze complex (Map Unit 4426, 14.6% of parcel), and Pasturerock-Maneze-Coyoterock complex (Map Unit 4426, 27.8% of parcel).



Soil Map—Humboldt County, Central Part, California
(APH: 208-231-011)

MAP LEGEND		MAP INFORMATION	
<p>Area of Interest (AOI)</p> <p>□ Area of Interest (AOI)</p> <p>Soils</p> <p>□ Soil Map Unit Polygons</p> <p>— Soil Map Unit Lines</p> <p>• Soil Map Unit Points</p> <p>Special Point Features</p> <p>☉ Blowout</p> <p>☒ Borrow Pit</p> <p>⊗ Clay Spot</p> <p>⊕ Closed Depression</p> <p>⊖ Gravel Pit</p> <p>⊗ Gravelly Spot</p> <p>⊕ Lava Hill</p> <p>⊖ Lava Flow</p> <p>⊗ Marsh or Swamp</p> <p>⊕ Mine or Quarry</p> <p>⊗ Miscellaneous Water</p> <p>⊕ Perennial Water</p> <p>⊗ Rock Outcrop</p> <p>⊕ Saline Spot</p> <p>⊗ Sandy Spot</p> <p>⊕ Severely Eroded Spot</p> <p>⊗ Sinkhole</p> <p>⊕ Slide or Slip</p> <p>⊗ Soda Spot</p>	<p>☉ Spoil Area</p> <p>⊕ Stony Spot</p> <p>⊗ Very Stony Spot</p> <p>⊕ Wet Spot</p> <p>⊗ Other</p> <p>Special Line Features</p> <p>Water Features</p> <p>— Stream and Canals</p> <p>Transportation</p> <p>+++ Rails</p> <p>— Interstate Highways</p> <p>— US Routes</p> <p>— Major Roads</p> <p>— Local Roads</p> <p>Background</p> <p>■ Aerial Photography</p>	<p>The soil surveys that comprise your AOI were mapped at 1:24,000.</p> <p>Warning: Soil Map may not be valid at this scale.</p> <p>Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not allow the small areas of contrasting soils that could have been shown at a more detailed scale.</p> <p>Please rely on the bar scale on each map sheet for map measurements.</p> <p>Source of Map: Natural Resources Conservation Service Web Soil Survey URL: Coordinate System: Web Mercator (EPSG:3857)</p> <p>Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.</p> <p>This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.</p> <p>Soil Survey Area: Humboldt County, Central Part, California Survey Area Date: Version 4, Sep 13, 2016</p> <p>Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.</p> <p>Date(s) aerial images were photographed: Jun 18, 2015--Oct 24, 2017</p> <p>The orthophoto or other base map set which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.</p>	

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
4421	Highyok-Elkcamp-Airstrip complex, 15 to 30 percent slopes	17.1	53.4%
4422	Highyok-Elkcamp-Airstrip complex, 30 to 50 percent slopes	1.3	4.2%
4428	Paskireack-Coyoterack-Maneze complex, 15 to 50 percent slopes, dry	4.7	14.8%
4433	Paskireack-Maneze-Coyoterack complex, 5 to 30 percent slopes	6.9	27.8%
Totals for Area of Interest		32.1	100.0%

Highyork

The parent rock of the Highyork is colluvium derived from sandstone and/or earthflow deposits derived from schist. The natural drainage class is somewhat poorly drained. The capacity of the most limiting layer to transmit water (Ksat) is moderately low to moderately high (0.06 to 0.20 in/hr). The depth to a restrictive feature is more than 80 inches. The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is high (about 9.5 inches).

Elkcamp

The parent rock of the Elkcamp is colluvium derived from mudstone and/or colluvium derived from sandstone. The natural drainage class is well drained. The capacity of the most limiting layer to transmit water (Ksat) is moderately low to moderately high (0.06 to 0.60 in/hr). The depth to a restrictive feature is more than 80 inches. The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is moderate (about 8.6 inches).

Airstrip

The parent rock of the Airstrip is residuum weathered from sandstone. The natural drainage class is well drained. The capacity of the most limiting layer to transmit water (Ksat) is moderately high to high (0.60 to 2.00 in/hr). The depth to lithic bedrock is 20 to 39 inches. The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is low (about 3.0 inches).

Maneze

The parent rock of Maneze is colluvium derived from sandstone and mudstone. The natural drainage class is well drained. The capacity of the most limiting layer to transmit water (Ksat) is moderately high (0.20 to 0.60 in/hr). The depth to a restrictive feature is more than 80 inches. The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is low (about 4.9 inches).

Pasturerock

The parent rock of the Pasturerock is colluvium derived from mudstone and/or colluvium derived from sandstone. The natural drainage class is well drained. The capacity of the most limiting layer to transmit water (Ksat) is moderately high (0.20 to 0.60 in/hr). The depth to a restrictive feature is more than 80 inches. The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is high (about 11.2 inches).

Coyoterock

The parent rock of Coyoterock is colluvium derived from sandstone and mudstone. The natural drainage class is moderately well drained. The capacity of the most limiting layer to transmit water (Ksat) is low to moderately low (0.01 to 0.06 in/hr). The depth to a restrictive feature is more than 80 inches. The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is moderate (about 8.8 inches).

Water Storage, Use, and Irrigation Runoff

Water used for cannabis cultivation is sourced from two rain catchment ponds. The cultivator has completed an LSAA (Notification No. 1600-2017-0387-R1) with CDFW. Water is diverted from the rainwater catchment pond to storage in water tanks. The site has 159,650 gallons of total water storage for cannabis cultivation. There are also two 5,000-gallon tanks for fire suppression. A summary of water storage for cannabis cultivation is shown below in Table 1.

Water Storage Type	Size (Gallons)	Number	Total (Gallons)
Tank	250	1	250
Tank	300	3	900
Tank	2,500	1	2,500
Tank	3,000	2	6,000
Tank	5,000	1	5,000
Pond	145,000	1	145,000
Total			159,650

Table 2: Summary of water storage for cannabis cultivation on the parcel.

The amount of water used for the cultivation of cannabis will vary throughout the year, from an average 150 gallons a day up to 1,000 gallons a day during peak summer periods. A gas powered pump sends water to irrigation tanks near the cultivation sites. Gravity then directs waterflow to crops with timed irrigation. Irrigation starts at once a week then increases to daily during the summer. Organic soils along with woodchip and straw mulch improves overall water retention. Timed irrigation, with immediate oversight, helps to prevent irrigation runoff. A summary of estimated water use in gallons by month for irrigation is shown below in Table 3.

Jan	Feb	Mar	Apr	May	June
0	0	10,000	20,000	40,000	40,000

July	Aug	Sept	Oct	Nov	Dec
60,000	60,000	20,000	10,000	0	0

Table 3: Summary of estimated water use in gallons by month for irrigation.

Water flow is metered and will be regularly recorded and reported with the end of the year monitoring report. Tanks, lines, and connections will be checked periodically for wear, damage, and leaks. Repairs are done immediately or mitigated until replacement parts are obtained.

Sediment Discharge

Access Roads

Both the main road and access roads are made of dirt, in decent condition, but with some evidence of erosion such as rutting and gullying. The cultivator completed an LSA and is in the process of upgrading his roads and replacing several culverts. There is very little vehicle traffic from the site (about 2 cars go in and out per day). Storm water is drained from the access road via use of moderate road shaping and ditch-relief. The access road’s stormwater drainage structures do not discharge onto unstable slopes, earthen fills, or directly to a waterbody.

Stream Crossings

There are six stream crossing culverts on the site. An overview of stream crossings is shown below in Table 4.

Label	Size (inches)	Type	Watercourse Class	Condition
Crossing 1	36"	Corrugated Metal Pipe	Class II Watercourse	Good
Crossing 2	24"	Dirt Ford	Class III Watercourse	Good
Crossing 3	18"	Dirt Ford	Class III Watercourse	Good
Crossing 4	18"	Corrugated Metal Pipe	Class III Watercourse	Good
Crossing 5	24"	Corrugated Metal Pipe	Class III Watercourse	Good
Crossing 6	N/A	Dirt Ford	Class III Watercourse	Needs to be replaced with rock ford

Table 4: Overview of stream crossings on the property.

Once remediations are complete, all stream crossings are believed to be capable of accommodating the estimated 100-year flood flow, including debris and sediment loads. All stream crossings will be maintained and inspected for blockage with regular monitoring detailed in the Monitoring section of this plan. All were installed parallel to the watercourse alignment to the extent possible, of sufficient length to extend beyond stabilized fill/sidecast material, and were embedded or installed at the same level and gradient of the streambed in which they have been placed to prevent erosion.

Legacy Waste

The dirt roads and vehicle stream crossings are being updated by December 2021 as part of an LSA the cultivator completed. The roads are legacy logging roads.

Sediment Erosion Prevention and Sediment Capture

BPTC measures are being implemented to ensure erosion prevention and capture sediment. They include watering plants using drip irrigation at appropriate agronomic rates to prevent runoff, and topping soil with straw mulch, grass seed, or cover crop for sediment control to prevent erosion and transportation of sediment. When exposed surfaces or bare slopes appear, topsoil is covered with straw for temporary erosion control to minimize sediment, and stabilize the surface in the event of heavy rainfall. Sediment fences have also been put in place. In addition, there is no driving or operating of vehicles or equipment within the riparian setbacks or within waters of the state unless authorized. Placement of additional gravel, straw wattles, and silt screens are examples of additional mitigation measures which may also be taken to ensure erosion control.

Monitoring

The access road, stream crossing, erosion prevention, and sediment control BPTC measures listed above will be monitored and maintained to confirm effectiveness and protect water quality by conducting inspections:

- Quarterly.
- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site.
- Prior to October 15th and December 15th to evaluate site preparedness for storm events and stormwater runoff.

Captured sediment will be stabilized in place.

Fertilizer, Pesticide, Herbicide, Fungicide, and Rodenticide

Amendments are stored in both of the Amendments/Generator & Fuel Storage buildings on the property, but pesticides are stored offsite and brought to the site as needed. An overview of estimated annual chemical product use is shown below in Table 5.

Product Name	Chemical Type	N-P-K or Primary Active Ingredient(s)	Annual Use (lb or gal)
Soilscape Mothership	Fertilizer	3-5-1	5,971 lb
Stutzman's Chicken Manure	Fertilizer	3-2-2	2,460 lb
Gro-Pro	Fertilizer	0.5-0.5-4	2 gal
Ful-Power Humic Acid	Fertilizer	Humic Acid	10 gal
Earth Juice Oily-Cann	Fertilizer	Calcium/Magnesium	20 gal
Dyna Silica	Fertilizer	0-0-3	5 gal
Fish Hydrolysate	Fertilizer	2-4-0.2	50 gal
Sparetime Molasses	Fertilizer	1-0.1-3	20 gal
Paleo Bloom	Fertilizer	0-4.7-1.5	20 gal

Table 5: Overview of estimated annual chemical product usage.

Products are brought to the site as needed. Products which are not consumed during the growing season are kept in the Amendments/Generator & Fuel Storage buildings to prevent discharge, including over the winter season. Any materials that are hazardous will be stored in secondary containment. Bulk fertilizers and chemical concentrates are stored, mixed, and applied per packaging instructions and/or at proper agronomic rates. Empty containers are stored in trash containers with covers. Application rates will be tracked and reported with the end of the year monitoring. EPA registered pesticide use will be reported by the 10th of the month following its use, to the Department of Pesticide Regulations as required.

Petroleum Products

Petroleum products are kept in both of the Amendments/Generator & Fuel Storage buildings on the property. An overview of estimated annual petroleum usage is shown below in Table 6.

Product	Chemical Type	Storage (gal)	Annual Use (gal)
Gasoline	Petroleum	Up to 50	200

Table 6: Overview of estimated annual petroleum usage.

Petroleum products are brought to the site as needed. Products which are not consumed during the growing season are kept in secondary containment to prevent discharge, including over the

winter season. Petroleum, petroleum products, and similar fluids are stored in a manner that provides chemical compatibility, provides secondary containment, and protection from accidental ignition, the sun, wind, and rain. Fuels, lubricants, and other petroleum products are stored, mixed, and applied per packaging instructions. Vehicles or equipment are only refueled outside of riparian setbacks. A Spill Prevention, Countermeasures, and Cleanup (SPCC) kit is kept with fuel storage. As a safety measure, SPCC kits provide a supply of clean-up materials in the event of accidents.

Trash/Refuse and Domestic Wastewater

On an average day, there is about one employee, visitor, and/or resident at the site. There is a Compost & Recycle Area on the property. Anticipated solid waste/recycling generated at this site include non-reusable plant waste and packaging materials of approximately 32 gallons per week, with 64 gallons of paper, glass, and plastic recyclables per month. Trash is kept in closed-lid, wildlife-proof, non-permeable garbage cans which are kept to prevent leaching and transport of foreign materials to groundwater, and are located outside of riparian setbacks. Trash bags are self-hauled weekly, and recycling once a month, to Humboldt County Transfer Station.

The domestic wastewater generated at the site is a chemical toilet. The wastewater is disposed of via chemical toilet or holding tank serviced by Six Rivers Portable Toilets/B&B Portable Toilets. Toilet facilities will always be operational, maintained in a clean and sanitary condition, and kept in good repair. Records of service and maintenance shall be retained for two years. Plans are also underway to replace the chemical toilet with a permitted septic tank.

Winterization

The cultivator keeps a copy of Winterization Protocols for Statewide Cannabis General Order onsite. BPTC measures outlined in this document will be performed to winterize the site and prevent discharges of waste.

The cultivator does not operate heavy equipment of any kind at the cannabis cultivation site during the winter period unless authorized for emergency repairs contained in an enforcement order issued by the State Water Board, Regional Water Board, or other agency having jurisdiction. In addition, if there is construction, all construction entrances and exits are stabilized to control erosion and sediment discharges from land disturbance. All loose stockpiled construction materials (e.g. soil, spoils, aggregate, etc.) that are not scheduled for use within 48 hours are covered and bermed. Erosion repair and control measures to the bare ground (e.g. cultivation area, access paths, etc.) are applied to prevent discharge of sediment to waters of the state. If any BPTC measure cannot be completed before the onset of the winter period, the cultivator will contact the Regional Water Board to establish a compliance schedule.

Remediations

The dirt roads and vehicle stream crossings are being updated by December 2020 as part of an LSA Agreement the cultivator has with CDFW. The roads are legacy logging roads.

Any outhouses, pit privy, or other historical sanitation will be decommissioned, and a permitted septic tank will be installed by December 2021.

RECEIVED

JUN 12 2018

CDFW - EUREKA



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

STREAMBED ALTERATION AGREEMENT
NOTIFICATION No. 1600-2017-0387-R1
Unnamed Tributaries to the Mad River and the Pacific Ocean

Sean Porter
Porter Daydream Water Diversion and Stream Crossings Project
8 Encroachments



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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on June 26, 2017, that the Permittee intends to complete the project described herein.

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

WHEREAS, the Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, the Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project to be completed is located within the Mad River watershed, approximately 17 miles north of the town of Dinsmore, County of Humboldt, State of California. The project is located in Section 35, T2N, R5E, Humboldt Base and Meridian; in the Blake Mountain U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 208-231-011; latitude 40.5099 N and longitude -123.5858 W at the project parcel centroid.

PROJECT DESCRIPTION

The project is limited to eight (8) encroachments (Table 1). One (1) encroachment is for water diversion from an Unnamed Tributary to the Mad River. Water is diverted for domestic use. Work for the water diversion will include facility retrofit, use and maintenance of the water diversion infrastructure. Five (5) proposed encroachments are

to upgrade failing and undersized culverts. Work for these encroachments will include excavation, removal of the failing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. Two (2) proposed encroachments are to install rocked fords. Work for these encroachments will include rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Ford Site 6	40.51494, -123.587	Replace existing dirt ford with a rocked ford.
Ford Site 8	40.51447, -123.587	Replace existing dirt ford with a rocked ford.
Crossing Site 11	40.51345, -123.587	Replace failing 12" diameter culvert with minimum 36" diameter culvert.
Crossing Site 12	40.51298, -123.586	Replace existing dirt ford with a minimum 24" diameter culvert.
Crossing Site 13	40.51293, -123.586	Replace existing dirt ford with a minimum 18" diameter culvert.
Crossing Site 14	40.51308, -123.585	Replace failing 12" diameter culvert with minimum 18" diameter culvert.
Crossing Site 15	40.51343, -123.585	Replace failing culvert of unknown size with a minimum 24" diameter culvert.
POD-1	40.5151, -123.586	1. Remove existing unpermitted water diversion. 2. Install new water diversion structure consistent with this agreement. 3. Use and maintenance of water diversion infrastructure.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Pacific Lamprey (*Entosphenus tridentata*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Boreal Toad (*Anaxyrus boreas boreas*), Foothill Yellow-legged Frog (*Rana boylei*), Coastal Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*) amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Impacts to water quality:

increased water temperature;
 reduced instream flow;
 temporary increase in fine sediment transport;

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

loss or decline of riparian habitat;

direct impacts on benthic organisms;

Impacts to natural flow and effects on habitat structure and process:
cumulative effect when other diversions on the same stream are considered;
diversion of flow from activity site;
direct and/or incidental take;
indirect impacts;
impediment of up- or down-stream migration;
water quality degradation; and
damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.

- 1.6 **Project Site Entry.** The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 **CDFW Notification of Work Initiation and Completion.** The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.

2. Avoidance and Minimization Measures

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

- 2.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on June 26, 2017 with revisions received on October 13, 2017 and February 23, 2018, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Incidental Take.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

Project Timing

- 2.3 **Work Period.** All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.4 **Work Completion.** The proposed work shall be completed by no later than **October 1, 2019**. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.
- 2.5 **Extension of the Work Period.** If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.

Vegetation Management

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

Water Diversion

- 2.8 **Maximum Diversion Rate.** The maximum instantaneous diversion rate from the water intake shall not exceed **one (1) gallon per minute (gpm)** at any time.
- 2.9 **Bypass Flow.** The Permittee shall pass **80% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.10 **Seasonal Diversion Minimization.** No more than **150 gallons per day** shall be diverted during the low flow season from **May 15 to October 31** of each year. Water shall be diverted only if the Permittee can adhere to conditions 2.8 and 2.9 of this Agreement.
- 2.11 **Measurement of Diverted Flow.** Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.11.1 The date and time diversion occurred.
 - 2.11.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
 - 2.11.3 Permittee shall make available for review at the request of the department the daily diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).

2.12 **Water Management Plan**. The Permittee shall submit a Water Management Plan no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

Water Diversion Facility Retrofit

2.13 **Intake Structure**. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.

2.14 **Intake Structure Placement**. Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.

2.15 **Intake Screening**. The Permittee shall regularly inspect, clean, and maintain screens in good condition.

2.15.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.

2.15.2 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.

2.15.3 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.

2.15.4 The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be placed in pool habitat.

2.16 **Intake Shall Not Impede Aquatic Species Passage**. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.

- 2.17 **Exclusionary Devices.** Permittee shall keep the diversion structures (e.g. cistern) covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.
- 2.18 **Diversion Infrastructure Plan (DIP).** The Permittee shall submit a DIP for CDFW review and approval prior to diverting water. The DIP shall include a narrative describing the different elements of the water diversion infrastructure, supporting photographs and/or diagrams, and justification of how compliance with the CDFW Fish Screen Criteria will be achieved under this Agreement.
- 2.19 **Diversion Intake Removal.** Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- 2.20 **Heavy Equipment Use.** No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

Diversion to Storage

- 2.21 **Water Storage.** All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.
- 2.22 **Water Storage Maintenance.** WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. The Permittee shall install any other measures necessary to prevent exorbitant use or waste of water. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
- 2.23 **Reservoirs.** Shall be appropriately designed, sized, and managed to contain any diverted water in addition to precipitation and storm water runoff, without overtopping. Water shall be diverted to reservoirs only if the Permittee can adhere to conditions 2.12 and 2.29-2.33 of this Agreement.
- 2.24 **Limitations on Impoundment and Use of Diverted Water.** The Permittee shall impound and use water in accordance with a valid water right, including any limitations on when water may be impounded and used, the purpose for which it may be impounded and used, and the location(s) where water may be impounded and used.

- 2.25 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.26 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:
http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf.

Reservoirs

- 2.27 No Stocking. Stocking of fish, wildlife, or plant of any kind, in any Waters of the State, including reservoirs, shall be prohibited without written permission from the department pursuant to Section 6400 of the Fish and Game Code.
- 2.28 Invasive Species Management for Reservoirs. Permittee shall implement an invasive species management plan prepared by a Biologist for any existing or proposed reservoir. The plan shall include, at a minimum, an annual survey for invasive aquatic species, including the American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*). The Biologist, if appropriate, shall implement eradication measures if invasive aquatic species are identified as part of the survey.
- 2.28.1 Bullfrog Management Plan. If bullfrogs are observed, they shall be appropriately managed. Management of bullfrogs, including annual draining and drying of ponds, shall follow the guidelines in Exhibit A. A copy of the annual monitoring report, shall be submitted to CDFW in accordance with the reporting measures described in Exhibit A and below (Reporting Measure 3.5)
- 2.29 Off-stream reservoirs. Shall be appropriately designed, sized, and managed to contain any diverted water in addition to precipitation and storm water runoff, without overtopping. The Permittee shall install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. The spillway shall be designed and placed to allow for a minimum of two-feet of freeboard.
- 2.30 Seasonal Diversion Minimization. To minimize adverse impacts to native pond breeding amphibians (when present) the following diversion minimizations apply: From November 1 to March 31, the Permittee shall divert water at a rate no greater than the rate of water flowing into the pond (i.e., water diversion shall not decrease the pond depth). From April 1 – September 1, when native larval amphibians are present, the Permittee shall cease diverting water once the pond volume is one third of the maximum pond volume. To comply with this measure;

the Permittee shall establish a fixed visual marker(s) (e.g., stage plate) in the pond as a reference for water level thresholds.

- 2.31 **Wildlife Entrapment Prevention.** The Permittee shall install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, made of solid material (e.g. wood), and be a minimum length of 1.5 times the radius of the pond. A notice of completed work, with supplemental pictures, shall be submitted to CDFW by December 31, 2018.

Stream Crossings

- 2.32 **Stream Protection.** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.33 **Equipment Maintenance.** Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.34 **Hazardous Spills.** Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.

2.35 Dewatering.

- 2.35.1 **Stream Diversion.** Only when work in a flowing stream is unavoidable (e.g., perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
- 2.35.2 **Maintain Aquatic Life.** When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life

below the dam pursuant to Fish and Game Code §5937.

- 2.35.3 Stranded Aquatic Life.** The Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern. The Department staff who prepared this agreement shall be contacted immediately if any of these species are detected.
- 2.35.4 Coffer Dams.** Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately.
- 2.35.5 Minimize Turbidity, Siltation, and Pollution.** Permittee shall use only clean, non-erodible materials, such as rock or sandbags that do not contain soil or fine sediment, to construct any temporary stream flow bypass. Permittee shall divert stream flow around the work site in a manner that minimizes turbidity, siltation, and pollution, and does not result in erosion or scour downstream of the diversion.
- 2.35.6 Remove any Materials upon Completion.** Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.
- 2.35.7 Restore Normal Flows.** Permittee shall restore normal flows to the effected stream immediately upon completion of work at that location.
- 2.36 Excavated Fill.** Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 2.37 Runoff from Steep Areas.** The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures

such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.

2.38 Culvert Installation.

2.38.1 The project is located in a moderate to very high Fire Hazard Severity Zone as designated by CAL FIRE. CDFW recommends corrugated metal pipe (CMP) for use in culvert installation and/or replacement.

2.38.2 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.

2.38.3 Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). The Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets.

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

2.38.5 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.

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

2.39 Crossing Maintenance

2.39.1 The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow

2.39.2 No heavy equipment shall enter the wetted stream channel.

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

2.39.4 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.

2.39.5 Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.

2.40 Fords, Armored Fill and Vented Crossings.

2.40.1 Fords, armored and vented crossings are considered permanent watercourse encroachments and shall accommodate the 100-year flood flow plus associated sediment and debris.

2.40.2 Hydrologically-connected road approaches to fords, armored and vented crossings shall be rocked and maintained to avoid delivery of fine sediment to the watercourse below.

2.40.3 Fords, armored and vented crossings shall be maintained as necessary to avoid delivery of fine sediment to the watercourse below.

2.40.4 Fords, armored and vented crossings shall be sufficiently out-sloped to minimize aggradation of suspended sediments at the crossing.

2.40.5 The lowest point of fords, armored and vented crossings shall be constructed within or directly over the original stream channel, to the extent feasible, in order to contain high flows up to twice bank-full and to avoid diversion potential.

2.40.6 Armor material shall be comprised of durable angular screened quarry rock of sufficient size and placement to minimize mobilization during a 100-year storm event. Wood may be used for armoring if sound, tight-grained, redwood is applied and sufficiently keyed into the fillslope to resist movement during a 100-year storm event.

2.40.7 If maximum fill heights exceed 15 feet or fills exceed 500 cubic yards of fill, rock sizing, armoring thickness, chute width and chute depth shall be calculated and sized using the nomograph provided in Figure 23 of Cafferata et al (2017).

2.40.8 Stream crossing spillway fill slopes shall be armored from roadbed to the natural channel in a manner sufficient to prevent significant scour or

removal of armor during high flows. Scour is expected through road surface rock cap.

- 2.41 Road Approaches. The Permittee shall treat road approaches to new or re-constructed permanent crossings *on Class I and II watercourses* to minimize erosion and sediment delivery to the watercourse. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed. Road approaches shall be armored from the crossing for a minimum of 50 feet in both directions, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable rock, compacted grindings, pavement, or chip-seal.
- 2.42 Project Inspection. The Project shall be inspected by Timber Resources Consultants or a licensed engineer to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

Erosion Control and Pollution

- 2.43 Erosion Control. Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.
- 2.44 Erosion Control. Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.
- 2.45 Seed and Mulch. Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.
- 2.46 Erosion and Sediment Barriers. Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment and/or replacement of damaged sediment fencing, coir logs, coir rolls, and/or straw bale dikes. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.

- 2.47 **Prohibition on Use of Monofilament Netting.** To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament 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.
- 2.48 **Site Maintenance.** Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable.
- 2.49 **Cover Spoil Piles.** Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.
- 2.50 **No Dumping.** Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

3. Reporting Measures

- 3.1 **Work Completion.** The proposed work shall be completed by no later than **October 1, 2019**. A notice of completed work (condition 2.4), with supplemental photos, shall be submitted to CDFW **within seven (7) days** of project completion.
- 3.2 **Measurement of Diverted Flow.** Copies of the **Water Diversion Records** (condition 2.11) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in 2018.
- 3.3 **Water Management Plan.** The Permittee shall submit a **Water Management Plan** (condition 2.12) within **60 days** from the effective date of this agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.4 **Diversion Infrastructure Plan.** The Permittee shall **allow 60 days for CDFW review and approval** after submittal of a Diversion Infrastructure Plan (condition 2.18). This document shall be submitted to CDFW at the 619 Second Street, Eureka, CA 95501

- 3.5 Invasive Species Management for Reservoirs. The Permittee shall submit all required documents described in the Invasive Species Management for Reservoirs (condition 2.28) including subsection 2.28.1, **Bullfrog Management Plan (Exhibit A)** no later than **December 31** of each year. The Bullfrog Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.6 Wildlife Entrapment Prevention. A notice of completed work (condition 2.31), with supplemental pictures, shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, by **December 31, 2018.**
- 3.7 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.42) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

CONTACT INFORMATION

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

To Permittee:

Sean Porter
79 Ole Hansen Road
Eureka, California 95503
707-845-6732

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0387-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the

applicable FGC section 711.4 filing fee listed at
http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

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

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

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

FOR Sean Porter



Sean Porter

6-8-18

Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer

Senior Environmental Scientist Supervisor

6/13/18

Date

Prepared by: Kalyn Bocast, Environmental Scientist, March 8, 2018



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 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2019-AWP-8342-OE

12493



Issued Date: 08/09/2019

Sean Porter
 Daydream Enterprises
 79 Ole Hansen Rd
 Eureka, CA 95503

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building GH 1
 Location: Mad River, CA
 Latitude: 40-30-56.00N NAD 83
 Longitude: 123-35-16.00W
 Heights: 3502 feet site elevation (SE)
 13 feet above ground level (AGL)
 3515 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study included evaluation of a structure that exists at this time. Action will be taken to ensure aeronautical charts are updated to reflect the most current coordinates, elevation and height as indicated in the case description.

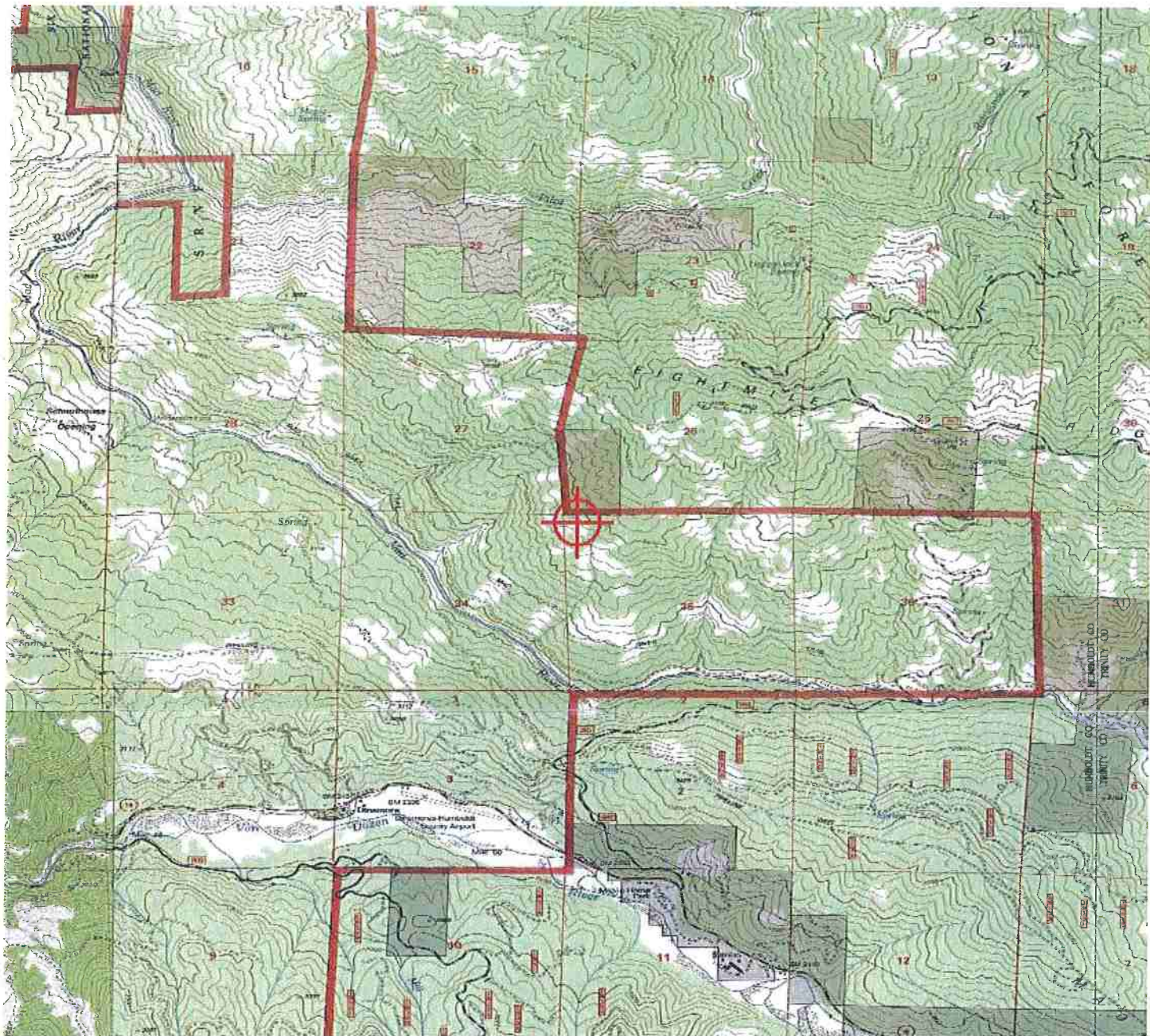
If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-8342-OE.

Signature Control No: 410829619-413982524

(DNE)

Karen McDonald
Specialist

Attachment(s)
Map(s)





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Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2019-AWP-8343-OE

Issued Date: 08/09/2019

Sean Porter
Daydream Enterprises
79 Ole Hansen Rd
Eureka, CA 95503

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building GH 2
Location:	Mad River, CA
Latitude:	40-30-55.00N NAD 83
Longitude:	123-35-16.00W
Heights:	3499 feet site elevation (SE) 8 feet above ground level (AGL) 3507 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does exceed obstruction standards but would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

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This aeronautical study included evaluation of a structure that exists at this time. Action will be taken to ensure aeronautical charts are updated to reflect the most current coordinates, elevation and height as indicated in the case description.

If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-8343-OE.

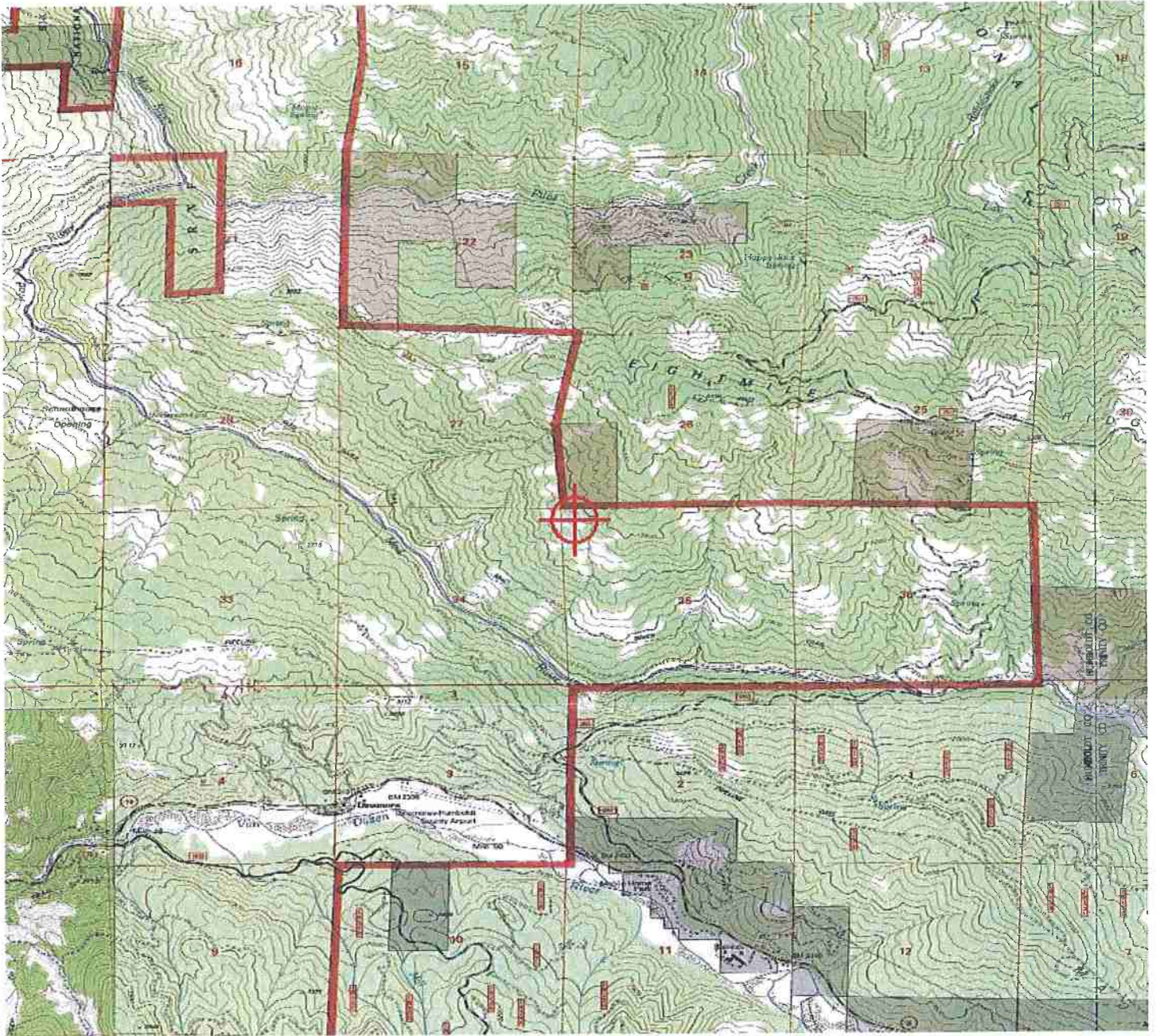
Signature Control No: 410829620-413980521

(EBO)

Karen McDonald
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2019-AWP-8343-OE





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Aeronautical Study No.
2019-AWP-8344-OE

Issued Date: 08/09/2019

Sean Porter
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**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building Amendments Generator Fuel Storage
Location:	Mad River, CA
Latitude:	40-30-56.00N NAD 83
Longitude:	123-35-16.00W
Heights:	3504 feet site elevation (SE) 14 feet above ground level (AGL) 3518 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

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If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-8344-OE.

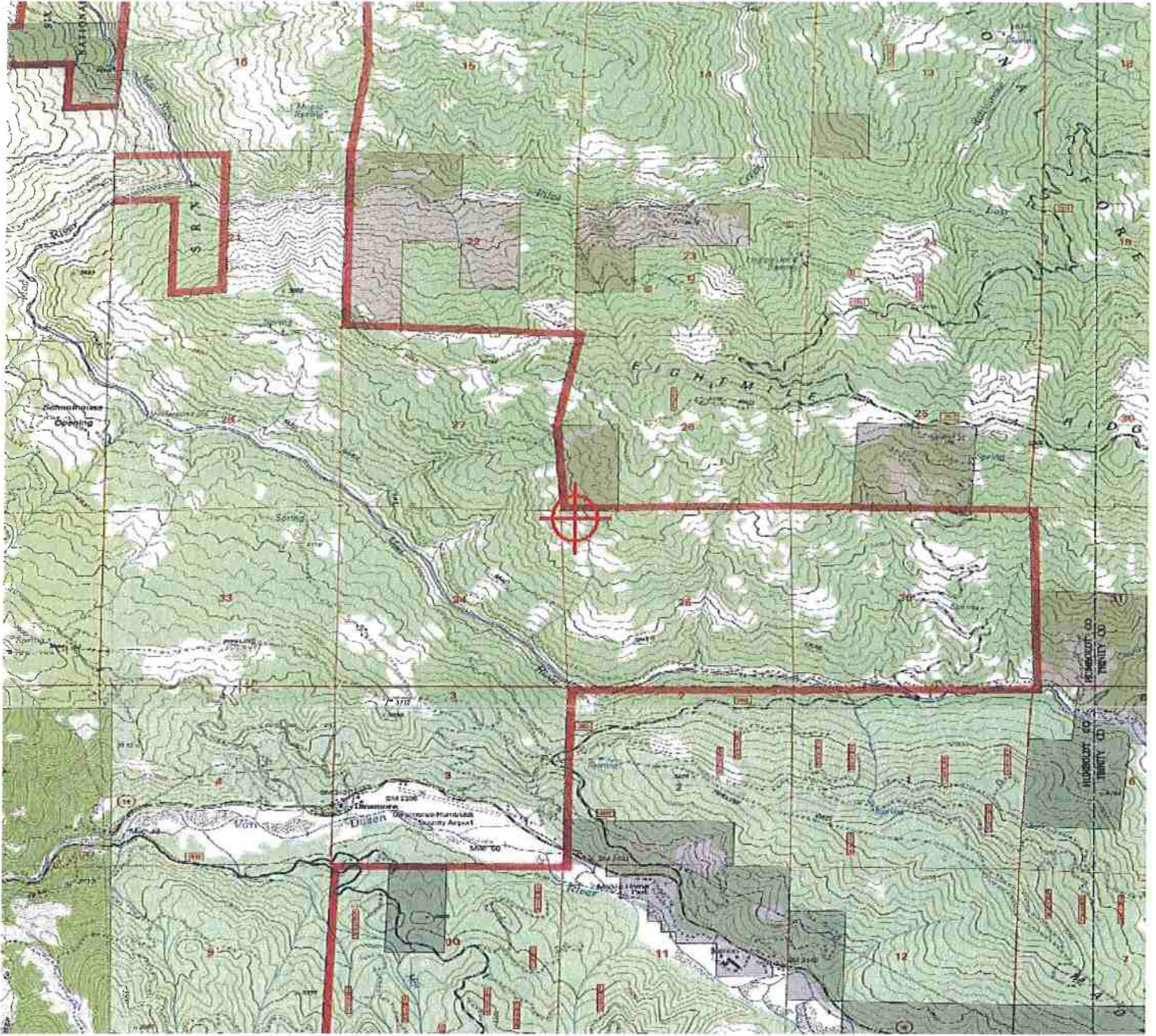
Signature Control No: 410829621-413982525

(DNE)

Karen McDonald
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2019-AWP-8344-OE





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 Fort Worth, TX 76177

Aeronautical Study No.
 2019-AWP-8345-OE

Issued Date: 08/09/2019

Sean Porter
 Daydream Enterprises
 79 Ole Hansen Rd
 Eureka, CA 95503

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Cultivation Area 2
 Location: Mad River, CA
 Latitude: 40-30-54.00N NAD 83
 Longitude: 123-35-09.00W
 Heights: 3577 feet site elevation (SE)
 13 feet above ground level (AGL)
 3590 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

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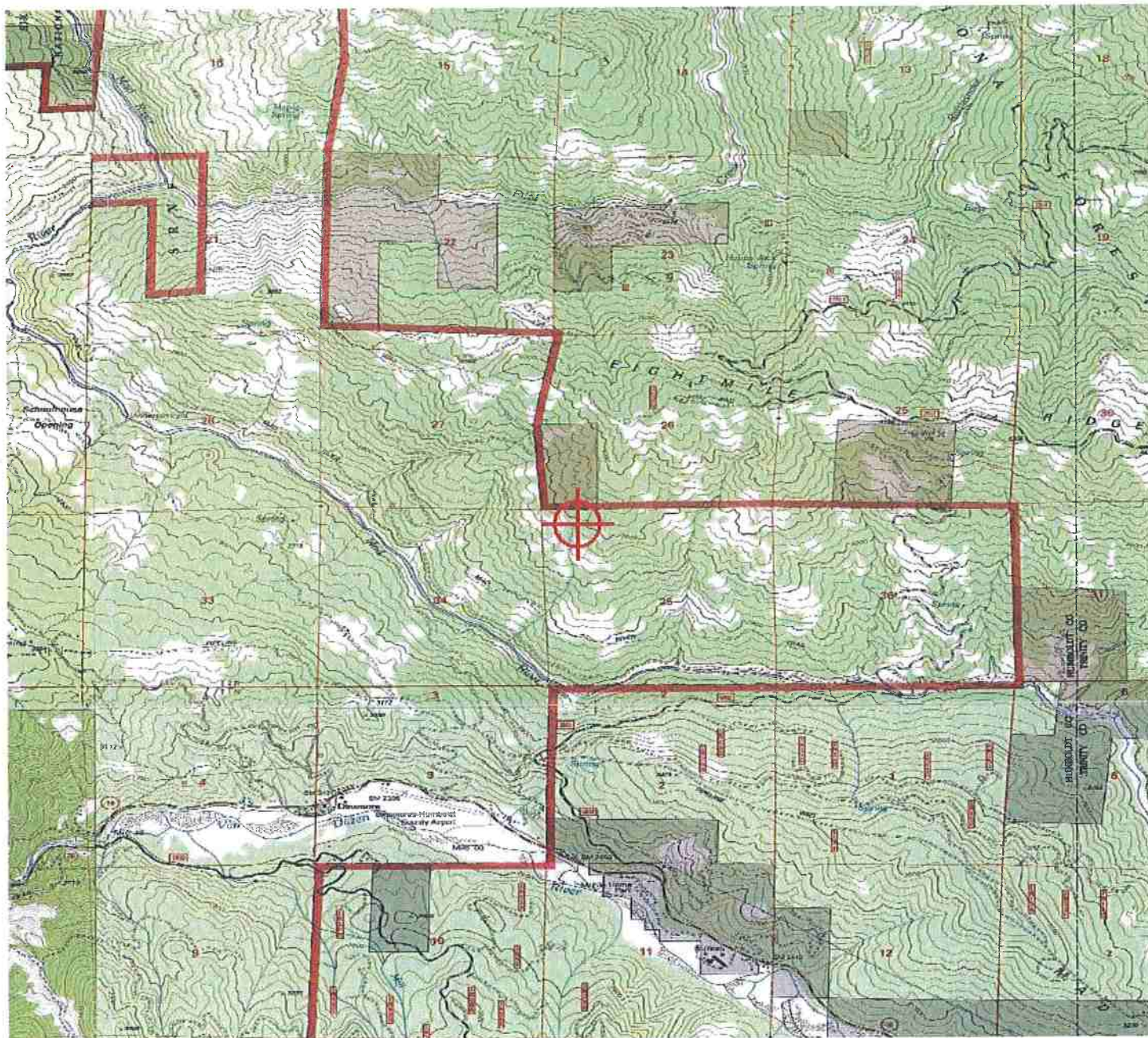
If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-8345-OE.

Signature Control No: 410829622-413982523

(DNE)

Karen McDonald
Specialist

Attachment(s)
Map(s)





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Aeronautical Study No.
2019-AWP-8346-OE

Issued Date: 08/09/2019

Sean Porter
Daydream Enterprises
79 Ole Hansen Rd
Eureka, CA 95503

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building Amendments Generator Fuel Storage 2
Location:	Mad River, CA
Latitude:	40-30-49.00N NAD 83
Longitude:	123-35-12.00W
Heights:	3444 feet site elevation (SE) 15 feet above ground level (AGL) 3459 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does exceed obstruction standards but would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

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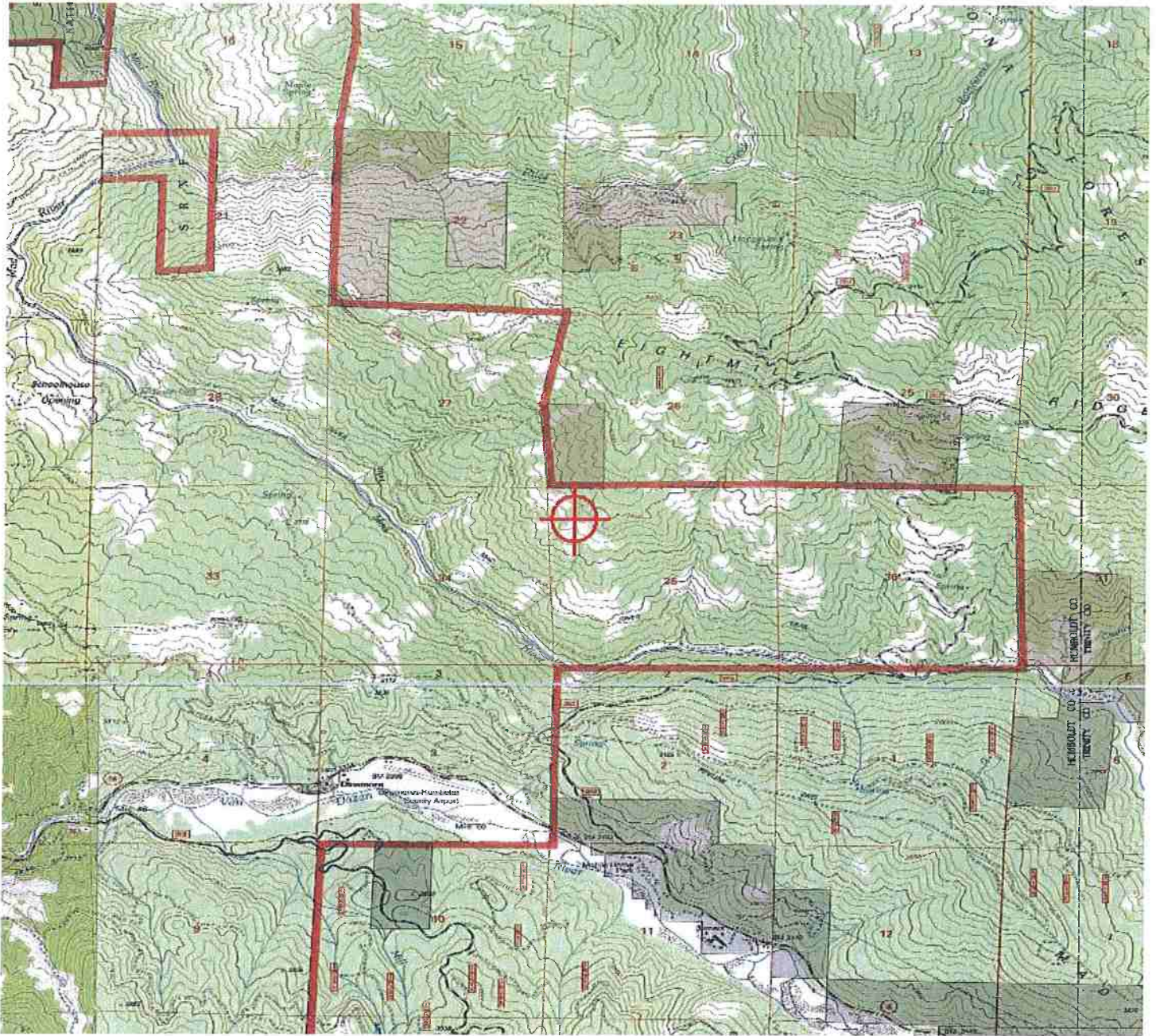
Signature Control No: 410829623-413980455

(EBO)

Karen McDonald
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2019-AWP-8346-OE





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 Fort Worth, TX 76177

Aeronautical Study No.
 2019-AWP-8347-OE

Issued Date: 08/09/2019

Sean Porter
 Daydream Enterprises
 79 Ole Hansen Rd
 Eureka, CA 95503

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Cultivation Area 4
 Location: Mad River, CA
 Latitude: 40-30-50.00N NAD 83
 Longitude: 123-35-15.00W
 Heights: 3398 feet site elevation (SE)
 13 feet above ground level (AGL)
 3411 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does exceed obstruction standards but would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

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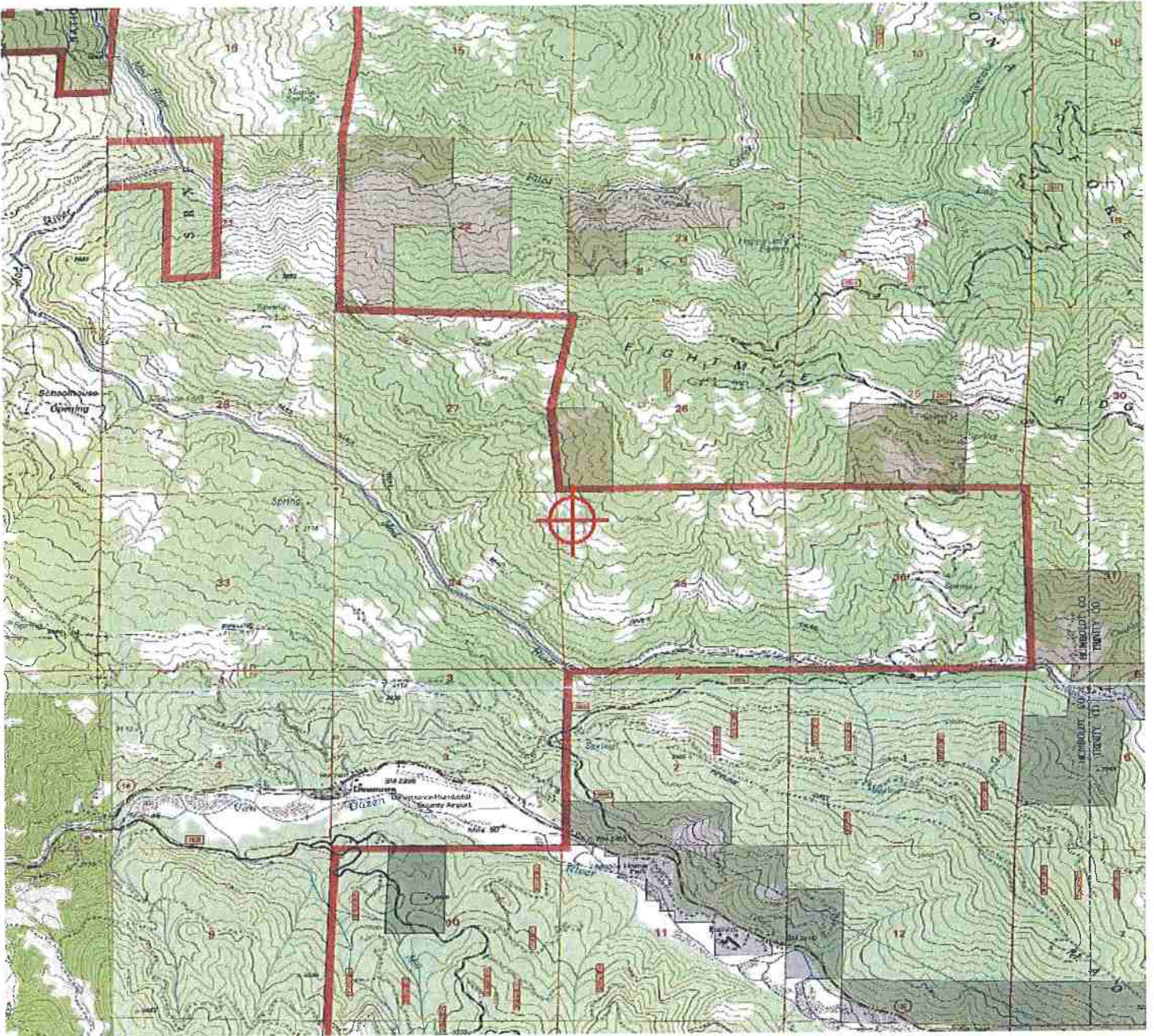
If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-8347-OE.

Signature Control No: 410829624-413980522

(EBO)

Karen McDonald
Specialist

Attachment(s)
Map(s)



CULTIVATION SITE RELOCATION ASSESSMENT

Daydream Enterprises (APN: 208-231-011 & 208-231-013)

HUMBOLDT COUNTY

Prepared by:

Kyle S. Wear
Botanical Consultant
kyle_wear@suddenlink.net
(707) 601-1725



Prepared for:

Margro Advisors
2306 Albee Street
Eureka, CA 95501

Date:

October 2019

SUMMARY

A site visit was conducted at Daydream Enterprises (APN: 208-231-011 & 208-231-013) near Dinsmore in Humboldt County on September 27, 2019 to evaluate two cannabis cultivation relocation areas for sensitive biological and aquatic resources. Both of the relocation areas are in upland non-native grassland habitat with low potential for special status plants and wildlife and are outside of any wetland buffers or stream setbacks. Additionally, the new sites are on more gentle slopes and have less potential for erosion than the original areas.

1. INTRODUCTION

This report includes the results of an assessment for sensitive biological and aquatic resources at two cannabis cultivation relocation areas at Daydream Enterprises (APN: 208-231-011 & 208-231-013) (Figure 1). The purpose of the study was to assess the potential for special status plants, wildlife, and natural communities and identify any aquatic resources including wetlands and streams in or near the new cultivation areas.

2. DEFINITIONS

Sensitive Biological Resources

Special Status Species

Special status species include taxa that are listed under the Endangered Species Act (ESA) and/or the California Endangered Species Act (CESA), in addition to species that meet the definition of rare or endangered under the California Environmental Quality Act (CEQA). This includes plants with California Rare Plant Ranks (CRPR) of 1A, 1B, 2A, or 2B and CDFW Species of Special Concern (SSC) and Fully Protected (FP) and other species that warrant protection based on local or biological significance.

Special Status Natural Communities

Special status plant communities are communities with limited distribution that may be vulnerable to environmental impacts. Natural Communities recognized as sensitive are provided on the Sensitive *Natural Communities List* (California Department of Fish and Wildlife (CDFW) 2018). The list is based on the vegetation classification in *A Manual of California Vegetation, 2nd Edition* (Sawyer et al. 2009). Natural communities with G or S ranks of 3 or lower are considered sensitive. However, they may not warrant protection under CEQA unless they are considered high quality. Human disturbance, invasive species, logging, and grazing are common factors considered when judging whether the stand is high quality and warrants protection.

Sensitive Aquatic Resources

Waters of the United States

Waters of the United States are regulated by the U.S Army Corps of Engineers (Army Corps) under the Clean Water Act. Waters of the United States include, but are not limited to,

territorial seas, waters used for interstate or foreign commerce and their tributaries, and waters adjacent to the aforementioned, including wetlands.

Army Corps jurisdiction in waters such as creeks and rivers includes the area below the ordinary high water mark, which is the line on the bank established by fluctuations of water that leave physical characteristics such as a distinct line on the bank, shelving, destruction of terrestrial vegetation, and presence of debris.

The Army Corps defines wetlands as:

“...areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.”

Waters of the State

Waters of the state are regulated by the State Water Resources Control Board (State Water Board) under the Porter-Cologne Water Quality Control Act. Waters of the state are defined as:

"..... any surface water or groundwater, including saline waters, within the boundaries of the state."

Waters of the State includes water in both natural and artificial channels.

The Water Board defines wetlands as:

“An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area’s vegetation is dominated by hydrophytes or the area lacks vegetation.”

Streamside Management Areas

The Humboldt County General Plan (Humboldt County 2017) recognizes Streamside Management Areas (SMAs) along all streams, which are defined as:

“100 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of perennial streams.”

“50 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of intermittent streams.”

3. ENVIRONMENTAL SETTING

Project Location

The parcel is located off Mad River Road approximately 1.75 miles northeast of Dinsmore on the Blake Mountain USGS quadrangle (Section 35, T2N, R5E) in Humboldt County.

Soil, Topography, and Hydrology

There are several soil types mapped on the two parcels (United States Department of Agriculture, Natural Resource Conservation Service 2019). The soils are derived from sandstone, mudstone, and schist parent material. All of the soil types and their minor components have non-hydric soil ratings. The parcels are on an approximately 25% generally south facing slope. The elevation ranges from approximately 3,300 to 3,700 feet above sea level. The parcels include four ponds and several small tributaries of the Mad River.

4. METHODS

The relocation areas were evaluated sensitive biological and aquatic resources by Kyle Wear, M.A., on September 27, 2019. Mr. Wear has over 20 years of experiences conducting botanical surveys and other biological work in northern California. Mr. Wear is trained in wetland delineation by the Wetland Training Institute and has been conducting wetland delineations for over 10 years.

Biological Resources

Lists of special status plants (Table 1) and wildlife (Table 2) that could potentially occur in the relocation areas was generated by consulting the *California Natural Diversity Database* (CDFW 2019) and the *CNPS Inventory of Rare and Endangered Plants* (California Native Plant Society 2019). The scoping lists includes special status plants and wildlife with documented occurrences on the Blake Mountain USGS quadrangle or adjacent quadrangles.

Aquatic Resources

Wetlands

Federal, State, and County wetland delineation methods follow the *1987 Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual Western Mountains, Valleys, and Coast Region (Version 2.0)* (Army Corps 2010). A positive wetland determination is made when all three wetland parameters (hydrophytic vegetation, hydric, soil, and wetland hydrology) are present.

Non-Wetland Waters

Non-wetland waters include watercourses with a bed, bank, and ordinary highwater mark in addition to ponds, lakes, and other waterbodies and any associated riparian habitat.

5. RESULTS AND DISCUSSION

The two new cultivation areas (2 & 5) are in grassland habitat dominated by non-native grasses and other herbaceous plants including slender wild oat (*Avena barbata*), soft chess (*Bromus hordeaceus*), foxtail barley (*Hordeum marinum*), dogtail grass (*Cynosurus echinatus*), and St. John's-wort (*Hypericum perforatum*). These areas have relatively low potential for special status plants and wildlife or are a very small fraction of the overall habitat present on the property as discussed in Tables 1 and 2.

In addition to grasslands, the property includes Douglas-fir (*Pseudotsuga menziesii*) forest and oak woodlands. The oak woodlands include both California black oak (*Quercus kelloggii*) and Oregon white oak (*Q. garryana*). A formal assessment of the relative cover of each species and determination of how much of the oak woodland meets the criteria for Oregon white oak woodland was not completed. However, the relocation project will have no impacts on oaks. Oregon white oak woodland is listed on the Sensitive *Natural Communities List* (CDFW 2018).

The new cultivation areas are on more gentle slopes than the original sites, thus have less potential for erosion, and are outside of any wetland buffers or stream setbacks require by the *Humboldt County General Plan* (Humboldt County 2017) or the *Cannabis Cultivation Policy* (State Water Resources Control Board 2019).

6. REFERENCES

Baldwin, B. C., D. H. Goldman, D. J. Keil, R. Patterson, and T.J. Roasatti. Eds. 2012. *The Jepson Manual, Vascular Plants of California, Second Edition*. University of California Press. Berkeley, CA.

California Department of Fish and Wildlife (CDFW). 2019. *California Natural Diversity Database* (CNDDDB). <https://www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>

CDFW. 2018. *California Sensitive Natural Communities List*. <https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

California Native Plant Society. 2019. *Inventory of Rare and Endangered Plants*. <http://www.rareplants.cnps.org>

Environmental Laboratory. 1987. *Corps of Engineers Wetlands Delineation Manual*. Technical Report Y-87-1. Vicksburg, MS: U.S. Army Engineer Waterways Experimental Station.

GretagMacbeth. 2000. *Munsell Soil Color Charts*. New Windsor, NY

Humboldt County. 2017. *Humboldt County General Plan* (Adopted October 23, 2017). Chapter 10 Conservation and Open Space Elements.

<https://humboldt.gov/205/General-Plan>

Sawyer, J.O., T. Keeler-Wolf and J.M Evans. 2009. *A Manual of California Vegetation, 2nd Edition*. California Native Plant Society. Sacramento, CA.

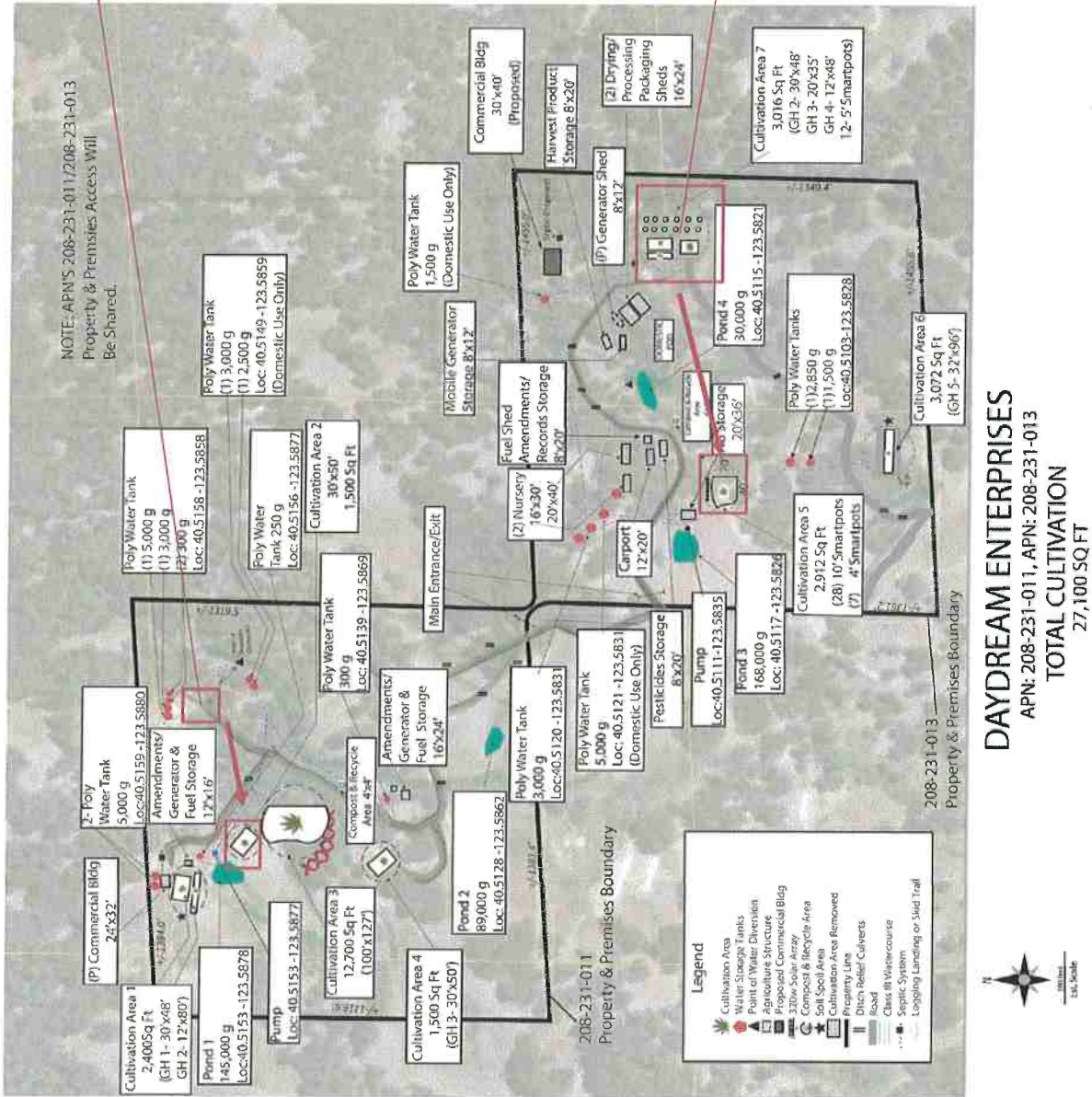
State Water Resources Control Board. 2019. *Cannabis Cultivation Policy. Principles and Guidelines for Cannabis Cultivation*.

https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf

U.S. Army Corps of Engineers 2010. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual. Western Mountains, Valleys, and Coast Region (Version 2.0)*, ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EI TR-10-3. Vicksburg, MS. Army Corps of Engineer Research and Development Center.

United States Department of Agriculture, Natural Resource Conservation Service. 2019. *Web Soil Survey*. <https://websoilsurvey.sc.egov.usda.gov>

Figure 1. Cultivation Area Relocation Map.



Existing cultivation site will be moved to Cultivation Area 2.

A portion of Cultivation Area 7 was moved to Cultivation Area 5.

Table 1. Special Status Plant Scoping List.

Scientific Name	Common Name	Listing Status	Blooming Period	Habitat	Potential to Occur in Relocation Areas
<i>Arctostaphylos manzanita</i> <i>ssp. elegans</i>	Konocti manzanita	1B.3	(Jan)Mar-May(Jul)	Chaparral, Cismontane woodland, Lower montane coniferous forest, volcanic	Unlikely. Areas lack volcanic soil.
<i>Astragalus umbraticus</i>	Bald Mountain milk-vetch	2B.3	May-Aug	Cismontane woodland, Lower montane coniferous forest, sometimes roadside	Unlikely. Maybe potential along roads.
<i>Bensoniella oregona</i>	bensoniella	1B.1, CR	May-Jul	Bogs and fens, Lower montane coniferous forest (openings), Meadows and seeps, mesic	Unlikely. Areas are not wetlands.
<i>Buxbaumia viridis</i>	buxbaumia moss	2B.2		Lower montane coniferous forest, Subalpine coniferous forest, Upper montane coniferous forest, Fallen, decorticated wood or humus	Unlikely. Occurs in higher elevation habitat.
<i>Calycadenia micrantha</i>	small-flowered calycadenia	1B.2	Jun-Sep	Chaparral, Meadows and seeps (volcanic), Valley and foothill grassland, Roadsides, rocky, talus, scree, sometimes serpentinite, sparsely vegetated areas	Unlikely. Areas lack volcanic soil and other habitat components.
<i>Carex arcta</i>	northern clustered sedge	2B.2	Jun-Sep	Bogs and fens, North Coast coniferous forest (mesic)	Unlikely. Areas are not wetlands.
<i>Epilobium oreganum</i>	Oregon fireweed	1B.2	Jun-Sep	Bogs and fens, Lower montane coniferous forest, Meadows and seeps, Upper montane coniferous forest, mesic	Unlikely. Areas are not wetlands.

Table 1 (Cont.). Special Status Plant Scoping List.

Scientific Name	Common Name	Listing Status	Blooming Period	Habitat	Potential to Occur in Relocation Areas
<i>Erigeron maniopotamicus</i>	Mad River fleabane daisy	1B.2	May-Aug	Lower montane coniferous forest, Meadows and seeps (open, dry), open, disturbed areas (road cuts); rocky	Unlikely. Areas are not lower montane coniferous forest.
<i>Erythranthe trinitensis</i>	pink-margined monkeyflower	1B.3	Jun-Jul(Aug)	Cismontane woodland, Lower montane coniferous forest, Meadows and seeps, Upper montane coniferous forest, Often serpentine, often roadsides	Unlikely. Areas lack all or most habitat components.
<i>Erythronium revolutum</i>	coast fawn lily	2B.2	Mar-Jul(Aug)	Bogs and fens, Broadleafed upland forest, North Coast coniferous forest, Mesic, streambanks	Unlikely. Generally occurs in mesic rocky habitat not present in areas.
<i>Gilia capitata</i> ssp. <i>pacifica</i>	Pacific gilia	1B.2	Apr-Aug	Coastal bluff scrub, Chaparral (openings), Coastal prairie, Valley and foothill grassland	Moderate. Potential in grasslands. Areas are a minute percentage of available habitat on property.
<i>Harmonia doris-nilesiae</i>	Niles' harmonia	1B.1	May-Jul	Chaparral, Cismontane woodland, Lower montane coniferous forest, usually serpentine, openings, rocky	Unlikely. Areas lack serpentine are rocky habitat.
<i>Hosackia yollabollensis</i>	Yolla Bolly Mtns. bird's-foot trefoil	1B.2	Jun-Aug	Meadows and seeps, Upper montane coniferous forest (openings), dry barren exposed slopes, often gravelly	Unlikely. Occurs in higher elevation habitat.

Table 1 (Cont.). Special Status Plant Scoping List.

Scientific Name	Common Name	Listing Status	Blooming Period	Habitat	Potential to Occur in Relocation Areas
<i>Iliamna latibracteata</i>	California globe mallow	1B.2	Jun-Aug	Chaparral (montane), Lower montane coniferous forest, North Coast coniferous forest (mesic), Riparian scrub (streambanks), Often in burned areas	Unlikely. Areas are not mesic, not burned.
<i>Kopsiopsis hookeri</i>	small groundcone	2B.3	Apr-Aug	North Coast coniferous forest	Unlikely. Does not occur in grassland.
<i>Lathyrus biflorus</i>	two-flowered pea	1B.1	Jun-Aug	Lower montane coniferous forest (serpentinite)	No Potential. Areas lack serpentine.
<i>Lupinus elmeri</i>	South Fork Mountain lupine	1B.2	Jun-Jul(Aug)	Lower montane coniferous forest	Unlikely. Areas are not Lower montane coniferous forest.
<i>Montia howellii</i>	Howell's montia	2B.2	(Jan-Feb)Mar-May	Meadows and seeps, North Coast coniferous forest, Vernal pools, vernal mesic, sometimes roadsides	Unlikely. Areas are too dry.
<i>Piperia candida</i>	white-flowered rein orchid	1B.2	(Mar)May-Sep	Broadleafed upland forest, Lower montane coniferous forest, North Coast coniferous forest, sometimes serpentinite	Unlikely. Does not occur in grassland.
<i>Sidalcea malviflora</i> ssp. <i>patula</i>	Siskiyou checkerbloom	1B.2	(Apr)May-Aug	Coastal bluff scrub, Coastal prairie, North Coast coniferous forest, often roadcuts	Moderate. Potential in grasslands. Areas are a minute percentage of available habitat on property. Property is southeast of known distribution.
<i>Sidalcea oregana</i> ssp. <i>eximia</i>	coast checkerbloom	1B.2	Jun-Aug	Lower montane coniferous forest, Meadows and seeps, North Coast coniferous forest	Moderate. Potential in grasslands. Areas are a minute percentage of

Table 1 (Cont.). Special Status Plant Scoping List.

Scientific Name	Common Name	Listing Status	Blooming Period	Habitat	Potential to Occur in Relocation Areas
<i>Thermopsis robusta</i>	robust false lupine	1B.2	May-Jul	Broadleafed upland forest, North Coast coniferous forest	available habitat on property. Property is south of known distribution. Unlikely. Usually in areas of heavy disturbance. Some potential along roads.

SPECIAL STATUS PLANT LISTING STATUS

Endangered Species Act (ESA)

- FE:** Federally Endangered
- FT:** Federally Threatened
- FR:** Federally Rare

California Endangered Species Act (CESA)

- CE:** California Endangered
- CT:** California Threatened
- CR:** California Rare

California Rare Plant Ranks

- 1A:** Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere
- 1B:** Plants Rare, Threatened, or Endangered in California and Elsewhere
- 2A:** Plants Presumed Extirpated in California, But Common Elsewhere
- 2B:** California Rare Plant Rank 2B: Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere

Threat Ranks

- 0.1-Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
- 0.2-Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
- 0.3-Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

Table 2. Special Status Wildlife Scoping List.

Scientific Name	Common Name	Listing Status	Habitat	Potential to Occur in Relocation Areas (RAs)
Birds				
<i>Accipiter gentilis</i>	northern goshawk	SSC	Strongly associated with mature or old-growth forest for nesting and foraging.	Unlikely. RAs are not suitable mature forest. Some potential in adjacent forest.
<i>Aquila chrysaetos</i>	golden eagle	FP ; WL	Dense forest adjacent to more open woodland and grassland. Nest sites are secluded from disturbance.	Unlikely. RAs are not suitable nesting habitat. More potential in adjacent forest areas. Suitable foraging habitat is present in RAs.
<i>Bonasa umbellus</i>	ruffed grouse	WL	Occurs in a variety of habitats including riparian habitat, brushy areas, open herbaceous vegetation and conifer stands.	Moderate. Could potentially use open grassland similar to RAs
<i>Charadrius montanus</i>	mountain plover	SSC	Flat short-grass prairie habitat nearly devoid of vegetation.	Moderate. Some potential in grasslands.
<i>Empidonax traillii</i>	willow flycatcher	SE	Dense willow thickets	Unlikely. RAs lack willow thickets.
<i>Falco peregrinus anatum</i>	American peregrine falcon	FP	Vertical structures near water such as cliffs, steep banks, and tall buildings with abundant food sources (other birds).	Unlikely. No suitable nesting habitat in or near RAs. Likely not enough prey.
<i>Haliaeetus leucocephalus</i>	bald eagle	SE;FP	Nests in Humboldt County are typically tall exposed perches with long sight lines.	Unlikely nesting around relocation area. More potential in larger conifers on property. Foraging habitat is present.
<i>Pandion haliaetus</i>	osprey	WL	Nests in large trees and snags near open clean water for foraging.	Unlikely. RAs lack nesting and foraging habitat.
<i>Strix occidentalis caurina</i>	Northern Spotted Owl	FT; ST	Often old growth, but also occurs in younger stand with	Unlikely. RAs are not coniferous forest. Moderate-high potential in adjacent forest.

Table2 (Cont.). Special Status Wildlife Scoping List.

Scientific Name	Common Name	Listing Status	Habitat	Potential to Occur in Relocation Areas (RAs)
Fish				
Oncorhynchus kisutch pop. 2	coho salmon - southern Oregon / northern California ESU	FT; ST	Rivers and streams	Unlikely. RAs are not habitat for salmonids or near potential habitat.
Oncorhynchus mykiss irideus pop. 1	steelhead - Klamath Mountains Province DPS	SSC	Rivers and streams.	Unlikely. RAs are not habitat for salmonids or near potential habitat.
Oncorhynchus mykiss irideus pop. 16	steelhead - northern California DPS	FT	Rivers and streams	Unlikely. RAs are not habitat for salmonids or near potential habitat.
Oncorhynchus mykiss irideus pop. 36	summer-run steelhead trout	SSC	Rivers and streams	Unlikely. RAs are not habitat for salmonids or near potential habitat.
Oncorhynchus tshawytscha pop. 17	chinook salmon - California coastal ESU	FT	Rivers and streams	Unlikely. RAs are not habitat for salmonids or near potential habitat.
Oncorhynchus tshawytscha pop. 30	chinook salmon - upper Klamath and Trinity Rivers ESU	SSC	Rivers and streams	Unlikely. RAs are not habitat for salmonids or near potential habitat.
Invertebrates				
Bombus occidentalis	western bumble bee	SC	Nests near grown under wood, in old rodent burrows. Forages on a variety of plants for nectar and pollen.	Moderate. Suitable nectar and pollen sources present. Likely old rodent burrows.
Monadenia infumata setosa	Trinity bristle snail	ST	Riparian corridors and mixed-conifer forests with a deciduous understory. Well shaded canyons and benches	Unlikely. Not associated with grasslands.

Table2 (Cont.). Special Status Wildlife Scoping List.

Scientific Name	Common Name	Listing Status	Habitat	Potential to Occur in Relocation Areas (RAs)
Mammals				
<i>Antrozous pallidus</i>	pallid bat	SSC	Caves, mines, crevices, and sometimes hollow trees.	Unlikely. No roosting habitat at RAs. Moderate potential in forests on property.
<i>Arboreimus pomosus</i>	Sonoma tree vole	SSC	Variety of conifer and hardwood forests may be limited to coastal fog belt.	Unlikely. Not associated with grassland. Moderate potential in adjacent Doug.-fir forest.
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	SSC	Caves and cave-like habitat	Unlikely. There are no caves or large cavernous trees in the RAs. Moderate potential in adjacent forests. Foraging habitat is present.
<i>Pekania pennanti</i>	fisher - West Coast DPS	SSC	Mature low to mid elevation conifer and hardwood forests.	Unlikely. RAs are not mature forests. More potential in adjacent conifer/hardwood stands.
Reptiles and Amphibians				
<i>Ascaphus truei</i>	Pacific tailed frog	SSC	Cool permanent streams with coarse substrate.	Unlikely. RAs are not suitable stream habitat.
<i>Emys marmorata</i>	western pond turtle	SSC	Variety of waterbodies often with basking areas such as logs and wood debris and shaded shorelines.	Unlikely. RAs are not suitable habitat. Some potential in ponds on property.
<i>Rana aurora</i>	northern red-legged frog	SSC	Breeding habitat is generally at least 6 inches deep with emergent vegetation. May travel long distances from water as adult.	Moderate. Individuals could occur in RAs during winter and wet periods. Ponds on the property are suitable breeding habitat.

Table2 (Cont.). Special Status Wildlife Scoping List.

Scientific Name	Common Name	Listing Status	Habitat	Potential to Occur in Relocation Areas (RAs)
<i>Rana boylei</i>	foothill yellow-legged frog	SC; SSC	Shallow flowing water with cobble-substrate.	Unlikely. RAs are not suitable habitat.
<i>Rhyacotriton variegatus</i>	southern torrent salamander	SSC	Late seral forest in clear cold water with coarse substrate that lack sediment.	Unlikely. RAs are not suitable habitat.

SPECIAL STATUS WILDLIFE LISTING STATUS

- FE:** Federal Endangered
- FT:** Federal Threatened
- SE:** State Endangered
- ST:** State Threatened
- SSC:** CDFW Species of Special Concern
- FP:** California Department of Fish & Wildlife (CDFW) Fully Protected Animal
- WL:** CDFW Watch List
- SC:** CDFW Candidate

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	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Comments	Attached
Department of Aviation	✓	Approval	Attached
CAL FIRE	✓	Conditional Approval	Attached
California Department of Fish & Wildlife		No Response	
Northwest Information Center		Further Study	On file and confidential
Bear River Band of Rohnerville Rancheria		Comments	On file and confidential
Ruth Lake Fire Protection District	✓	Conditional Approval	Attached
Southern Trinity Joint Unified School District		No Response	
Trinity County High School		No Response	
Six Rivers National Forest		No Response	
Federal Aviation Administration	✓	Conditional Approval	Attached
Humboldt County Sheriff	✓	Comments	On file and confidential
Humboldt Bay Municipal Water District	✓	Comments	Attached
Humboldt County Agricultural Commissioner		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	



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



9/1/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, NCUR Air Quality Control Board, SWRCB, Division of Water Rights, Humboldt County Sheriff, Ruth Lake Fire Protection District, Southern Trinity Joint Unified School District, Trinity County High School School District

208-231-011

Applicant Name Daydream Enterprise LLC **Key Parcel Number** 208-231-011-000

Application (APPS#) 12493 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-705

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

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

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

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

Return Response No Later Than 9/16/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

Recommend Approval. The Department has no comment at this time.

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: Revised Site Plan showing All Greenhouses on s.h
See Photos @ CUP16-705 (10)

DATE: 12/13/17 PRINT NAME: Chad Pasquini



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 44981 (12493)
Parcel No.: 208-231-011
Case No.: CUP16-705

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

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

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

Other Comments: Provide Revised Plot Plan
showing All Greenhouses on Parcel
see photos @ CUP16-705 (10)

Name: [Signature]

Date: 12/13/17

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

DEH recommends approval with the following conditions:

(1) **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.

(2) **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

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



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 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7200



LAND USE DIVISION INTEROFFICE MEMORANDUM

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

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

DATE: 02-28-2018

RE:

Applicant Name	DAYDREAM ENTERPRISE LLC
APN	208-231-011
APPS#	12493 CUP16-705

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review items 1, 2, 6, and 7 on Exhibit "C"

// END //

Additional Review is Required by Planning & Building Staff

APPS # 12493

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

- 1. ROADS – PART 1. Does the project takes access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)? [] YES [] NO

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

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

- 2. ROADS – PART 2. Does the project takes access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road? [] YES [] NO

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

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

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

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

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

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

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

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

Additional Review is Required by Planning & Building Staff

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

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

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

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

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

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

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

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

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

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

// END //

Exhibit "D"

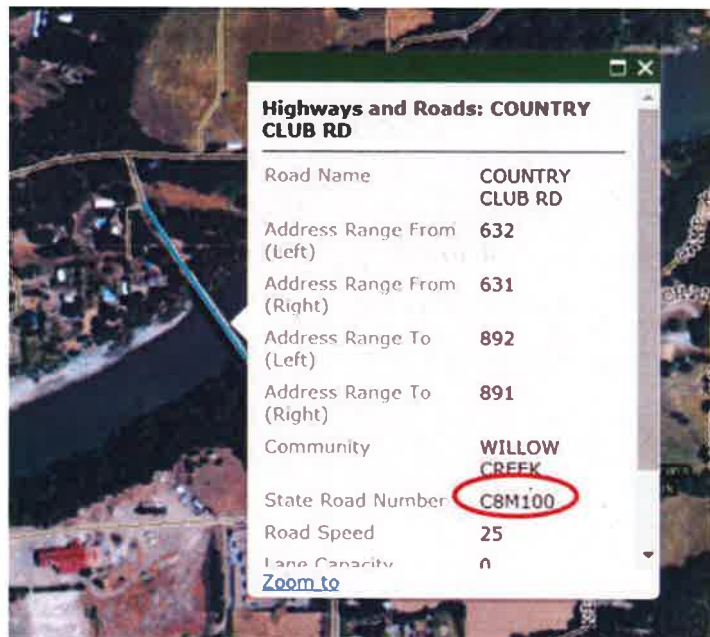
Road Evaluation Reports

1. **ROADS – Road Evaluation Reports.** **Planning and Building Department staff shall request that the applicant provide Road Evaluation Reports for the project.** The particular roads that require a *Road Evaluation Report* is to be determined by following the guidance shown below.

The Department has developed a *Road Evaluation Report* form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a *Road Evaluation Report* form be completed.

When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate *Road Evaluation Report* form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

The *Road Evaluation Report* form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in **RED**.

A County maintained road will have a 5 or 6 character identifier. The general format is **ABCDDD** where:

- A** is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- B** is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- C** is a grid identifier letter for the Y-axis for the grid.
- DDD** is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

ABCDDD

A 3 M 0 2 0 Murray Road

F 6 B 1 6 5 Alderpoint Road

6 C 0 4 0 Thomas Road

Megan Marruffo

Subject: RE: Question Re: App 12493, Daydream Enterprises, APN 208-231-011

From: Roggatz, Cody <croggatz@co.humboldt.ca.us>

Sent: Saturday, March 19, 2022 11:46 AM

To: Johnson, Cliff <CJohnson@co.humboldt.ca.us>

Subject: RE: Question Re: App 12493, Daydream Enterprises, APN 208-231-011

Cliff:

The Department of Aviation has no objection to the approval of this permit.

Thanks again,

Cody

Cody M. Roggatz, C.M.

Director of Aviation

County of Humboldt

Office: (707) 839-5401

Cell: (707) 382-2551



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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

Ref: 7100 Planning
Date: September 12, 2017

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

Attention: Cannabis Planner (CPOD)
Applicant: Daydream Enterprise, LLC
APN: 208-231-011-000
Area: Dinsmore
Case Numbers: CUP16-705

Humboldt County Application #: 12493
Type of Application: Conditional Use Permit
Date Received: 9/4/2017
Due Date: 42994

Project Description: A Conditional Use Permit for an existing approximately 21,700 square foot (SF) outdoor cannabis cultivation operation in four (4) cultivation areas. Applicant proposes on-site relocation of 4,926 SF from Cultivation Area #2 to a new area adjacent to Cultivation Area #1 per recommendations from the Water Resource Protection Plan for protection of nearby waterway by decreasing erosion potential and increasing setback buffer. Irrigation water is sourced from two (2) rainwater catchment ponds totaling 234,000 gallons and annual estimated water usage is 260,000 gallons. Total water storage is 7,800 gallons in six (6) tanks. A spring diversion is used for domestic use. Currently, processing including drying and machine trimming, is done off-site at the adjacent property (APN:208-321-013-000, Apps #12488), but applicant plans to construct its own on-site commercial processing building in the future (project will be routed under a different cover). Power for the operation is provided by a solar array system and gas generator that is enclosed in a shed for noise reduction.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

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

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

RESOURCE MANAGEMENT

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

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

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

Cannabis

General:

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

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

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

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

Zander, AnaCena

From: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Sent: Thursday, September 21, 2017 3:39 PM
To: Planning Clerk
Subject: FW: 208-231-011 Daydream Enterprises, LLC



Chris Ramey
Battalion Chief, Fire Planning

CAL FIRE

Humboldt-Del Norte Unit
C: 707-599-6442
Duty Days: Tues-Fri

From: Lee, Bo@CALFIRE
Sent: Wednesday, September 13, 2017 2:01 PM
To: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Subject: 208-231-011 Daydream Enterprises, LLC

Reviewed by B1213. Recommend:

- Emergency access
 - Turnarounds
- Signing & building numbers
- Emergency water standards
 - Designated water storage for fire
- Fuel modification standards

Bo Lee
Battalion Chief
CAL FIRE
Humboldt-Del Norte Unit
707-499-2244



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



9/1/2017

PROJECT REFERRAL TO: Ruth Lake Fire Protection District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, NCUR Air Quality Control Board, SWRCB, Division of Water Rights, Humboldt County Sheriff, Ruth Lake Fire Protection District, Southern Trinity Joint Unified School District, Trinity County High School School District

Applicant Name Daydream Enterprise LLC **Key Parcel Number** 208-231-011-000

Application (APPS#) 12493 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-705

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

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

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

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

Return Response No Later Than 9/16/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Other Comments: *pls add to mail list. USDA, FS med River RD 74 SSR 36 Bridgeville, CA 95526 - the responsible wildland fire protection agency*

DATE: 9/4/17 PRINT NAME: William German chief STVFO



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2019-AWP-8342-OE

Issued Date: 08/09/2019

Sean Porter
 Daydream Enterprises
 79 Ole Hansen Rd
 Eureka, CA 95503



**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building GH 1
 Location: Mad River, CA
 Latitude: 40-30-56.00N NAD 83
 Longitude: 123-35-16.00W
 Heights: 3502 feet site elevation (SE)
 13 feet above ground level (AGL)
 3515 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study included evaluation of a structure that exists at this time. Action will be taken to ensure aeronautical charts are updated to reflect the most current coordinates, elevation and height as indicated in the case description.

If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-8342-OE.

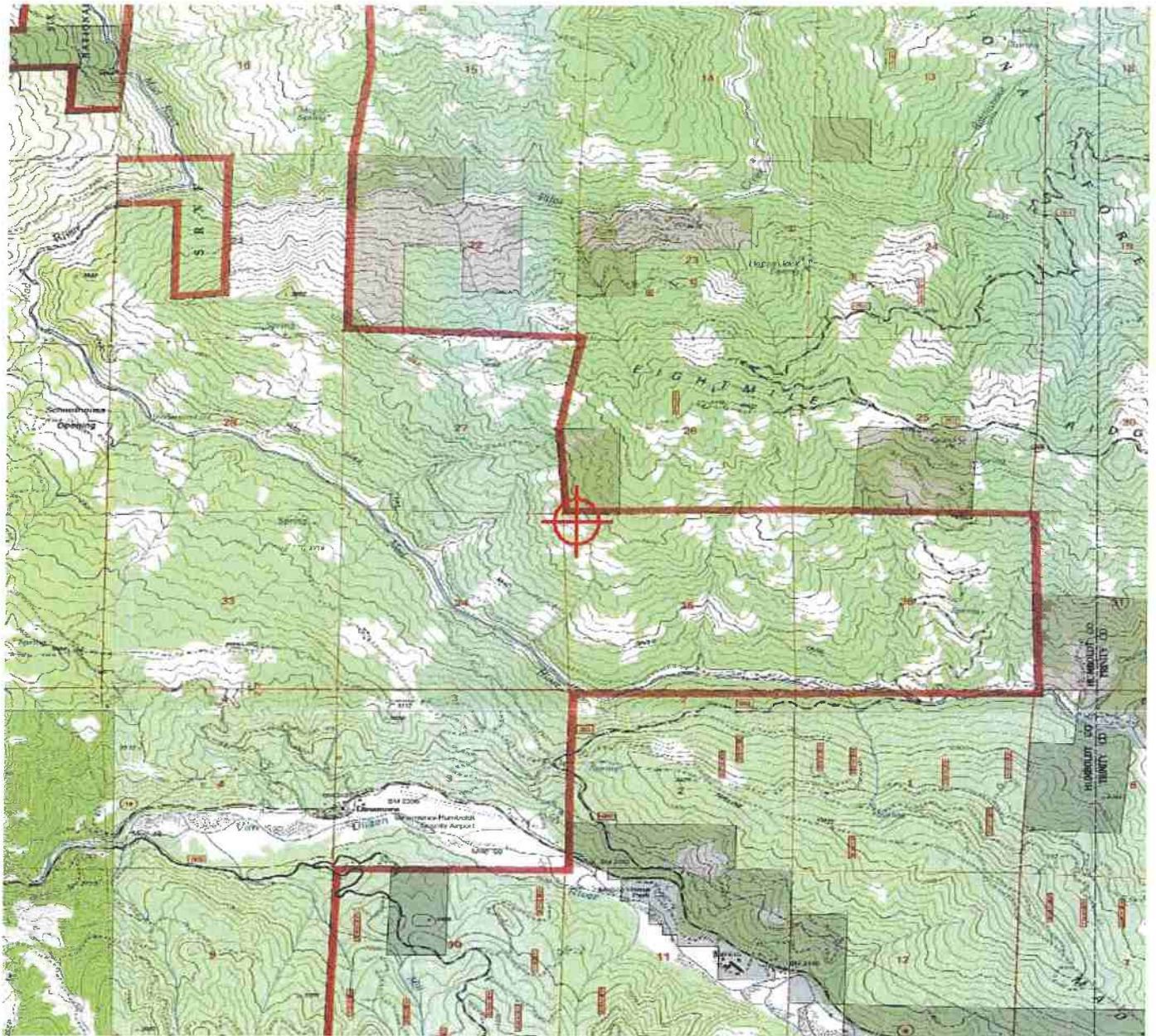
Signature Control No: 410829619-413982524

(DNE)

Karen McDonald
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2019-AWP-8342-OE





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

10/17/2018

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, Regional Water Quality Control Board, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, NCUR Air Quality Control Board, SWRCB, Division of Water Rights, Humboldt County Sheriff, Ruth Lake Fire Protection District, Southern Trinity Joint Unified School District, Trinity County High School School District, Six Rivers National Forest, Humboldt Bay Municipal Water District

Applicant Name Daydream Enterprise LLC **Key Parcel Number** 208-231-011-000

Application (APPS#) 12493 **Assigned Planner** Elizabeth Schatz (707) 268-3759 **Case Number(s)** CUP16-705

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 11/1/2018

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: 11-1-18

PRINT NAME: John Friedenbach, General Manager



HUMBOLDT BAY MUNICIPAL WATER DISTRICT

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

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

FAX 707-443-5731 707-822-8245

EMAIL OFFICE@HBMWD.COM

Website: www.hbmwd.com

BOARD OF DIRECTORS

SHERI WOO, PRESIDENT

NEAL LATT, VICE-PRESIDENT

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GENERAL MANAGER

JOHN FRIEDENBACH

October 31, 2018

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

RE: Case Number CUP16-705, Key Parcel Number 208-231-011-000

Humboldt Bay Municipal Water District (District) submits this letter to express concerns regarding Conditional Use Permit 16-705 submitted by Daydream Enterprise, LLC. (Applicant) because the operation poses a potential risk to fish and wildlife, and may threaten water quality of the Mad River Watershed. There are a number of impacts from these projects that need to be considered including water quality and impacts on protected species.

The ponds appear to be a potential species problem. Section 55.4.12.8 of the Cannabis Land Use regulations require that ponds and reservoirs be set back from streams, springs, and other hydrologic features. They also have to be designed so that they can be drained. Further, we believe the project is not exempt from the California Environmental Quality Act (Pub. Resources Codes, § 21000 et seq., "CEQA

The Applicant seeks a conditional use permit for development and operation of an existing 21,700 square foot outdoor cannabis cultivation operation. The irrigation water is sourced from two ponds. A spring diversion is used for domestic use.

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

The Cannabis Land Use ordinance section 55.4.11 allows the County to require additional information from the applicant. Given the size of these operations and the water storage ponds, we

encourage the County to request a number of these materials including: Irrigation Plan, documentation of water use, source, and storage.

I. The Project May Be Subject to CEQA Review

There is a reasonable possibility that the activity will have a significant effect on the environment. Therefore, a full environmental review 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.)

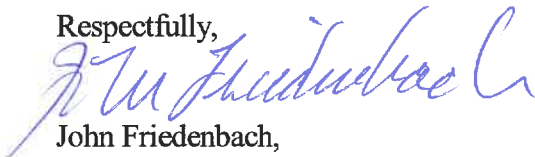
There are a number of cannabis operations occurring in the Mad River area, drawing on limited water and posing a potential threat to the drinking water source and sensitive habitats. This is only one of many similar operations in the area. While the County may find reason to conclude each project individually 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 applications CUP 16-705 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. Furthermore, we request that the water rights and diversions claimed by the Applicant be verified with the NCRWQCB.

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