



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: February 03, 2022

To: Humboldt County Planning Commission

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

Subject: **Green Flash Farms, LLC Conditional Use Permit and Special Permits (2)**
Record Number: PLN-12366-CUP
Assessor's Parcel Numbers: (APNs) 221-131-001 and 221-121-007
Miranda area, CA

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	7
Maps	
Topo Map	11
Zoning Map	12
Aerial Map	13
Site Plans	14
Attachments	
Attachment 1: Recommended Conditions of Approval	16
Attachment 2: CEQA Addendum	24
Attachment 3: Applicant's Evidence in Support of the Required Findings	28
a: Road Evaluation Reports	Separate
Attachment 4: Referral Agency Comments and Recommendations	104

Please contact Jordan Mayor, Assigned Planner, at 707-683-4711 or by email at jordan.mayor@icf.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 03, 2022	Conditional Use and Special Permits (2)	Jordan Mayor

Project Description: Green Flash Farms, LLC seeks Conditional Use and Special Permits (2) for an existing 19,780-square-foot (SF) cannabis cultivation operation on two adjacent parcels, Assessor's Parcel Numbers (APNs) 221-121-007 (west) and APN 221-131-001 (east), which are one legal 80-acre parcel. Cultivation would include a total of 6,000 SF of mixed-light and 13,780 SF of outdoor cultivation spread across the two parcels. The applicant proposes relocation of 10,900 SF of historic "guerilla-grow" cultivation from the eastern parcel to environmentally superior cultivation locations on both parcels. The relocation would allow for full restoration of historic cultivation areas approximately 30,000 SF in size to natural conditions through removal of all cultivation materials and seeding with native grass and mulching of all disturbed area. Irrigation water is sourced from a 300,000-gallon lined rainwater catchment pond and a spring/small pond, which supports domestic, and cultivation uses on both parcels during non-forbearance periods. There is 108,500 gallons of water storage tanks. Water is diverted from the spring/small pond only during the non-forbearance period under Small Irrigation Use Registration H503697. Annual estimated water usage is estimated at 261,000 gallons, a value below the total water storage of 408,500 gallons. The applicant is no longer using the existing residence for drying but is proposing to use a new structure on APN 221-121-007 (once permitted) for drying, processing, and storage. Power for the operation is provided by 10 solar panels and 2 generators for backup. A Special Permit is required for a setback reduction to approximately 50 feet for one of the proposed outdoor cultivation areas on an existing road flat, from public lands managed by the Bureau of Land Management to the west. A second Special Permit is needed for the ongoing use and maintenance of the diversion.

Project Location: The project is located in the Miranda area, on the South side of Thomas Road, approximately 0.7 mile south from the intersection of Dickson Butte and Thomas Road, and approximately 1 mile southeast from the intersection of Thomas Road and a Perry Meadows Road on the property located at 40.193662, -123.932921 and known to be in Section 23 of Township 03 South, Range 02 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Residential Agriculture (RA40). Density: 40 acres per dwelling unit, Slope Stability: High instability (3)

Present Zoning: Agriculture Exclusive (AE-B-5[160])

Record Number: PLN-12366-CUP

Assessor's Parcel Number: 221-131-001 and 221-121-007

Applicant

Green Flash Farms, LLC
C/O Modesto Olea
PO Box 344
Miranda, CA 95553

Owner

Ridgeland LLC, Co
40 E. Branch Road
Garberville, CA 95542

Agent

Stillwater Sciences
C/O Nancy Stevens
850 G Street, Suite K
Arcata, CA 95521

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

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

Major Issues: None

Green Flash Farms, LLC
Record Number: PLN-12366-CUP
Assessor's Parcel Number: 221-131-001 and 221-121-007

Recommended Commission Action:

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

Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) pursuant to Section §15164 of the State CEQA Guidelines, making all of the required findings for approval of the Conditional Use Permit and Special Permits and approve the Green Flash Farms, LLC, project subject to the recommended conditions.

Executive Summary: Green Flash Farms, LLC seeks Conditional Use and Special Permit(s) to allow the continued operation of an existing 19,780-square-foot (SF) cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CCMLUO. Assessor's Parcel Number (APN) 221-121-007 and APN 221-131-001 are one legal parcel. Cultivation would include a total of 6,000 SF of existing mixed-light and 13,780 SF of mostly-relocated outdoor cultivation across the two parcels. According to the revised 2021 Operations Plan (**Attachment 3a**), APN 221-121-007 would include 4,000 SF of mixed-light cultivation and 8,100 SF of relocated outdoor cultivation and APN 221-131-001 would include 2,000 SF of mixed-light cultivation and 5,680 SF of partially-relocated outdoor cultivation as detailed in **Table 1**. The project site currently features a total of 3 cultivation areas which would increase to a total of four cultivation areas pending approval for 11,000 SF of relocation.

Table 1. Proposed reallocation of outdoor guerilla-grow cultivation on Green Flash Farms, LLC.

APN	APN 221-121-007		APN 221-131-001	
Cultivation Method	Mixed-Light	Outdoor	Mixed-Light	Outdoor
Existing	2 @ 20' X 100'		1 @ 100' X 20'	1 @ 30' X 98'
<i>Existing Total</i>	4,000 SF		2,000 SF	2,880 SF
Proposed	-	1 @ 10' X 35'	-	7 @ 10' X 30'
		1 @ 10' X 40'		1 @ 10' X 70'
		3 @ 10' X 45'		
		3 @ 20' X 100'		
		8,100 SF		2,800 SF
<i>Proposed Total</i>	4,000 SF	8,100 SF	2,000 SF	5,680 SF
Total by APN	12,100 SF		7,680 SF	

Two harvests are anticipated annually from the 6,000 SF of existing mixed-light greenhouses during the growing season of April to October. Outdoor cultivation typically begins in mid-June. The applicant is no longer using the existing 576 SF residence for any cultivation activities and is proposing a new drying, processing, and storage structure (800 SF) adjacent to the main road at the west of the parcel. All existing and proposed buildings and grading are to be permitted by the Humboldt County Building Division prior to construction or onsite processing, as a condition of approval (**COA #A6-9**).

Power for the cultivation operation is provided by 10 solar panels and 2 generators (Honda 5000-watt and 2000-watt). The proposed processing and storage building would support the owner/operator and up to four family members during peak processing activities. No other employees are expected, and no housing will be provided. Portable toilets will be used until a permitted onsite waste-water treatment system can be installed (**COA #A10**). APN 221-121-007 includes a primary residence and auxiliary agricultural structures that support the site. The site also features a 2,400 SF greenhouse adjacent to the residence that supports the propagation of nursery stock; this shall be limited to 10% of the permit area

(i.e., 2,000 SF) as a condition of approval (**COA #A11**). Security measures include exterior lighting, alarms, cameras and video capture, and the hardening of doors, windows, entrance gates, and fencing. The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan and zoned Agriculture Exclusive (AE-B-5[160]).

Relocation and Restoration

Overall, approximately 11,000 SF would be relocated to environmentally superior cultivation locations on the project's legal parcel. However, a total of 30,000 SF of scattered historic grow areas are proposed for restoration and revegetation to natural conditions. Restoration of all historic cultivation areas would include removal of all pots, containers, fencing, imported soil and irrigation components, and seeding with native grass and mulching of all disturbed areas prior to December 31, 2022.

A Relocation of Historic Cultivation Memorandum prepared by Stillwater Sciences included a memo titled Evidence of Existing Cannabis Cultivation from an archaeologist documenting the extent of the historic guerilla-grow sites (**Attachment 3a**). The Relocation Memorandum concluded that proposed relocation of numerous scattered outdoor cultivation sites within woodland habitats should be relocated alongside existing cultivation sites, on previously disturbed soil and the historic cultivation areas. Restoration of the historic sites to natural conditions would be an environmental benefit. The historic cultivation was located on the steep and rocky native slopes and under a dense tree canopy. The relocation areas are in upland nonnative grassland habitat with low potential for special-status plants and wildlife and are outside of any wetland buffers or stream setbacks. Additionally, the relocation areas are on previously disturbed soils on more gentle slopes and have less potential for erosion than the original cultivation areas. As a result, the applicant shall abide by the recommendations in the Relocation of Historic Cultivation Memorandum for the implementation and restoration of the historic sites (**COA #A12**).

Setbacks

One of the proposed cultivation areas that would receive 2,100 SF relocated from the east, would require a Special Permit to reduce setbacks to approximately 50 feet from public lands managed by the Bureau of Land Management (BLM) to the west. This area is selected to receive some of the relocated cultivation because it is an existing flat parking area with existing ranch road access and would require no grading. No artificial lights are to be used at this location and no generators are placed in the vicinity of this proposed cultivation area as a condition of approval. These publicly owned lands are not mapped as part of the California Essential Habitat Connectivity Project (2012) and the setback reduction is consistent with management goals of these public lands as there are no lights or generator in this location. In addition, this parcel boundary is required to be surveyed by a licensed professional surveyor to assure that no cannabis operations are occurring on public lands (**COA #A13**). The next nearest cultivation-related activity is the proposed 800 SF processing building at approximately 150 feet, and an existing 2,400-SF immature plant cultivation area approximately 175 feet from the BLM-managed parcel boundary. Any future generator use in the processing building will be audibly shielded as a condition of approval (**COA #A13, B1**). The immature plant nursery area is east of the driveway accessing the parcel from the south and adjacent to the parking area and existing residence. No light spillage from any nursery greenhouse is a condition of approval (**COA #B2**). The residence, which is not used for cultivation activities, is just 5.4 feet from the southern parcel boundary according to the 2021 Plot Plan.

Water Resources

The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project, the total number of approved permits in this Planning Watershed would be 279, and the total approved acres of cultivation would be 52.0.

Water for irrigation is sourced from a 300,000-gallon lined rainwater catchment pond constructed in July of 2019. Water is also sourced from a spring/small pond, which supports domestic, and cultivation uses. Water from both sources is diverted to 24 water storage tanks with a combined capacity of 108,500 gallons. Water is diverted from the spring/small pond only during the non-forbearance period under

Small Irrigation Use Registration H503697 and all water sources will be monitored and separately metered as a condition of approval (**COA #A14**). A 200,000-gallon pond was determined to be hydrologically connected to surface waters by CDFW and its use for irrigation water was retired. Annual estimated water usage is estimated at 261,000 gallons (13.1 gallons/SF/year) with peak demand occurring in July and August at approximately 66,000 gallons per month. Total water storage is 408,500 gallons.

This Project Site falls within a Tier 1 category of the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy Order WQ 2019-0001-DWQ (General Order). A Site Management Plan has been prepared for the project (**Attachment 3b**) to identify conditions that may pose a threat to water quality and adoption of these recommendations are made a condition of approval (**COA #A15**). The SMP includes best practical treatment or control measures to be implemented for sediment discharge, fertilizers, pesticides, herbicides and rodenticides, petroleum, trash/refuse, wastewater, winterization.

Although Humboldt County's WebGIS shows no mapped streams, the Plot Plan shows three Class III intermittent streams with the associated 50-foot SMA buffers. All cultivation areas and ancillary facilities are outside the SMA buffers. A Final Lake and Streambed Alteration Agreement (LSAA #1600-2019-0461-RI) with the California Department of Fish and Wildlife (CDFW) (**Attachment 3c**) was obtained in August 2020 for six encroachments. Three encroachments are for water diversion from hydrologically connected ponds located on unnamed tributaries to Kinsey Creek and Mattole Canyon Creek. Water is diverted for domestic use and irrigation. Work for these water diversions will include facility retrofit, use, and maintenance of the water diversion infrastructure, for which a Special Permit is required. The three other proposed encroachments are to upgrade pond overflow spillways on one hydrologically connected rainwater catchment pond and two spring-fed ponds. Work for these encroachments will include excavation, fill recontouring, and rock armoring as necessary to minimize erosion.

Biological Resources

Potential northern spotted owl (NSO; *Strix occidentalis caurina*) habitat exists within the project area. However, most of the project site is comprised of grassy fields, on ridgelines and mid-slope terraces, with areas forested in madrone trees, oak, and Douglas fir trees that do not provide NSO habitat. The nearest known NSO activity center was mapped approximately 2.5 miles to the northwest by BLM biologists in 1993. The nearest marbled murrelet (*Brachyramphus marmoratus*) critical habitat is approximately 1.3 miles to the west.

The parcel is in an area identified by the California Natural Diversity Database to be potential habitat for the coast fawn lily (*Erythronium revolutum*), as species most likely to occur within partially forested moist ravines and slopes with suitable light at ground level. Restoration of historic cultivation areas to the east that were within the tree line may improve overall habitat suitability for coast fawn lily. The applicant shall abide by the recommendation in the Relocation of Historic Cultivation Memorandum prepared for the project as a condition of approval (**COA #A12**), including the preparation of two revegetation monitoring plans by the end of 2021 and 2022 restoration seasons.

The project is conditioned to ensure the combination of background, generator and greenhouse fan or other operational equipment created noise meets the County noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service. Additionally, based on comments received from CDFW on January 4, 2019, the project is conditioned to meet the avoidance and minimization measures and the reporting measures of the issued Final LSAA #1600-2019-0461-RI as a condition of approval (**COA #A16**). Furthermore, the project is conditioned to adhere to Dark Sky Association standards for any proposed greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect NSO or other sensitive species.

Tribal Cultural Resources Coordination

There are no known tribal cultural resources on the project site. The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria in August 2019. The NWIC responded that their office has no record of any previous cultural resource studies for the project area but that the project area has the possibility of containing unrecorded archaeological site(s), and a study is recommended prior to commencement of project activities. The Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria requested that a survey be prepared for the project.

A Cultural Resources Investigation was prepared by William Rich and Associates in April 2021. The study concluded that "the background research and field survey methods were adequately matched to identify cultural resources at this project location. At this time, no further archaeological studies are recommended for permit approval." Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.

Access

The project site is located at 69 Upper Thomas Road in Miranda, APN 221-131-001 and 221-121-007. To access the site, take the Salmon Creek Road exit from U.S. Highway 101, turn onto Salmon Creek Road and make a slight left onto Thomas Road, and 69 Upper Thomas Road is on the left. Two Road Evaluation Reports were prepared for the property. The first report includes the access road from Thomas Road to the last property on the road at the dead end, prepared by the applicant, and concludes that this road segment is developed to the equivalent of a road category 4 standard. The second report is for Salmon Creek Road from Maple Hills Road to Thomas Road by Joel Monschke, PE (**Attachment 3d**), which indicates that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects with implementation of the recommendations in the memorandum attached to the Road Evaluation Report. As a result, the project already meets the recommended conditions of approval. The applicant shall implement the recommendations made by Public Works and upgrade the access road curtain where it meets the County maintained road, if necessary, (**COA #A17**).

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

RECOMMENDATION: Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit and Special Permits (2).

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 2 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-12366-CUP
Assessor's Parcel Number: 221-131-001 and 221-121-007**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approves the Green Flash Farms, LLC, Conditional Use Permit and Special Permits.

WHEREAS, Green Flash Farms, LLC, submitted an application and evidence in support of approving a Conditional Use Permit and Special Permits (2) for the continued operation of an existing 19,780-square-foot (SF) cannabis cultivation operation consisting of 7,780 SF of outdoor and 12,000 SF of mixed-light cultivation with appurtenant propagation, drying, and processing activities;

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on February 3, 2022, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permits 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 for a Conditional Use Permit and Special Permits (2) to allow a 19,780-SF outdoor and mixed light cannabis cultivation operation with appurtenant propagation, drying, and processing activities. Power for the operation is provided by 10 solar panels and 2 generators. Water for irrigation is sourced from a 300,000-gallon lined rainwater catchment pond and a spring/small pond diversion, which supports domestic and cultivation uses on both parcels. Annual estimated water usage is 261,000 gallons.

EVIDENCE: a) Project File: PLN-12366-CUP

- 2. FINDING:** **CEQA.** The requirements of CEQA have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the MND prepared for the CMMLUO adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) Addendum prepared for the proposed project.

b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of the CEQA Guidelines.

c) A Site Management Plan was prepared by Stillwater Sciences to show compliance with the North Coast Regional Water Quality Control Board Order No. WQ 2017-0023-DWQ. The report recommended Best Practicable

Treatment and Control Measures that are to be implemented as a condition of approval. The report also included a search of the California Natural Diversity Database and California Native Plant Society database. A habitat assessment was not conducted in the project area. Potential northern spotted owl (NSO) habitat exists in the project area, but the nearest known NSO activity center is approximately 2.5 miles to the northwest. Conditions of approval will require noise to be at or below 50 decibels at 100 feet, which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.

- d) A Cultural Resources Investigation Report was prepared for the project by William Rich and Associates and concluded that "the background research and field survey methods were adequately matched to identify cultural resources at this project location. At this time, no further archaeological studies are recommended for permit approval." The study also noted that "although several tribes were contacted, the lack of responses may indicate that no tribal cultural resources are known." The Inadvertent Discoveries Protocol is included a condition of approval.
- e) Two Road Evaluation Reports were prepared for the property. The first report includes access road from Thomas Road to the last property on the road at the dead end, prepared by the applicant, and concludes that this road segment is developed to the equivalent of a road category 4 standard. The second report is for Salmon Creek Road from Maple Hills Road to Thomas Road by Joel Monschke, PE (Attachment 3), which indicates that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects with implementation of the recommendations in the memorandum attached to the Road Evaluation Report.

FINDINGS FOR CONDITIONAL USE PERMIT

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

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

4. FINDING The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE-Zone) in which the site is located.

EVIDENCE a) The AE-Zone is applied to areas of the County intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use.

b) All general agricultural uses are principally permitted in the AE-Zone.

c) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation of up to one acre of existing cannabis cultivation on a parcel over one acre 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 19,780 SF of outdoor and mixed light cultivation on two 40-acre parcels is consistent with this and with the cultivation area verification prepared by the County.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned AE (Humboldt County Code Section 314-55.4.8.2.2).
- b) APNs 221-131-001 and 221-121-007 are one legal parcel created through deed conveyance Official Record Volume 1047 Page 172, on June 15th 1970
- c) Irrigation water will come from a lined 300,000-gallon rainwater catchment pond and a spring/pond diversion subject to summertime forbearance. Water from both sources is diverted to poly water storage tanks with a capacity of 108,500 gallons.
- d) Two Road Evaluation Reports were prepared for the property. The first report includes access road from Thomas Road to the last property on the road at the dead end, prepared by the applicant, and concludes that this road segment is developed to the equivalent of a road category 4 standard. The second report is for Salmon Creek Road from Maple Hills Road to Thomas Road by Joel Monschke, PE (Attachment 3), which indicates that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects with implementation of the recommendations in the memorandum attached to the Road Evaluation Report.
- e) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line and more than 600 feet from any school, church, or tribal cultural resource. One of the proposed cultivation areas that would receive 2,100 SF relocated from the east, will require a Special Permit to reduce setbacks to approximately 50 feet from public lands managed by the Bureau of Land Management (BLM) to the west. The next nearest cultivation-related activity is an existing 2,400-SF immature plant cultivation area approximately 175 feet from the BLM-managed parcel boundary, east of the driveway accessing the road and adjacent to the parking area and existing residence.

6. FINDING

The cultivation of 19,780 SF of outdoor and mixed light cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on a road that has been determined with photo documentation by the applicant to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- 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 sizes in the area.
- c) Irrigation water will come from a lined 300,000-gallon rainwater catchment

pond and a spring/pond diversion subject to summertime forbearance. Water from both sources is diverted to poly water storage tanks with a capacity of 108,500 gallons.

- d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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

EVIDENCE

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

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 that may be approved in each of the County's Planning Watersheds.

EVIDENCE

- a) The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project, the total approved permits in this Planning Watershed would be 280 permits, and the total approved acres would be 76 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 Permits (2) for Green Flash Farms, 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

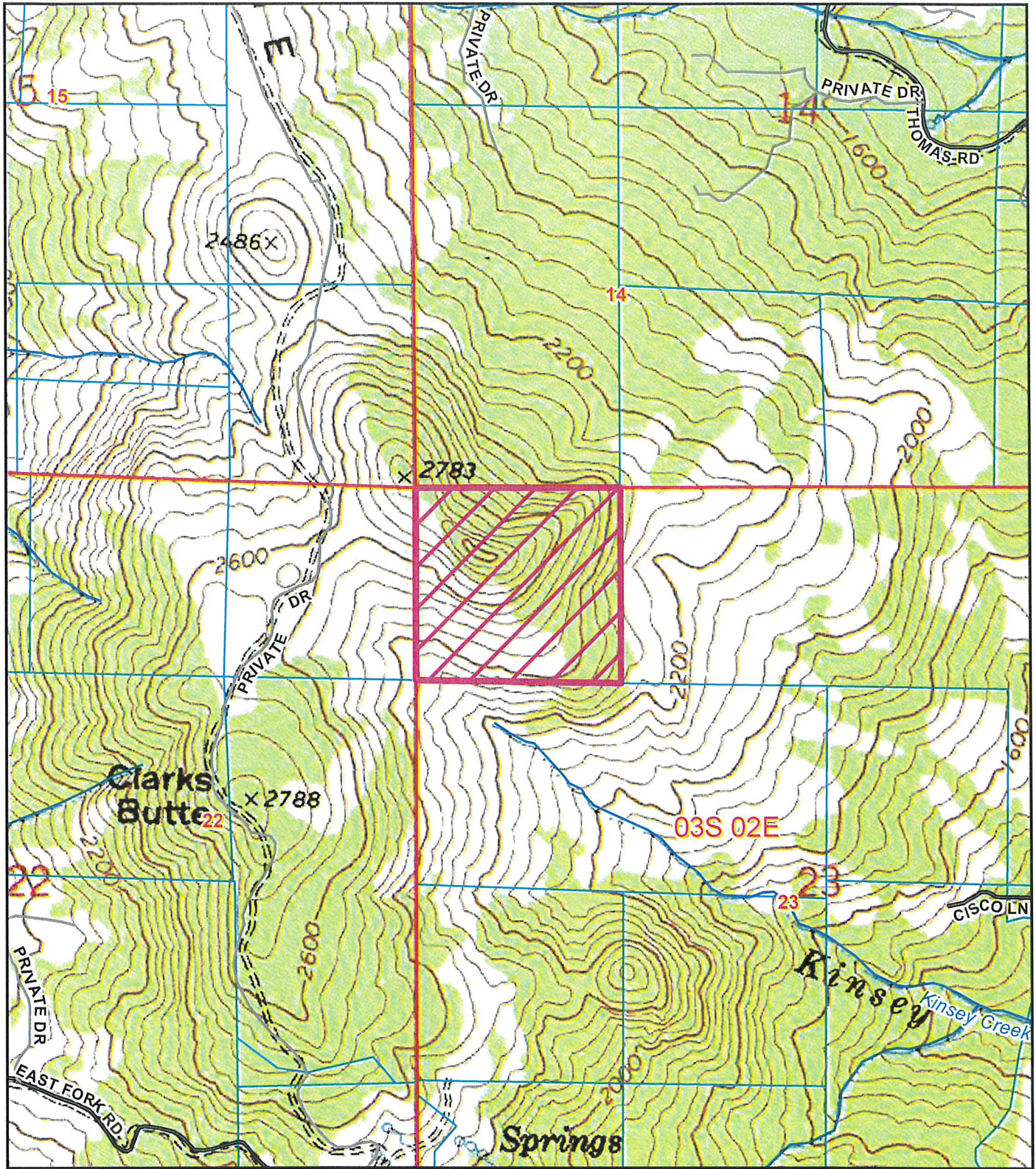
Adopted after review and consideration of all the evidence on February 03, 2022

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

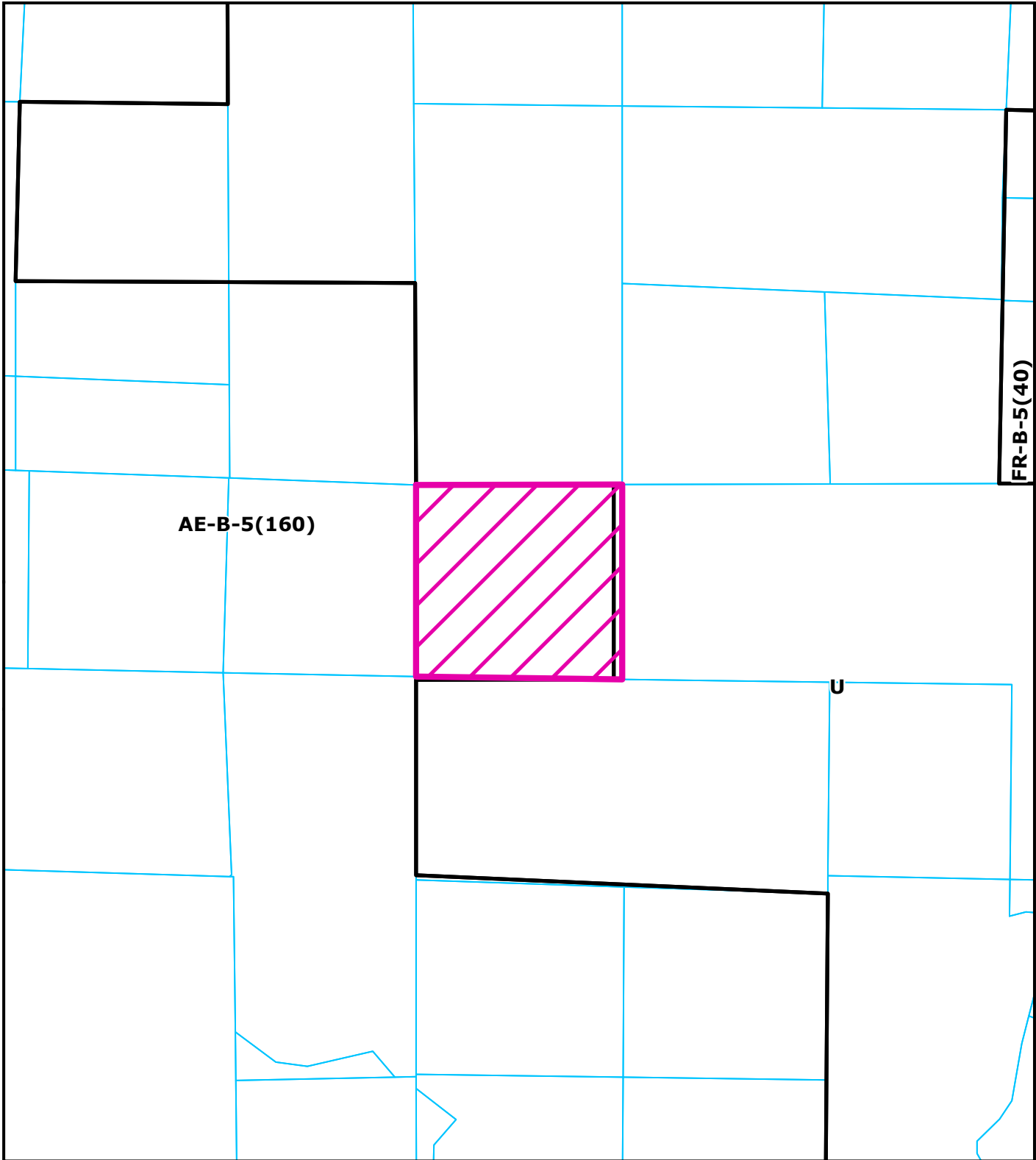


**TOPO MAP
PROPOSED MERRY WHETHER FARMS
WHITETHORN AREA
SP-16-494
APN: 221-131-001-000
T03S R02E S23 HB&M (ETTERSBURG)**

Project Area =

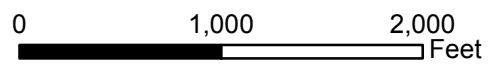
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Feet

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.

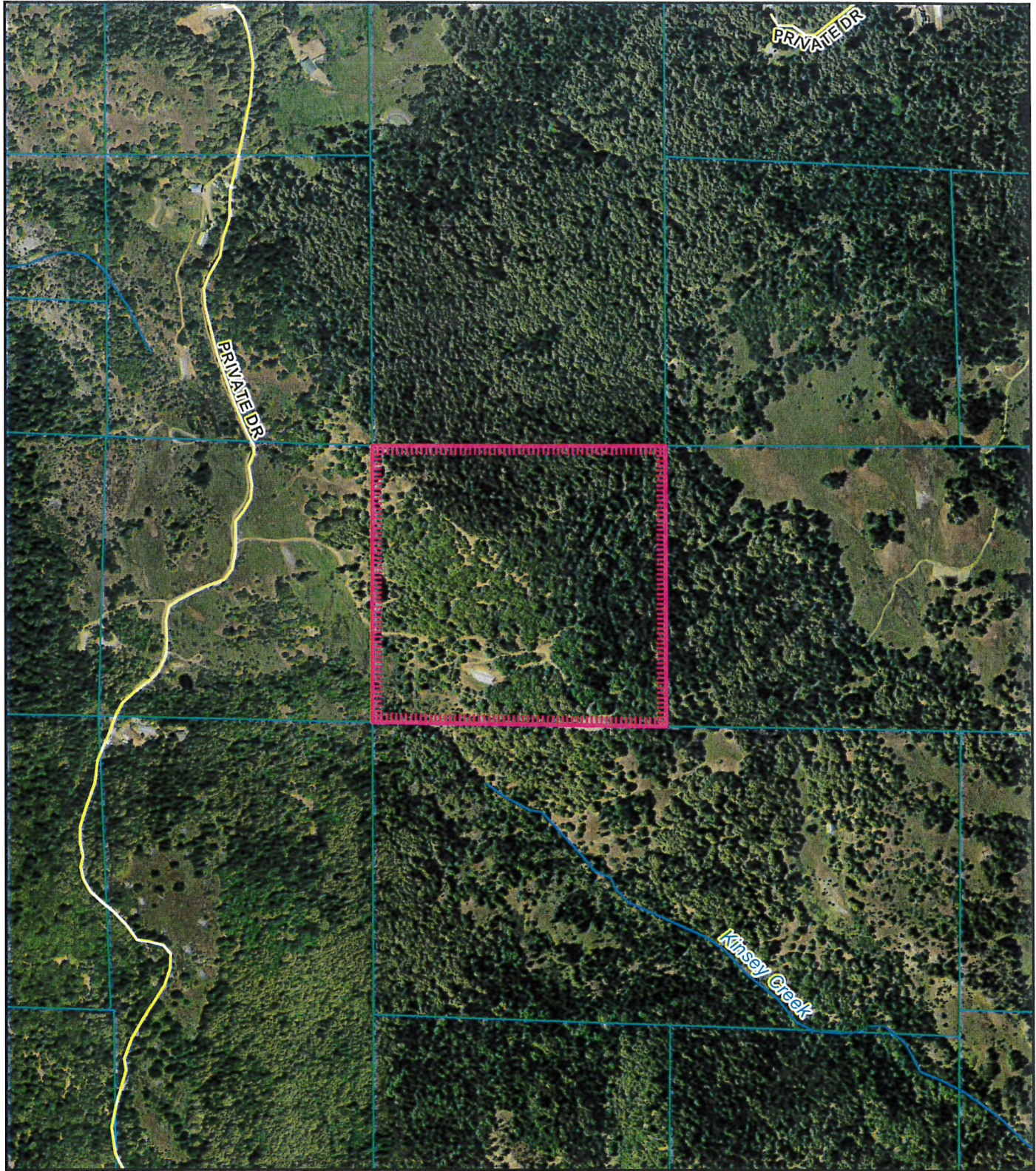


Project Area = 

ZONING MAP
PROPOSED MERRY WHETHER FARMS
WHITETHORN AREA
SP-16-494
APN: 221-131-001-000
T03S R02E S23 HB&M (ETTERSBURG)



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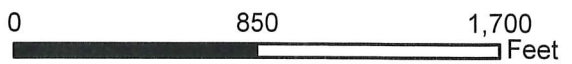


**AERIAL MAP
PROPOSED MERRY WHETHER FARMS
WHITETHORN AREA
SP-16-494
APN: 221-131-001-000
T03S R02E S23 HB&M (ETTERSBURG)**

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.



PROJECT NUMBER: 546.53

SCALE: AS NOTED

DATE: 12/21/2021

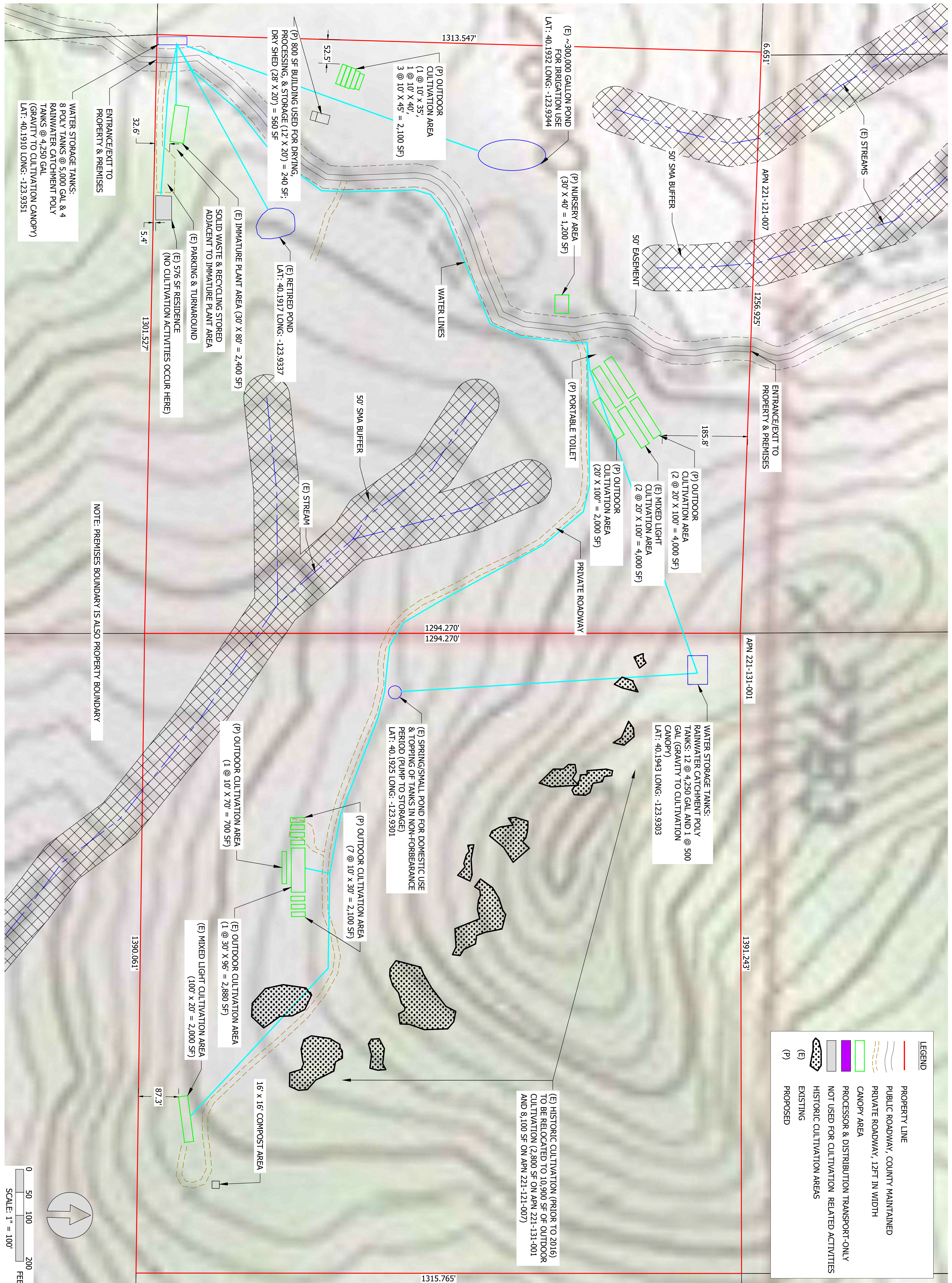
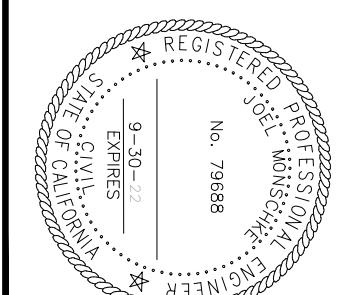
DESIGN: CL

DRAWN: NS

CHECKED: JM

APPROVED: JM

PLOT PLAN - TOPO



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within 60 days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State California Environmental Quality Act Guidelines. The Department will file the NOD and will charge this filing cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #17. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
8. Obtain a permit to operate any EPA Tier 4 diesel generator from the North Coast Unified Air Quality Management District and obtain an electric permit from the County's Building Department, if applicable.

9. The applicant shall submit a grading, erosion and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
10. The applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing the Division of Environmental Health with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or Registered Environmental Health Specialist that certifies that the existing system complies with the Regional Water Quality Control Board definition of a Tier 0 system—not impairing groundwater or surface water resources. Alternatively, the site will be furnished with a regularly maintained portable toilet facility and receipts provide to Planning for approval.
11. The existing 2,400 appurtenant nursery space for the cultivation of immature plants shall be limited to 10% of the permitted cultivation, or approximately 2,000 SF. The second proposed 1,200 SF nursery cultivation area is not permitted to be used as it would further exceed total allowable nursery cultivation.
12. The applicant shall abide by the recommendations in the Relocation of Historic Cultivation Memorandum prepared by Stillwater Sciences for the project, including the preparation of two revegetation monitoring plans by the end of 2021 and 2022 restoration seasons. Monitoring Plans shall include all work that was done that year along with photos of each site to document the return to a natural state. The Monitoring Plans will be furnished to the Humboldt County Planning and Building for approval each year. Restoration of all historic cultivation areas will include:
 - a. Removal of all pots, containers, fencing, imported soil and irrigation components.
 - b. Seeding with native grass and mulching of all disturbed or bare soil areas.
 - c. Monitoring Plans shall include all work that was done that year along with photos of each site to document the return to a natural state. The Monitoring Plans will be furnished to the Humboldt County Planning and Building for approval each year.
 - d. In addition, the applicant shall agree to not use generators or artificial lights on the proposed western-most outdoor cultivation area that is nearest to public lands managed by BLM.
13. The applicant shall avoid use of artificial lights or generator power at the proposed 2,100 SF outdoor cultivation site located approximately 50 feet from the western border to APN: 221-121-006, lands managed by the Bureau of Land Management.
 - a. Further, the applicant shall assure any generator use in the proposed 800 SF processing building, located approximately 150 feet from the same border, be audibly shielded to less than 50 decibels at 100 feet or the edge of the nearest forested habitat, whichever is closest.
 - b. In addition, this parcel boundary is required to be surveyed by a licensed professional surveyor to assure that no cannabis operations are occurring on public lands
14. The applicant shall install water monitoring device on each source—two ponds, and surface diversion, if/when utilized, and all storage tanks as applicable—to monitor water used for cannabis irrigation sperate from domestic use and separately metered to evaluate timing of diversion to storage and use for irrigation.
15. The applicant shall implement all best management practices (BMPs) detailed in the Site Management Plan developed for the project. A letter or similar communication from the State Water Resources Control Board (SWRCB) verifying that all their requirements have been met will satisfy this condition. The BMPs include:
 - a. Erosion and sediment control BMPs shall be installed prior to the wet season (1 October through 30 April).

- b. Sensitive areas and areas where existing vegetation is being preserved shall be protected with construction fencing; fencing shall be maintained throughout construction activities.
 - c. All areas disturbed during grading activities shall be seeded with native grass seed and mulched with rice straw.
 - d. Prior to seeding and straw, disturbed areas should be roughened by track walking with a dozer.
 - e. Straw shall be applied at a uniform rate of approximately 4,000 pounds per acre by hand.
 - f. At the completion of the project, straw wattles shall be placed as directed by the engineer or geologist.
 - g. All sediment control BMPs shall be maintained throughout the wet season until new vegetation has become established on all graded areas.
 - h. Ensure that the cultivation areas are either tarped or planted with thick cover crops prior to the onset of measurable rainfall.
 - i. Make sure that all cultivation-related supplies and equipment are in a secure covered location and that no soil is stored, discarded, or sidecast in locations that could enter waters.
 - j. Perform yearly maintenance on drainage features as applicable to reduce runoff concentration (e.g., handwork or small equipment work to maintain water bars, ditches, sediment catchment areas).
16. The applicant shall abide by the Final Lake and Streambed Alteration Agreement (LSAA #1600-2019-0461-RI) with CDFW that was also obtained in August 2020 for six encroachments. Three encroachments are for water diversion from hydrologically connected ponds located on unnamed tributaries to Kinsey Creek and Mattole Canyon Creek. Water is diverted for domestic use and irrigation. Work for these water diversions will include facility retrofit, use, and maintenance of the water diversion infrastructure. The three other proposed encroachments are to upgrade pond overflow spillways on one hydrologically connected rainwater catchment pond and two spring-fed ponds. The applicant shall abide by the recommendations within the LSAA and any amendment. A letter from CDFW that the project reporting requirements have been completed within the allowed timeframes shall satisfy this condition.
17. The applicant shall pave the access road for a minimum width of 20 feet and a length of 50 feet where it intersects any paved County maintained road. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
18. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
19. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the Humboldt County Code and available at the Planning Division.

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 Commercial Medical Marijuana Land Use Ordinance (CMMLUO) Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. The applicant shall abide by recommendations ensuring supplemental lighting associated with mixed-light cultivation is fully contained with blackout tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during the northern spotted owl critical period (February 1–July 31) or perform protocol-level surveys prior to initiating that work.
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 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, the 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 Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event more than 2 years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within 1 year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the 2 years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.

13. Compliance with all statutes, regulations, and requirements of the SWRCB 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 or 2 certification with North Coast Regional Water Quality Control Board Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of any applicable LSAA (1600 or 1602) Permit obtained from 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, if applicable.
18. Consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
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 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.).

Performance Standards for Cultivation and Processing Operations

24. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. 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).
26. 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.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets;
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
28. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee safety practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. Onsite housing, if any
29. Term of Commercial Cannabis Activity Use Permit. Any Commercial Cannabis Cultivation Use Permit issued pursuant to the CMMLUO shall expire 1 year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
30. 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 days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus 3 days after date of mailing, shall constitute delivery. The

permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Conditional Use Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

31. 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.
32. 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.
33. 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.
34. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than 2 years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within 1 year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of 1 year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to

evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

ATTACHMENT 2

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

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

**APN 221-131-001 and 221-121-007
County of Humboldt**

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

January 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 applicant seeks a Conditional Use and Special Permits (2) for an existing 19,780-square-foot (SF) cannabis cultivation operation on two adjacent parcels, Assessor's Parcel Number (APN) 221-121-007 and APN 221-131-001, that are one legal parcel. Cultivation would include a total of 6,000 SF of mixed-light and 13,780 SF of outdoor cultivation spread across the two parcels. The applicant proposes relocation of 10,900 SF of historic "guerilla-grow" cultivation from the eastern parcel to environmentally superior cultivation locations on both parcels. The relocation would allow for full restoration of historic cultivation areas approximately 30,000 SF in size to natural conditions through removal of all cultivation materials and seeding with native grass and mulching of all disturbed area. Irrigation water is sourced from a 300,000-gallon lined rainwater catchment pond and a spring/small pond, which supports domestic, and cultivation uses on both parcels during non-forbearance periods. There is 108,500 gallons of water storage tanks. Water is diverted from the spring/small pond only during the non-forbearance period under Small Irrigation Use Registration H503697. Annual estimated water usage is estimated at 261,000 gallons, a value below the total water storage of 408,500 gallons. The applicant is no longer using the existing residence for drying but is proposing to use a new structure on APN 221-121-007 (once permitted) for drying, processing, and storage. Power for the operation is provided by 10 solar panels and 2 generators for backup. A Special Permit is required for a setback reduction to approximately 50 feet for one of the proposed outdoor cultivation areas on an existing road flat, from public lands managed by the Bureau of Land Management to the west. A second Special Permit is needed for the ongoing use and maintenance of the diversion.

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 on biological resources as a result of light and noise.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigation measures. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CMMLUO 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:

- Updated Site Plan prepared by Stillwater Sciences dated 12/21/21.
- Operations Plan Addendum dated 4/26/21, received 12/22/21.
- Water Resource Protection Plan & Site Management Plan prepared by Stillwater Sciences for the State Water Resources Control Board Cannabis Policy and Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities, dated June 2019, received 8/6/19.
- Road Evaluation Reports and memorandum for Thomas Road and Salmon Creek Road prepared by the applicant and Joel Monschke, PE, respectively, dated 10/12/17 and received 6/26/19.
- Division of Environmental Health Attachment for Commercial Medical Marijuana Clearances/ Permits.
- Evidence of Existing Cannabis Cultivation, prepared by William Rich and Associates, dated 3/30/20.
- Documentation for Relocation of Historic Cultivation for Green Flash Farms, LLC, prepared by Stillwater Sciences, dated 4/26/21, received 5/20/21.
- California Department of Fish and Wildlife Streambed Alteration Agreement Notification No. 1600-2019-0461-R1, dated 8/4/20.
- Cultural Resources Investigation prepared by William Rich and Associates for Commercial Medical Cannabis Cultivation for Green Flash Farms, APN 221-121-007 and 221-131-001, dated April 2021, received 5/20/21.
- Pond Evaluation memorandum, dated 6/18/19, received 8/6/19.
- Restoration Management Plan for Green Flash Farms, LLC; APN 221-131-001, dated April 2021.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Updated Site Plan prepared by Stillwater Sciences dated 4/14/21 – **Attached** with project Maps; Special Permit required for setback reduction to 50 feet from proposed cultivation area to public lands managed by BLM to the west)
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. (Operations Plan Addendum dated 12/22/21 - **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the SWRCB, Division of Water Rights, if applicable. (Small Irrigation Use Registration H503697 – On file)
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 Resources Control Board (SWRCB) 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 (RWQCB) demonstrating enrollment in Tier 1, 2 or 3, North Coast RWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Water Resource Protection Plan & Site Management Plan prepared by Stillwater Sciences, dated June 2019, received 8/6/19 – **Attached**)
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. (Notification No. 1600-2019-0461-R1, dated 8/4/20 – **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)

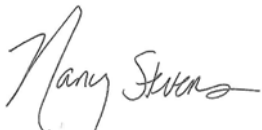
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and 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 on tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System. (On file)
15. Road Evaluation Reports and memorandum for Thomas Road and Salmon Creek Road prepared by the applicant and Joel Monschke, PE, respectively, dated 10/12/17 and received 6/26/19. **(Attached)**
16. Division of Environmental Health Attachment for Commercial Medical Marijuana Clearances/ Permits (DEH Form). (On file)
17. Cultural Resources Investigation for Commercial Medical Cannabis Cultivation for Green Flash Farms, APN 221-121-007 and 221-131-001, dated April 2021, received 5/20/21. (On file and confidential)
18. Pond Evaluation memorandum, dated 6/18/19, received 8/6/19. (On file)
19. Restoration Management Plan for Green Flash Farms, LLC; APN 221-131-001, dated April 2021. (On file)
20. Evidence of Existing Cannabis Cultivation, prepared by William Rich and Associates, dated 3/30/20 (On file).

DATE: December 22, 2021
TO: HUMBOLDT COUNTY PLANNING DEPARTMENT
FROM: NANCY STEVENS, STILLWATER SCIENCES
SUBJECT: DOCUMENTATION FOR RELOCATION OF HISTORIC CULTIVATION FOR GREEN FLASH FARMS, LLC, APPS 12366 (APNs 221-121-007-000 & 221-131-001-000)

Currently, 9,000 SF of cultivation is approved under an interim permit under a Zoning Clearance Certificate (Apps 12366). The original application was for 20,000 SF, but the County was only able to identify 9,000 SF using aerial imagery, thus the permit size was reduced. Review of aerial imagery was unable to pick up on the historic (pre-2016) cultivation that had occurred under tree cover. On March 13, 2020, archaeologist and surveyor William (Bill) Rich conducted an assessment of APN 221-131-001 to document the historic cultivation. A total of 1.16 acres (50,530 SF) of historic cultivation was identified. Based on this survey, the applicant is requesting to increase the cultivation under Apps 12366 from 9,000 SF to 20,000 SF (which covers two parcels, totaling 80 acres). The following submittal includes an Addendum to the Cultivation and Operations Plan with proposed modifications based on the pending relocation of historic cultivation (Appendix A). A revised site map showing the historic cultivation (Appendix B) and the Evidence of Existing Cannabis Cultivation Report (Appendix C) are provided. The applicant will restore the historic cultivation sites to natural conditions as noted in the Restoration Plan (Appendix D). The proposed relocation of outdoor cultivation sites will occur alongside existing cultivation sites, on previously disturbed soil and will result in an additional 11,000 SF of outdoor cultivation. The Cultural Survey performed by William Rich on December 3, 2019 covered all locations where relocation is proposed. A revised Cultural Resources Investigation Report and updated map noting the survey area over the current site map is provided in Appendix E (Confidential, attached separately).

Overall, modifications due to the pending relocation of 11,000 SF of cultivation are minimal. Green Flash Farms will remain a family run business (the family lives on site) and the onsite water storage meets the needs of increased irrigation. The current water sources, storage, irrigation lines, and roads will remain the same, thus the Site Management Plan required no updates.

Please do not hesitate to contact me with any questions.



Nancy Stevens
Compliance Coordinator
Stillwater Sciences
Nancy@stillwatersci.com
(707) 832-9963 (mobile)

Appendix A

Cultivation and Operations Plan Addendum

This Addendum to the Cultivation and Operations Plan provides updates to current conditions and proposed modifications, if pending relocation is approved. The Operations Manual was created for the previous owner of the farm and largely continues to remain accurate for Green Flash Farms, LLC. That said, all locations where the Operations Plan mentions Merry Whether Farms, LLC, the reader shall replace with Green Flash Farms, LLC.

1 EXECUTIVE SUMMARY

The project site currently features a total of 3 cultivation areas which would increase to a total of 4 areas pending approval of 11,000 SF of relocation from historic cultivation (pre-2016). The applicant is no longer using the residence for drying, but is proposing to use a new structure (once permitted) for drying and processing. The project sites are currently supported by two (2) generators and ten (10) solar panels. No change to this is proposed, pending relocation.

Water is currently sourced from a rainwater collection pond with an approximate volume of 300,000 gallons. This water is stored in twelve (12) poly tanks totaling 57,000 gallons of storage. Wet season diversion from a 30,000 gallon spring/small pond provides 51,500 gallons of water that is stored in twelve (12) poly water storage tanks. The total storage volume of 408,500 gallons covers the irrigation needs of the current cultivation operation, as well as the relocation.

Green Flash Farms, LLC in compliance with the County, State, CDFW, and the Water Board.

Agency	Permit/Registration	Permit Number
Humboldt County	ZCC Interim Permit under CMMLUO	PLN-12366-SP
CDFA	Provisional Small Tier 1	CCL19-0004748
CDFW	Lake and Streambed Alteration Agreement	1600-2019-0461-R1
North Coast Regional Water Quality Control Board	Notice of Applicability	1_12CC416748
Water Resources Control Board	Cannabis Small Irrigation Use Registration	H503697
Department of Tax and Fee Administration	Seller's Permit	253269248

2 PROJECT OVERVIEW

2.1 Project Summary

APN 221-121-007

The Project on APN 221-121-007 features a single cultivation area which totals 4,000 SF. This would increase to 12,100 SF, pending approval of relocation. Processing activities will occur in the proposed 800 SF drying, processing, and storage building.

APN 221-131-001

The Project on APN 221-131-001 features two (2) cultivation areas totaling 4,880 SF. This would increase to 7,680 SF, pending approval of relocation.

A table is provided below which identifies the existing and proposed cultivation by APN, dimensions, and method of cultivation. Of the proposed relocation, 10,900 SF will be outdoor

cultivation. Water conservation measures are used, such as raised beds, drip irrigation line, and mulching.

APN	APN 221-121-007		APN 221-131-001	
Cultivation Method	Mixed-Light	Outdoor	Mixed-Light	Outdoor
Existing	2 @ 20' X 100'		1 @ 100' X 20'	1 @ 30' X 98'
<i>Existing Total</i>	4,000 SF		2,000 SF	2,880 SF
Proposed	-	1 @ 10' X 35'	-	7 @ 10' X 30'
		1 @ 10' X 40'		1 @ 10' X 70'
		3 @ 10' X 45'		
		3 @ 20' X 100'		
		8,100 SF		2,800 SF
<i>Proposed Total</i>	4,000 SF	8,100 SF	2,000 SF	5,680 SF
Total by APN	12,100 SF		7,680 SF	

3 ENVIRONMENTAL IMPACTS & STANDARDS

3.1 Mandatory Compliance Factors

3.1.1 Water Sources

Water is sourced from one (1) rainwater collection pond with an approximate volume of 300,000 gallons. This was recently lined to prevent the loss of water. Water is also sourced from a spring/small pond, which supports domestic and cultivation uses on both parcels. Water from both sources is diverted to poly water storage tanks with a capacity of 108,500 gallons. Water is diverted from the spring/small pond only during the non-forbearance period under SIUR H503697.

3.1.2 Small Irrigation Use (SIUR) H503697

Green Flash Farms, LLC is registered for a Small Irrigation Use Registration for a fully contained spring/small pond.

3.1.3 Lake and Streambed Alteration Agreement

Green Flash Farms, LLC received a Streambed Alteration Agreement #1600-2019-0461-R1 in August 2020.

3.1.4 Water Board Order: Waste Discharge Requirements

Green Flash Farms, LLC is registered with the Water Board and holds a Waste Water Diversion ID of 1_12405655.

3.1.5 Water Resource Protection Plan/Site Management Plan

A Water Resources Protection Plan/Site Management Plan was prepared by Stillwater Sciences in June 2019. No changes are needed to this Site Management Plan for the proposed relocation of historic cultivation.

3.1.6 Cultural Survey

A cultural resources investigation was conducted by William Rich on December 3, 2019. The survey covered all locations where historic cultivation was identified and where relocation is proposed. A map noting the survey area over the current site map is provided in Appendix D.

4 CULTIVATION PLAN

4.1 Water Resources

The current Project consists of 8,880 SF of both outdoor and mixed-light cultivation under a 9,000 SF Interim Permit (Apps 12366). The proposed Project requests the relocation of 11,000 SF from documented pre-existing historic cultivation on APN 221-131-001. Supplemental lighting will be used to support the propagation of nursery stock. Water for the Project will be sourced from a 300,000 gallon rainwater collection pond. A total of 121,000 gallons of water is currently used and an estimated 261,000 gallons will be used if the proposed relocation is approved. The current rainwater collection pond provides sufficient irrigation needs for the proposed relocation.

4.2 Current and Proposed Water Usage

The following table details the current and proposed water usage for April through October (indicated in gallons). No water will be used November through March.

Area	Apr	May	Jun	Jul	Aug	Sep	Oct
Water (current) ¹	8,000	8,000	10,000*	30,000	30,000	25,000	10,000
Water (proposed) ²	16,000	16,000	22,000*	66,000	66,000	55,000	20,000

¹ 6,000 SF ML; 2,880 SF Outdoor

² 6,000 SF ML; 10,980 SF Outdoor

* Outdoor season begins mid-June.

5 OPERATIONAL PLAN

5.1 Business Organization

Green Flash Farms, LLC operates under entity number 201813110186, registered May 1, 2018 with the California Secretary of State.

5.1.1 Management Team Member and Percent Ownership

Modesto Olea is the sole owner with 100% ownership of Green Flash Farms, LLC.

6 PROCESSING PLAN

6.1 Project Details

Processing and curing previously took place at the existing residence on Parcel No. 221-121-007. This will be moving to the proposed Drying, Processing, and Storage building on the parcel.

6.1.1 Project Processing Environment

One (1) proposed Drying, Processing, and Storage building on parcel 221-121-007 will support all commercial processing activities.

It is expected that this structure will support one (1) owner/operator and up to four (4) family members during peak processing activities. Applicant may propose development of an improved structure to accommodate enhanced operational needs.

6.1.2 Housing

The house on parcel 221-121-007 is the residence of the family who works on this farm. No other employees are expected, and no housing will be provided.

7 CONTINGENCY PLAN

7.1 Project Waste Management

7.1.1 Project Specific Details

The Project on Parcel No. 221-121-007 includes a primary residence and auxiliary agricultural structures that support the site. The site also features a greenhouse that supports the propagation of nursery stock. Ten (10) solar panels and two (2) back-up generators support the energy needs of the site. The parcel NO. 221-131-001 does not include a primary residence or auxiliary agricultural structures. The operation requires one (1) owner operator and up to four (4) family members during peak staffing to perform seasonal work activities for a duration of approximately four (4) to six (6) weeks (cumulative) through the active working parts of the season.

7.1.2 Onsite Wastewater/Hazardous Wastes

The proposed Project location on Parcel No. 221-121-007 is equipped with a septic system that is plumbed to the main residential structure. This system will need to be permitted by the Humboldt County Building Department. In addition, a portable toilet is being added to the uppermost cultivation area, as noted on the site plan.

7.1.3 Project Equipment Inventory

- Weed Eater
- UTV
- Chainsaw
- 5000-watt Honda Generator
- Portable 2000-watt Honda Generator
- Portable 7.5-kW Honda Generator
- 15-kW Propane Generator
- Rota-Tiller
- Water Pump

7.1.4 Maintenance

All maintenance occurs onsite.

7.1.5 Project Product Inventory

Fuels/Oils (Fuels Storage and Containment)

Fuels/Oil	9,000 SF	Proposed 20,000 SF
Propane	800 Gallons	800 Gallons
Gasoline	5 5-Gallon portable cans	5 5-Gallon portable cans
15w40	3 Gallons	3 Gallons
10w30	3 Gallons	3 Gallons
2 Cycle	3 Quarts	3 Quarts
Bar Oil	3 Gallons	3 Gallons

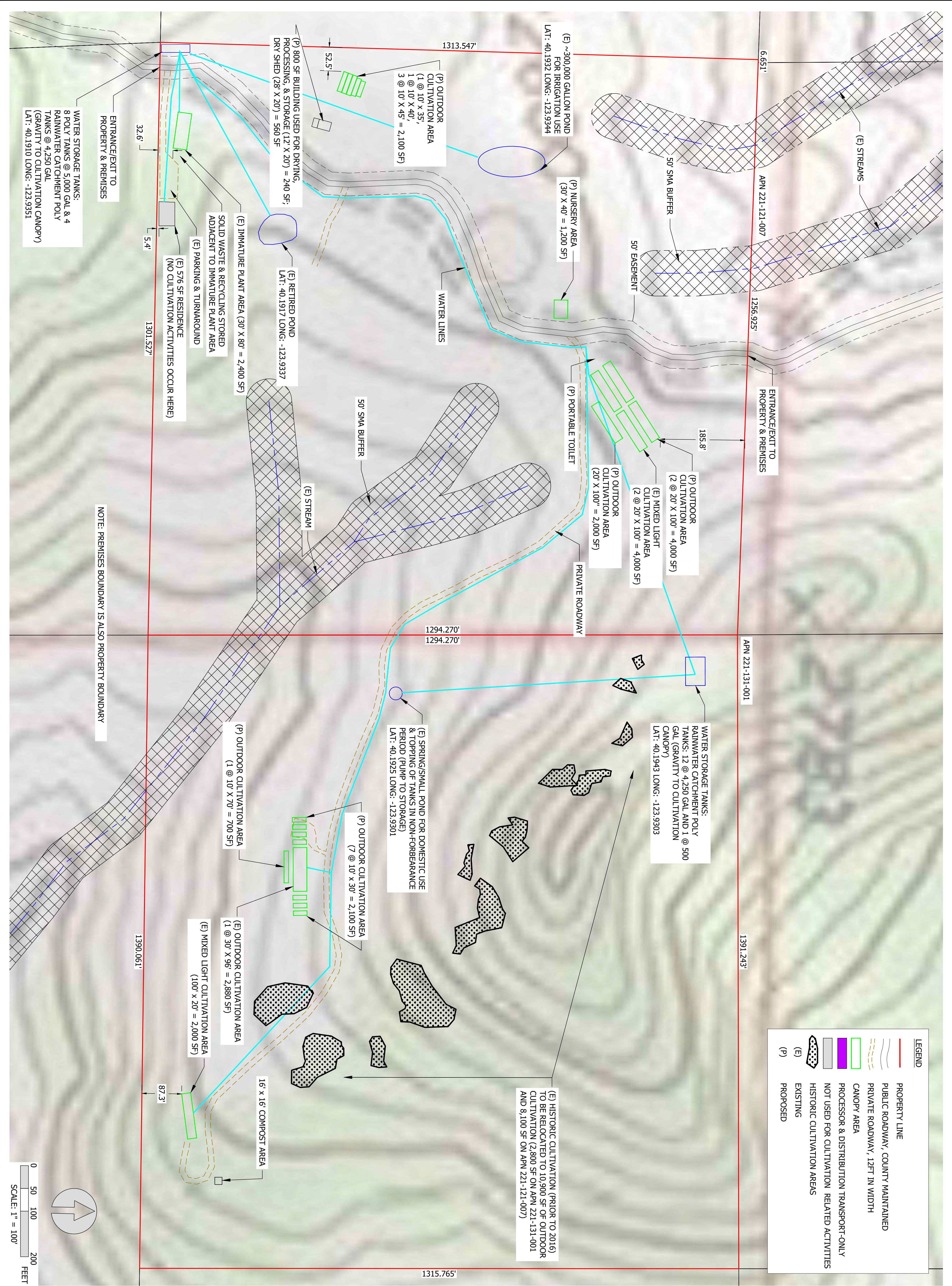
Fertilizers/Pesticides/Fungicides/Rodenticides (Storage Shed)

Fuels/Oil	9,000 SF	Proposed 20,000 SF
Worm Castings	10 yards	22 yards
Chicken Manure	320 bags	700 bags
Rock Phosphate	100 lbs	220 lbs
Glacial Rock Dust	100 lbs	220 lbs
Bone Meal	700 lbs	1,500 lbs
Biochar	4 cubic yards	9 cubic yards
Oyster shell	700 lbs	1,500 lbs
Hydrogen Dioxide	1 gallon	2 gallons

Appendices

Appendix B

Site Plan



APN 221-121-007 & 221-131-001 PLOT PLAN

HUMBOLDT COUNTY, CA

Stillwater Sciences
 2885 TELEGRAPH AVENUE, SUITE 400
 BRACKLEY, CA 97005
 P: (510) 848-8098

PROJECT NUMBER: 546.53
SCALE: AS NOTED
DATE: 12/21/2021

DESIGN: CL
DRAWN: NS
CHECKED: JM
APPROVED: JM

PLOT PLAN - TOPO

SHEET 1 OF 1

PLN-12366-CUP Green Flash Farms, LLC

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LAST SAVED: 12/22/2021 PLOT DATE: 12/22/2021 PLOT STYLE: ----

IF BAR DOES NOT MEASURE 1" DRAWING IS NOT TO SCALE - ADJUST ACCORDINGLY

February 03, 2022

Page 39

Appendix C

Evidence of Existing Cannabis Cultivation

03/30/2020

To: County of Humboldt Cannabis Services

RE: Green Flash Farms- Evidence of Existing Cannabis Cultivation

On March 13, 2020, Registered Professional Archaeologist, William Rich, M.A. of William Rich and Associates conducted a field investigation for evidence of pre-2016 cannabis cultivation on behalf of Charles Benbow and Modesto Olea over portions of APN 221-131-001 near Clark's Butte, Humboldt County, California. Portions of this APN are subject to review in response to a pending cannabis cultivation application, under Green Flash, LLC.

William Rich spent approximately two hours walking along the steep slopes, just below an unnamed peak, approximately one mile northeast of Clark's Butte between 2,700 feet and 2,400 feet elevation. This area is steep and rocky with a dense canopy of mature hardwood forest. Prior cannabis cultivation in this portion of the parcel was readily observed and mapped during the field investigation. It is evident that prior cultivation was occurring in 25-gallon containers placed on the ground surface filled with imported potting soil and watered under gravity flow through $\frac{3}{4}$ and $\frac{1}{2}$ inch black poly pipe with $\frac{1}{4}$ inch dripline and emitters. Each garden area was enclosed with woven chicken wire fastened to trees and rebar stakes. This cultivation infrastructure remains in-situ and can be easily found with the accompanying map.

During the investigation, a GPS navigational application (Gaia GPS) was used to develop tracks around twelve fenced enclosures. William Rich used the rough GPS tracks to create the attached map that indicates approximately 1.16 acres (50,529 square feet) of combined fenced area. Within these gardens, containers are spaced about 6 to 10 feet apart and total in the hundreds. The age of the cultivation is undoubtedly prior to 2016. This is evidenced by the attached photos that show high amounts of leaf litter on the chicken wire fences, tree growth around attached wire and fencing, and depth of unburied waterline beneath leaf litter. This clandestine cultivation operation was specifically concealed under the canopy. No cultivation areas are outside of the forest canopy.

If you have any questions or need further clarification, please feel free to contact me.

Thank you,

William Rich, M.A., RPA
P.O. Box 184
Bayside, CA 95524
(707) 834-5347
wcr@williamrichandassociates.com

RE: Green Flash Farms - Evidence of Existing Cultivation



Photo A. View of plastic planters at Garden 4.



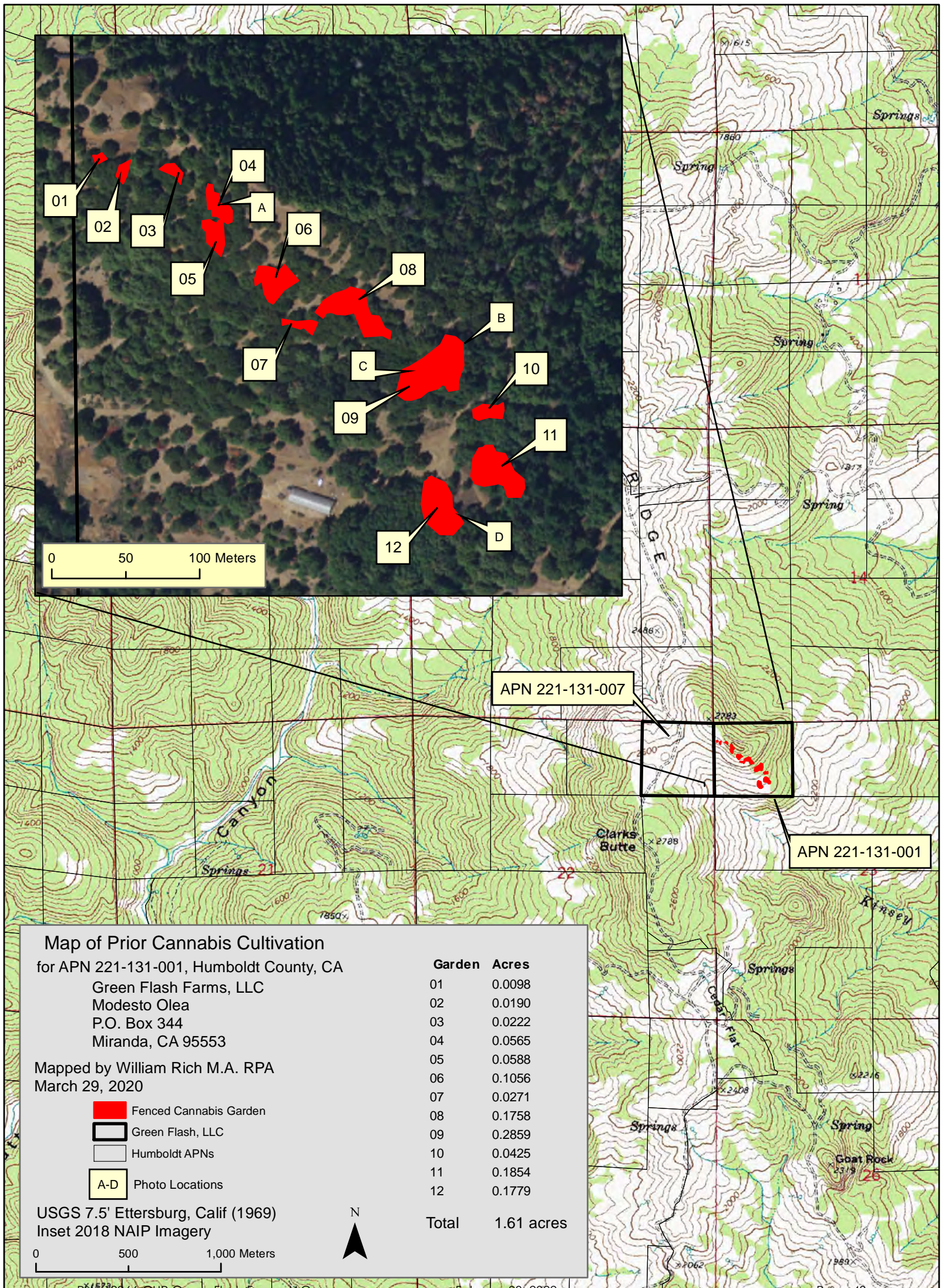
Photo B. Fencing grown into Tanbark-oak tree at Garden 9.



Photo C. In-situ cultivation containers at Garden 9.



Photo D. Painted containers at Garden 12.



Map of Prior Cannabis Cultivation

for APN 221-131-001, Humboldt County, CA

Green Flash Farms, LLC
 Modesto Olea
 P.O. Box 344
 Miranda, CA 95553

Mapped by William Rich M.A. RPA
 March 29, 2020

- Fenced Cannabis Garden
- Green Flash, LLC
- Humboldt APNs
- A-D Photo Locations

USGS 7.5' Ettersburg, Calif (1969)
 Inset 2018 NAIP Imagery

0 500 1,000 Meters



Garden	Acres
01	0.0098
02	0.0190
03	0.0222
04	0.0565
05	0.0588
06	0.1056
07	0.0271
08	0.1758
09	0.2859
10	0.0425
11	0.1854
12	0.1779
Total	1.61 acres

Appendix D
Restoration Plan

APRIL 2021

Restoration Management Plan for Green Flash Farms, LLC; APN 221-131-001

P R E P A R E D F O R

Humboldt County
Planning Department
3015 H Street
Eureka, CA 95501

P R E P A R E D B Y

Stillwater Sciences
850 G Street, Suite K
Arcata, CA 95521

Suggested citation:

Stillwater Sciences. 2021. Restoration Management Plan for APN 221-131-001. Prepared by Stillwater Sciences, Arcata, California for the Humboldt County Planning Department and Green Flash Farms, LLC, Arcata, California.

Table of Contents

1	EXISTING CONDITIONS	1
1.1	Site Characteristics and Observations.....	1
1.2	Legacy Cultivation Operations	1
2	RESTORATION MANAGEMENT PLAN	1
2.1	Cultivation Area Treatments.....	1
3	MONITORING PLAN	1
4	REFERENCES.....	2

Appendix A. Site Plan

Appendix B. William Rich & Associates Letter to Humboldt County to document evidence of existing cannabis cultivation

Appendix C. Historic Cultivation Photos

1 EXISTING CONDITIONS

1.1 Site Characteristics and Observations

Stillwater Sciences has been contracted by Green Flash Farms, LLC the owners of APNs 221-121-007 & 221-131-001 to provide a Restoration Management Plan for historic cultivation located on APN 221-131-001. The site map found in Appendix A documents the location and size of the historic cultivation.

On March 29, 2020, a site visit was conducted by William (Bill) Rich of William Rich and Associates. During the site visit, he conducted a thorough investigation of cultivation that he deemed to have been active prior to 2016.

The location of this historic cultivation was located on the steep and rocky native slopes and under a dense tree canopy. Mr. Rich's report was provided to the Humboldt County Planning Department in March 2020 to document cultivation sites that were not visible using Humboldt County's GIS aerial imagery. He determined that there were 12 separate locations which totaled 1.16 acres (50,530 SF) in area (William Rich & Associates 2020). The location and area total for each site can be found within Appendix B.

1.2 Legacy Cultivation Operations

Legacy cultivation on the property prior to current ownership has been documented in the northeast portion of the property. Twenty-five gallon containers were found within the steep slopes. Each of the 12 garden areas were enclosed in chicken wire fencing and irrigated with black poly pipe- all of which are still on site. Photos of these sites can be found in Appendix C.

2 RESTORATION MANAGEMENT PLAN

2.1 Cultivation Area Treatments

The historic cultivation areas shall be relocated to preferable locations and restored to pre-cultivation conditions. Historic cultivation activities included pots, fencing, and irrigation piping which were placed on natural, steep slopes with no grading. Restoration of all historic cultivation areas will include (1) removal of all pots, containers, fencing, imported soil and irrigation components; and (2) seeding with native grass and mulching of all disturbed areas. Restoration of historic areas will occur prior to December 31, 2022.

3 MONITORING PLAN

Prior to December 31, 2022, all signs of historic cultivation (pots, fencing, and non-native soil) shall be removed. Restoration will begin in 2021 with a Year 1 Monitoring Plan due by December 31, 2021 and Year 2 Monitoring Plan due by December 31, 2022. Monitoring Plans shall include all work that was done that year along with photos of each site to document the return to a natural state.

4 REFERENCES

William Rich and Associates. 2020. Green Flash Farms – evidence of existing cannabis cultivation. Prepared by William Rich and Associates, Bayside, California for County of Humboldt Cannabis Services, Eureka, California.

Appendix A
Site Plan

APN 221-121-007 &
221-131-001
PLOT PLAN

HUMBOLDT COUNTY, CA

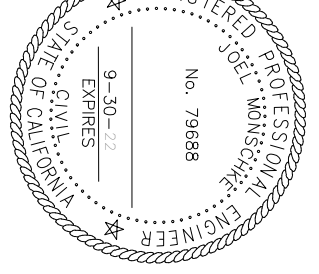
Stillwater Sciences
2885 TELEGRAPH AVENUE, SUITE 400
BRACKETT, CA 94705 P: (510) 848-8098

PROJECT NUMBER: 546.53

SCALE: AS NOTED

DATE: 12/21/2021

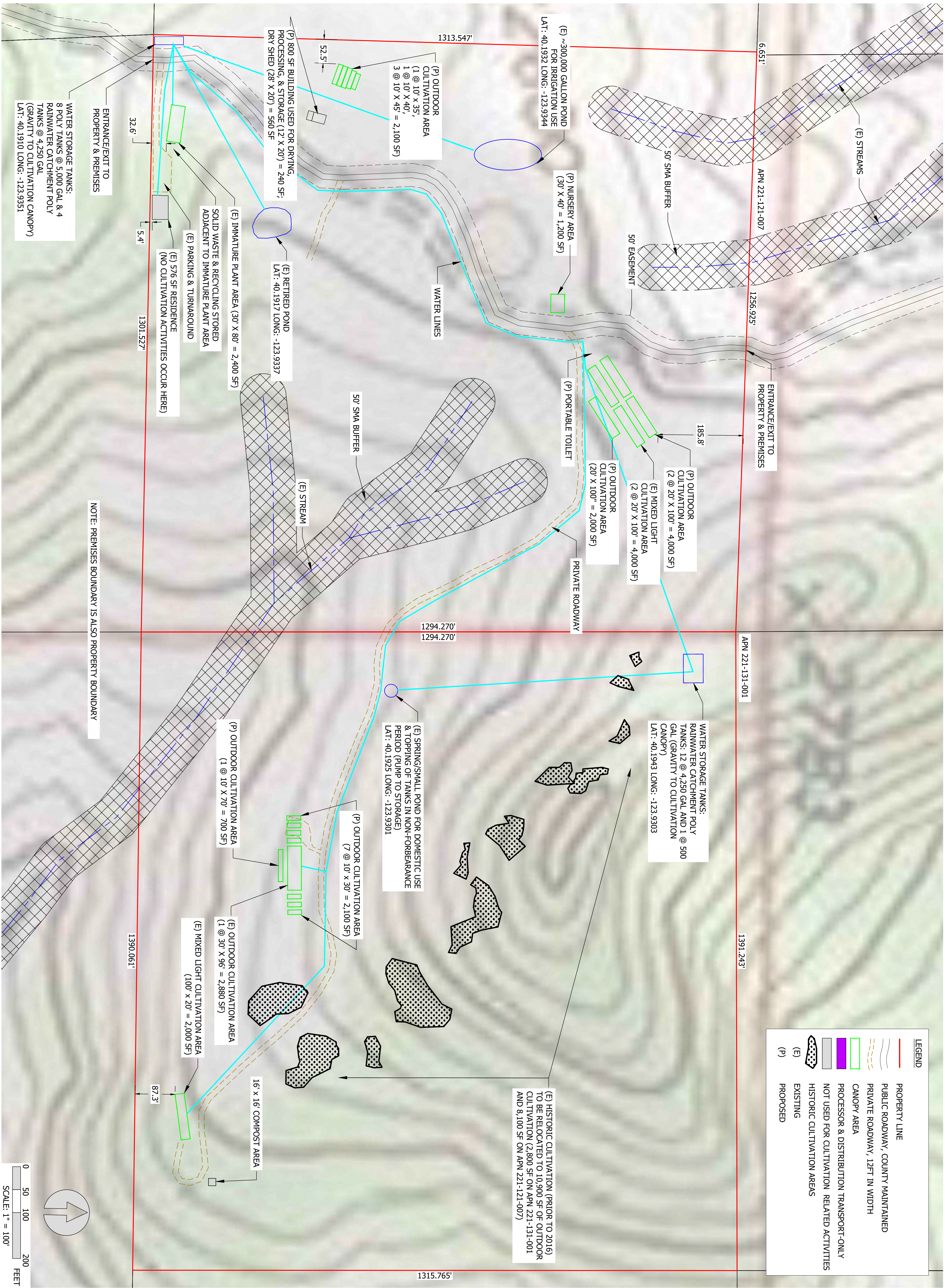
DESIGN: CL
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CHECKED: JM
APPROVED: JM



PLOT PLAN - TOPO

SHEET 1 OF 1

LEGEND	
	PROPERTY LINE
	PUBLIC ROADWAY, COUNTY MAINTAINED
	PRIVATE ROADWAY, 12FT IN WIDTH
	CANOPY AREA
	PROCESSOR & DISTRIBUTION TRANSPORT-ONLY
	NOT USED FOR CULTIVATION RELATED ACTIVITIES
	HISTORIC CULTIVATION AREAS
	EXISTING
	PROPOSED
(E)	EXISTING
(P)	PROPOSED



Appendix B

**William Rich & Associates
Letter to Humboldt County to document evidence of
existing cannabis cultivation**

03/30/2020

To: County of Humboldt Cannabis Services

RE: Green Flash Farms- Evidence of Existing Cannabis Cultivation

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If you have any questions or need further clarification, please feel free to contact me.

Thank you,

William Rich, M.A., RPA
P.O. Box 184
Bayside, CA 95524
(707) 834-5347
wcr@williamrichandassociates.com

RE: Green Flash Farms - Evidence of Existing Cultivation



Photo A. View of plastic planters at Garden 4.



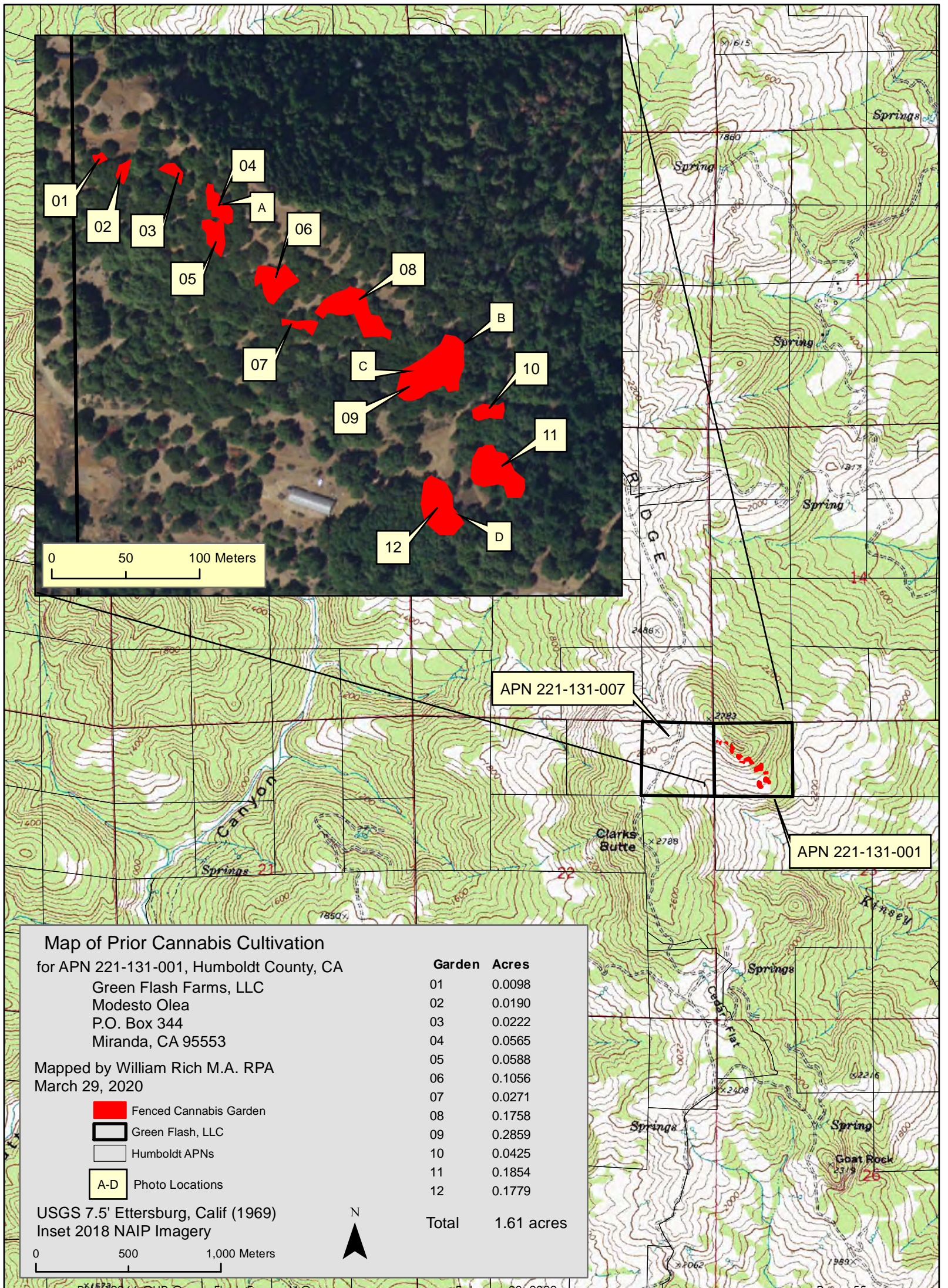
Photo B. Fencing grown into Tanbark-oak tree at Garden 9.



Photo C. In-situ cultivation containers at Garden 9.



Photo D. Painted containers at Garden 12.



Map of Prior Cannabis Cultivation

for APN 221-131-001, Humboldt County, CA

Green Flash Farms, LLC
 Modesto Olea
 P.O. Box 344
 Miranda, CA 95553

Mapped by William Rich M.A. RPA
 March 29, 2020

- Fenced Cannabis Garden
- Green Flash, LLC
- Humboldt APNs
- A-D Photo Locations

USGS 7.5' Ettersburg, Calif (1969)
 Inset 2018 NAIP Imagery

0 500 1,000 Meters



Garden	Acres
01	0.0098
02	0.0190
03	0.0222
04	0.0565
05	0.0588
06	0.1056
07	0.0271
08	0.1758
09	0.2859
10	0.0425
11	0.1854
12	0.1779
Total	1.61 acres

Appendix C

Historic Cultivation Photos



Photo 1. Photo at Site 01 with soil bags used for cultivation still on site.



Photo 2. Photo at Site 04 with soil bags used for cultivation and irrigation piping.



Photo 3. Photo at Site 4 soil bags used for cultivation and irrigation piping.



Photo 4. Photo at Site 08 showing soil bags used for cultivation under thick canopy cover.



Photo 5. Photo at Site 9 showing Chicken wire fencing grown into tree.



Photo 6. Photo at Site 9 showing soil bags used for cultivation and irrigation piping.



Photo 7. Photo at Site 10 showing soil bags used for cultivation and irrigation piping.



Photo 8. Photo at Site 11 showing soil bags used for cultivation and irrigation piping.



Photo 9. Photo at Site 12 showing painted containers used for cultivation.

Appendix E

Cultural Resources Investigation
(CONFIDENTIAL, submitted separately)

JUNE 2019

Water Resource Protection Plan & Site Management Plan for Green Flash Farms; APN 221-121-007 & 221-131-001



P R E P A R E D F O R

California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

P R E P A R E D B Y

Stillwater Sciences
850 G Street, Suite K
Arcata, CA 95521

Stillwater Sciences

Suggested citation:

Stillwater Sciences. 2019. Water Resource Protection Plan and Site Management Plan for APN 221-121-007 & 221-131-001. Prepared by Stillwater Sciences, Arcata, California for the North Coast Regional Water Quality Control Board, Santa Rosa, California and Green Flash Farms, Miranda, California.

Table of Contents

1	SEDIMENT DISCHARGE BEST PRACTICAL TREATMENT OR CONTROL (BPTC).....	1
1.1	Site Characteristics and Field Observations	1
1.1.1	Geology	1
1.1.2	Hydrologic and Hydraulic (H&H) Analyses for Crossing Structure Sizing	2
1.2	Sediment Erosion Prevention and Sediment Control BPTC Measures	4
1.2.1	Road Surface Treatments	4
1.2.2	Cultivation Area Treatments	4
1.2.3	Pond Treatments.....	4
1.2.4	Erosion Control BMPs (to be used at all sites where soil is disturbed).....	4
2	FERTILIZER, PESTICIDE, HERBICIDE, AND RODENTICIDE BPTC MEASURES	5
2.1	Fertilizer.....	5
2.2	Pesticide, Herbicide, and Rodenticide	5
2.3	Irrigation Runoff.....	5
2.4	Spoils Management.....	5
3	PETROLEUM BPTC MEASURES	6
4	TRASH/REFUSE AND DOMESTIC WASTEWATER BPTC MEASURES	6
4.1	Trash/Refuse.....	6
4.2	Human Waste.....	6
4.3	Cultivation Waste	6
5	WINTERIZATION BPTC MEASURES & SCHEDULE	6
6	OTHER CULTIVATION SITE INFORMATION.....	7
6.1	Biological Resources	7
6.2	Estimated Water Storage and Use.....	8
6.2.1	Water Sources	8
6.2.2	Water Storage.....	8
6.2.3	Water Use.....	8
6.3	Construction Cost Estimates for Sites Requiring CDFW LSAA.....	9
6.4	Remediation Fee Discussion.....	9
6.5	Site Location Table	9
7	REFERENCES.....	10
	Appendix A.....	11
	Appendix B.....	17

This document serves as the Water Resource Protection Plan and Site Management Plan on behalf of the discharger, Green Flash Farms, LLC pursuant to Order No. R1-2015-0023 (Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region), and/or Order WQ 2017-0023-DWQ (General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for discharges of Waste Associated with Cannabis Cultivation Activities) of the California Water Code Section 13260(a).

1 SEDIMENT DISCHARGE BEST PRACTICAL TREATMENT OR CONTROL (BPTC)

1.1 Site Characteristics and Field Observations

Stillwater Sciences has been contracted by the owners of APN 221-121-007 & 221-131-001 to perform a site assessment and develop a Water Resource Protection and Site Management Plan to decrease existing and potential future sediment delivery to tributaries of Salmon Creek and Mattole Canyon Creek and reduce other threats to water quality. The site plan is included in Appendix B, hydrologic and hydraulic calculations were performed for each pond (Section 1.1.2), and site descriptions and recommendations are described in Section 1.2.

In September 2018, a site visit was conducted by Stillwater Sciences senior engineer/hydrologist (Joel Monschke). During the site visit, he conducted a road inventory and assessment of cultivation areas. There are two water sources on the property and no road/stream crossings. All site locations are shown in Appendix B and each site is described below.

- Spring/Small Pond is the domestic source of water and is also used for topping of tanks during the non-forbearance period.
- 200,000 Gallon Rainwater Catchment Pond is the primary source of irrigation water.

Overall, the primary access roads on the property are in good condition. They are mostly surfaced with gravel and either outsloped and/or have rolling dips to reduce runoff concentration.

1.1.1 Geology

The subject property is located in Southern Humboldt County, situated on a ridge top that drains into both South Fork Salmon Creek, (a tributary to Salmon Creek in the South Fork Eel River Watershed) and Mattole Canyon Creek (a tributary to the Mattole River). The property and surrounding vicinity is composed of Franciscan Complex geology consisting of Cretaceous and Jurassic sandstone with smaller amounts of shale, chert, limestone, and conglomerate as well as Franciscan mélangé¹. Based on NRCS soils map for the region², the cultivation areas and proposed project components are in Yorknorth-Devilshole complex.

¹ California Department of Conservation, Geologic Map of California (2010), accessed online at: <http://maps.conservation.ca.gov/cgs/gmc>

² NRCS Watershed Boundary Dataset, Sub-region level, 2012.

1.1.2 Hydrologic and Hydraulic (H&H) Analyses for Crossing Structure Sizing

To determine the appropriate sizing for each pond outflow, the Rational Method (also known as the Rational Formula) was used to calculate the design flow for the 100-year storm event. This method is appropriate for determining flow rates for relatively small drainage areas of less than 200 acres according to Cafferata et. al. (2004). The Rational Formula incorporates a combination of rainfall intensity, drainage area and runoff coefficient to estimate maximum flows and is defined as follows:

$$Q = CIA$$

Where:

Q = Flow Discharge
 C = Runoff Coefficient
 I = Rainfall Intensity
 A = Area

1.1.2.1 Determining storm duration

For the Rational Method analysis, the total drainage area, slope, and longest flow path for the three crossings were determined based on field observations and analyses of a USGS topographic map. Based on these values (summarized on Table 1), the "Time to Concentration" was estimated using the Airport Drainage Formula. The "Time to Concentration" is defined as the time it takes runoff to travel along the longest flow path within the contributing watershed and arrive at a site crossing. Per Cafferata et. al., the "Time to Concentration" can be found with the following Airport Drainage Formula³:

$$T_c = ((1.8)(1.1 - C)(D^{0.5})) / (S^{0.33})$$

Where:

T_c = Time of Concentration (minutes)
 C = Runoff Coefficient (dimensionless, 0 < C < 1.0)
 D = Distance (in feet from the point of interest to the point in the watershed from which the time of flow is the greatest)
 S = Slope (percent)

³ Note that two methods for determining Time to Concentration were described in Cafferata et. al. including (1) the Kirpich formula and (2) the Airport Drainage equation. The Kirpich Formula was developed in 1940 based on precipitation and runoff data from seven rural watersheds in Tennessee with average slopes ranging from 3% to 10%. We believe that the Kirpich Formula does not provide good estimates for Time to Concentrations on steeper northern California watersheds. Additionally, Yee (2004) recommends use of the Airport Drainage equation.

Table 1. Summary of time-to-concentration analyses.

Site Number	Drainage Area (ac)	Longest flow Path (ft)	Maximum Elevation Change (ft)	Slope (%)	Time (min)	100 year intensity (in/hr)
Small Pond	0.7	280	60	21	8	4.1
200,000 Gallon Pond	0.7	360	160	44	7	4.3

1.1.2.2 Precipitation data

The intensity-duration-frequency (IDF) curve used for the Rational Method analysis came from National Oceanic and Atmospheric Administration's National Weather Service Hydrometeorological Design Studies Center Precipitation Frequency Data Server (PFDS).⁴ Rainfall intensity was determined from the IDF curves for the 100-year recurrence interval for storm durations equivalent to the "Time to Concentration" for the project sites. The 100-year rainfall intensity from the PFDS for each site is also shown on Table 1.

1.1.2.3 Runoff coefficients

Cafferata et. al. suggests a runoff coefficient ranging from 0.30 to 0.45, depending on the specific location of the crossing. Per Buxton et. al. (1996), as cited in Cafferata et. al., a runoff coefficient value of 0.4 is recommended for North Coast California specifically. Additionally, a runoff coefficient of 0.4 reflects woodland with heavy clay soil, soil with a shallow impeding horizon, or shallow soil over bedrock per Figure 2 taken from Appendix A, Table A-1 of *The Handbook for Forest, Ranch and Rural Roads* (Weaver et. al. 2015).

For this property, we have used a Runoff Coefficient of 0.4 because the drainage areas consist of mostly woodland with soil with a shallow impeding horizon.

Soils	Land use or type	C value
Sandy and gravelly soils	Cultivated	0.20
	Pasture	0.15
	Woodland	0.10
Loams and similar soils without impeded horizons	Cultivated	0.40
	Pasture	0.35
	Woodland	0.30
Heavy clay soil or those with a shallow impeding horizon; shallow over bedrock	Cultivated	0.50
	Pasture	0.45
	Woodland	0.40

Figure 1. Runoff coefficients (adopted from Appendix A, Table A-1 of the *Handbook for Forest, Ranch and Rural Roads* [2015]).

⁴ http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html

1.1.2.4 Storm discharges

Discharges from the Rational Method calculations for 100-year storm events are shown on Table 2.

Table 2. 100-year discharges.

Site Number	100-year Discharge (cfs)
Small Pond	1
200,000 gal Pond	1

1.1.2.5 Drainage structure sizing

There are no road/stream crossings on this property.

1.2 Sediment Erosion Prevention and Sediment Control BPTC Measures

Based on the results of the field assessment/observations and H&H analyses, remediation actions are required on the property.

1.2.1 Road Surface Treatments

All roads on the property are in good condition. No significant road maintenance is needed except for standard graveling and installation of one ditch relief culvert.

1.2.2 Cultivation Area Treatments

All cultivation sites have appropriate setbacks from watercourses.

1.2.3 Pond Treatments

Pond spillways should be upgraded to allow for 2 feet of freeboard and armored with 6-12 inch diameter riprap rock.

1.2.4 Erosion Control BMPs (to be used at all sites where soil is disturbed)

- Erosion and sediment control best management practices (BMPs) shall be installed prior to the wet season (1 October through 30 April).
- Sensitive areas and areas where existing vegetation is being preserved shall be protected with construction fencing; fencing shall be maintained throughout construction activities.
- All areas disturbed during grading activities shall be seeded with native grass seed and mulched with rice straw.
- Prior to seeding and straw, disturbed areas should be roughened by track walking with a dozer.
- Straw shall be applied at a uniform rate of approximately 4,000 lbs per acre by hand.
- At the completion of the project, straw wattles shall be placed as directed by the engineer or geologist.
- All sediment control BMPs shall be maintained throughout the wet season until new vegetation has become established on all graded areas.

2 FERTILIZER, PESTICIDE, HERBICIDE, AND RODENTICIDE BPTC MEASURES

2.1 Fertilizer

Fertilizers, potting soils, compost, and other soils and soil amendments are stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.

If the landowner wishes to keep fertilizers and soil amendments on the Project Site, they should continue to be stored fully under cover, off the ground, and in a stable location not exposed to the elements. If stored outdoors, they should be fully tarped, off the ground, and in a stable location with no chance of nutrient leaching or delivery to surface waters. Fertilizers, potting soils, compost, and other soils and soil amendments should not be stored with petroleum products as they may be incompatible and could potentially react.

Applicant is required to keep detailed records of the type, timing and volume of fertilizers and/or other soil amendments you use in your operations. Observe and monitor soil moisture so watering, fertilizer and chemical applications are made only when necessary and overwatering and excess infiltration is avoided.

To prevent nutrient leaching from cultivation areas, continue to plant dense cover crops in spent pots, holes and beds to enrich soil and lock up nutrients or; 1) fully tarp any exposed soils and growing mediums in beds, pots, holes or piles; or 2) move spent soils and amendments inside or under cover to temporarily store them during the wet season (November 1 – May 15). If dense cover crops cannot be kept alive, all planted areas should be tarped to protect them from rainfall, snowmelt and subsequent infiltration and leaching of nutrients. Winterize all cultivation areas and all disturbed areas on the Project Site by placing straw wattles with biodegradable wrapping on the downslope perimeter and/or by mulching/seeding any bare soil areas on cultivation sites.

2.2 Pesticide, Herbicide, and Rodenticide

To be compliant with the Order, all pesticides, herbicides and related materials (e.g., fungicides) must be used and applied consistent with product labeling. Pesticide and herbicide storage and use on the Project Site must be closely monitored and recorded. Landowner is required to keep records (logs) of the type, timing and volume of pesticides and herbicides used in your operations.

When present, pesticides and herbicides should be stored within enclosed buildings in such a way they cannot enter or be released into surface or ground waters. They should not be stored with petroleum products as they may be incompatible and could potentially react.

2.3 Irrigation Runoff

Irrigation water is applied to cultivation areas at agronomic rates, so runoff is not an issue.

2.4 Spoils Management

All spoils generated by the operations are reused on site. All soil is contained in the beds and amended on site. No soil is stored, discarded, or sidecast in locations that could enter waters.

3 PETROLEUM BPTC MEASURES

All small fuel cans, generators, fuel tanks, gasoline powered garden equipment and any other items containing petroleum products in adequate secondary containment basins and store in a safe, covered, secure location (e.g. away from slopes and outside of riparian buffers).

Operator should obtain one or more spill prevention cleanup kits and keep readily available to clean up small spills. Spill kits should be located where fuel is stored and refueling occurs.

4 TRASH/REFUSE AND DOMESTIC WASTEWATER BPTC MEASURES

4.1 Trash/Refuse

All refuse is stored in trash containers in a secure location. It is important to utilize storage facilities which prevent animals from accessing or disturbing garbage or refuse. Garbage is removed from the property and hauled to approved County collection location at least once per month.

4.2 Human Waste

Human waste is directed from the residence to the existing septic and leach field system. It is recommended that the applicant begin to work with a professional to start the permit process retroactively permit the existing septic system.

4.3 Cultivation Waste

We encourage the applicant to chip or shred plant stalks and compost them after harvest. Any additional cultivation-related waste can be easily contained by keeping soils and garbage greater than 200 feet from drainage areas and on gentle slopes, tarping or otherwise covering soil piles, and/or by placing straw wattles or other containment structures around the perimeter of spoil piles. Organic cultivation-related waste should be recycled if possible, and inorganic wastes and garbage should be removed from the property on a regular basis and disposed of at an appropriate facility.

5 WINTERIZATION BPTC MEASURES & SCHEDULE

The applicant should conduct the following activities prior to the onset of measurable rainfall:

- 1) Ensure that the cultivation areas are either tarped or planted with thick cover crop
- 2) Make sure that all cultivation related supplies and equipment are in a secure covered location per Sections 2-4 above
- 3) Perform yearly maintenance on drainage features as applicable to reduce runoff concentration (i.e. handwork or small equipment work to maintain water bars, ditches, sediment catchment areas, etc.)

6 OTHER CULTIVATION SITE INFORMATION

6.1 Biological Resources

The California Department of Fish and Wildlife California Natural Diversity Database (CNDDDB) QuickView tool in BIOS⁵ was used to identify potential for special status fish, wildlife and plants in the project area. The special status species documented in the Ettersburg Quadrangle are listed in Table 3. Since CNDDDB is a CDFW tool to identify locations of previously documented species, the results from the tool may not capture all special-status species that may be present. The query was run by quadrangle, therefore many of the listed species may not be present on the property. This assessment did not include a site visit by a biologist.

Table 3: CNDDDB Species List for Ettersburg Quadrangle.

Scientific Name	Common Name	Federal Status	State Status	CDFW Status	CA Rare Plant Rank	Data Status	Taxonomic Sort
<i>Rana boylei</i>	foothill yellow-legged frog	None	Candidate Threatened	SSC	-	Mapped	Animals - Amphibians - Ranidae - <i>Rana boylei</i>
<i>Rhyacotriton variegatus</i>	southern torrent salamander	None	None	SSC	-	Mapped	Animals - Amphibians - Rhyacotritonidae - <i>Rhyacotriton variegatus</i>
<i>Taricha rivularis</i>	red-bellied newt	None	None	SSC	-	Mapped	Animals - Amphibians - Salamandridae - <i>Taricha rivularis</i>
<i>Oncorhynchus kisutch</i> pop. 2	coho salmon - southern Oregon / northern California ESU	Threatened	Threatened	-	-	Unprocessed	Animals - Fish - Salmonidae - <i>Oncorhynchus kisutch</i> pop. 2
<i>Oncorhynchus mykiss irideus</i> pop. 16	steelhead - northern California DPS	Threatened	None	-	-	Unprocessed	Animals - Fish - Salmonidae - <i>Oncorhynchus mykiss irideus</i> pop. 16
<i>Oncorhynchus mykiss irideus</i> pop. 36	summer-run steelhead trout	None	None	SSC	-	Mapped and Unprocessed	Animals - Fish - Salmonidae - <i>Oncorhynchus mykiss irideus</i> pop. 36
<i>Erethizon dorsatum</i>	North American porcupine	None	None	-	-	Unprocessed	Animals - Mammals - Erethizontidae - <i>Erethizon dorsatum</i>

⁵ California Department of Fish and Wildlife BIOS, CNDDDB QuickView Tool, 2016, accessed online at: <https://map.dfg.ca.gov/bios/?tool=cnddbQuick>

Scientific Name	Common Name	Federal Status	State Status	CDFW Status	CA Rare Plant Rank	Data Status	Taxonomic Sort
<i>Emys marmorata</i>	western pond turtle	None	None	SSC	-	Mapped and Unprocessed	Animals - Reptiles - Emydidae - <i>Emys marmorata</i>
<i>Upland Douglas Fir Forest</i>	Upland Douglas Fir Forest	None	None	-	-	Mapped	Community - Terrestrial - Upland Douglas Fir Forest
<i>Usnea longissima</i>	Methuselah's beard lichen	None	None	-	4.2	Unprocessed	Plants - Lichens - Parmeliaceae - <i>Usnea longissima</i>
<i>Erythronium oregonum</i>	giant fawn lily	None	None	-	2B.2	Mapped	Plants - Vascular - Liliaceae - <i>Erythronium oregonum</i>
<i>Erythronium revolutum</i>	coast fawn lily	None	None	-	2B.2	Mapped	Plants - Vascular - Liliaceae - <i>Erythronium revolutum</i>

6.2 Estimated Water Storage and Use

6.2.1 Water Sources

There are three sources of water on the property: 1) a spring/small pond that provides domestic supply and water to top off irrigation tanks during the non-forbearance season; 2) a 200,000 gallon rainwater catchment pond used for irrigation; and 3) 59,500 gallons of rainwater catchment poly tanks (14 @ 4,250 gallons) used for irrigation.

6.2.2 Water Storage

In addition to the 200,000 gallon rainwater catchment pond and 59,500 gallons of rainwater catchment tanks described above, the landowner also has an additional 20,000 gallons of storage in poly tanks (4 @ 5,000 gallon). The landowner has a Small Irrigation Use Certificate (H503697) to top of the tanks from the spring/small pond during dry years.

6.2.3 Water Use

Domestic use is estimated at 200 gallons per day for up to four residents on the property.

Agricultural activities on the property consist of 9,000 square feet of cannabis cultivation in greenhouses. Irrigation water use as estimated by the landowner is described in Table 4 below. Based on these estimates, ~215,000 gallons of water will be used during the 2019 growing season. The 200,000 gallons pond and 79,500 gallons in tank storage provide sufficient water for cultivation needs. A water meter will be installed in 2019.

Table 4. Agricultural water use estimates per month.

Source	J	F	M	A	M	J	J	A	S	O	N	D
Rainwater catchment pond (gallonsx1,000)	0	0	0	5	15	35	45	55	45	15	0	0

6.3 Construction Cost Estimates for Sites Requiring CDFW LSAA

Table 5. Summary of approximate construction costs.

Site Number	Culvert and other materials	Rock armoring (delivered)	Heavy equipment and labor	Total construction cost	Total DFW permit fee
Spring/Small Pond	\$0	\$500	\$1,000	\$1,500	\$596.00
~200,000 gallon pond	\$0	\$500	\$1,000	\$1,500	\$596.00
Cannabis Remediation Fee	\$0	\$0	\$0	\$0	\$3,187.75
Total					\$4,379.75

6.4 Remediation Fee Discussion

Considering that there is no impact to streams on this property, the only remediation work needed is related to pond outflows and diversion infrastructure. This work covers ~100 SF.

6.5 Site Location Table

Table 6. Latitude and Longitude for LSAA sites.

Site number	Latitude	Longitude
Spring/small pond	40.1925	-123.9301
~200,000 gallon pond	40.1917	-123.9338

7 REFERENCES

Buxton, T. H., W. J. Trush, and S. A. Flanagan. 1996. A comparison of empirical and regional peak discharge predictions to actual January 3, 1995 discharge at fifteen Bull Creek, Northwestern California tributary culverts. Unpublished Rept. Prepared for the Humboldt State Univ. Institute for River Ecosystems Road Stream Crossing Project. Arcata, California.

Cafferata, P., T. Spittler, M. Wopat, G. Bundros, and S. Flanagan. 2004. Designing watercourse crossings for passage of 100-year flood flows, wood, and sediment, California Department of Forestry and Fire Protection, Sacramento, California.

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http://www.pacificwatershed.com/sites/default/files/roadsenglishbookapril2015b_0.pdf

Yee, C. S. 1994. Culvert design and installation, Unpublished paper. California Licensed Foresters Association Workshop: Road Location and Design, Redding, California. June 9, 1995.

Appendix A

Photos



Photo 1. Rainwater catchment pond on 221-121-007.



Photo 2. Small pond on 221-131-001.

Appendix B

Site Plan

APN 221-121-007 &
221-131-001
PLOT PLAN

HUMBOLDT COUNTY, CA

Stillwater Sciences
2855 FERRIS BLVD, SUITE 100
REDWOOD CITY, CA 94061

PLOT PLAN

APN 221-121-007 & 221-131-001

HUMBOLDT COUNTY, CA

APPLICANT:
JOEL MONSCHKE PE
STILLWATER SCIENCES
850 G STREET, SUITE K
ARCATA, CA 95521
707-496-7075
JMONSCHKE@STILLWATERSCI.COM

AGENT:
GREEN FLASH FARMS
MODESTO OLEA
PO BOX 344
MIRANDA, CA 95553
707-497-4081
OLEAVER@HOTMAIL.COM

PROJECT NOTES:
9,000 SF CANNABIS CULTIVATION

POND NOTES:
(B) 200,000 GALLONS

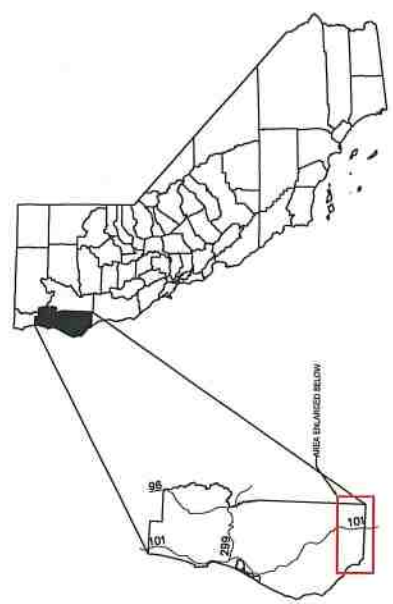
1. WATER SOURCE TO FILL NEW POND: RAINWATER CATCHMENT
2. WATER USE FOR PROPOSED POND: IRRIGATION & FIRE SUPPRESSION

Sheet Number	Sheet Title
1	TITLE SHEET
2	PLOT PLAN - TOPO
3	PLOT PLAN - AERIAL

ADDITIONAL NOTES:

1. PARCELS TAKEN FROM HUMBOLDT COUNTY GIS AND ASSASSORS PARCEL MAP.
2. SLOPE DIRECTION AND GRADIENT CAN BE DETERMINED USING SCALE BAR AND TRIGONOMETRY.
3. PROPOSED POND: TOPO MAP (10' CONTOUR INTERVALS). SLOPES TYPICALLY RANGE FROM 1% TO 10%.
4. NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, OR TRIBAL CULTURAL RESOURCES WITHIN 100 FEET OF PROPOSED POND.
5. ALL ROADS AND PARKING AREAS SURFACED WITH GRAVEL. MAIN COMMUNITY ROAD THROUGH PROPERTY - 16' - 20' WIDTH. 0-15% GRADE. PRIVATE DRIVEWAYS - 12' - 14' WIDTH. 0-15% GRADE.
6. NO OFF SITE RESOURCES WITHIN 300' UNLESS SHOWN ON THE SITE PLAN (SHEET 2).
7. BUILDINGS ARE NOT USED FOR CULTIVATION ACTIVITIES UNLESS OTHERWISE NOTED. BUILDINGS ARE CONSTRUCTED WITH WOOD UNLESS OTHERWISE NOTED ON SHEET 2.

CALIFORNIA LOCATION MAP



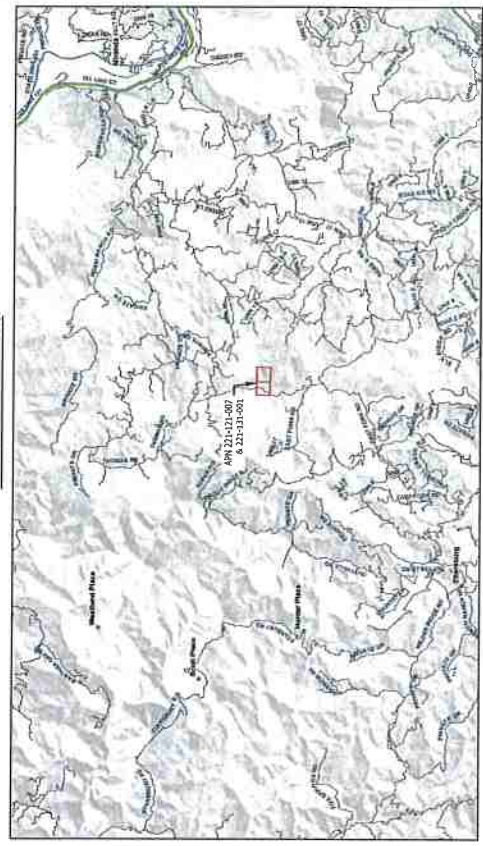
HUMBOLDT COUNTY MAP

CALIFORNIA MAP

REGIONAL LOCATION MAP



VICINITY LOCATION MAP:



PROJECT NUMBER: 546.53
SCALE: AS NOTED
DATE: 5/24/2019

DESIGN: CL
DRAWN: CL
CHECKED: JM
APPROVED: JM



TITLE SHEET

SHEET 1 OF 3

APN 221-121-007 &
221-131-001
PLOT PLAN

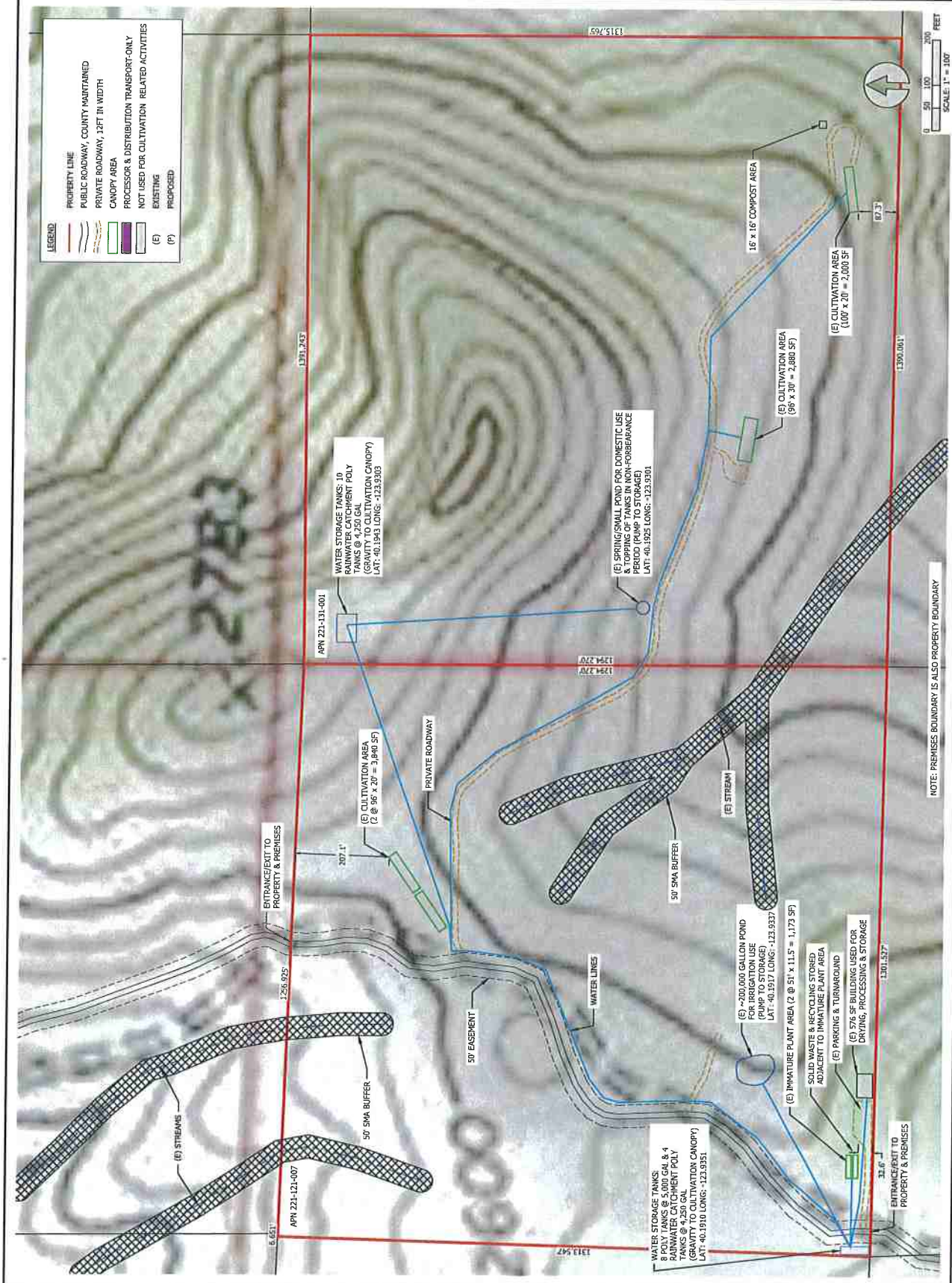
HUMBOLDT COUNTY, CA
Stillwater Sciences
1845 TELEGRAPH AVENUE, SUITE 100
EMERYVILLE, CA 94608
P: (916) 484-8085

PROJECT NUMBER: 546.53
SCALE: AS NOTED
DATE: 5/24/2019

DESIGN: CL
DRAWN: CL
CHECKED: JM
APPROVED: JM

PLOT PLAN - TOPO

SHEET 2 OF 3



APN 221-121-007 &
221-131-001
PLOT PLAN

HUMBOLDT COUNTY, CA

Stillwater Sciences
2045 HILLTOP DRIVE, SUITE 500
HUMBOLDT, CA 99901
P: (530) 466-8000



PROJECT NUMBER: 546.53
SCALE: AS NOTED
DATE: 5/24/2019



DESIGN: CL
DRAWN: CL
CHECKED: JM
APPROVED: JM

PLOT PLAN - AERIAL

SHEET 3 OF 3



CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
REGION 1 – NORTHERN REGION
619 2nd Street
Eureka, CA 95501



STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2019-0461-R1

Unnamed Tributaries to Kinsey Creek, Tributary to Salmon Creek,
Tributary to the South Fork Eel River, Tributary to the Eel River and the
Pacific Ocean and Unnamed Tributary to Mattole Canyon Creek,
Tributary to the Mattole River and the Pacific Ocean

Modesto Olea
Olea Water Diversions and Ponds Project
6 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on June 7, 2019 with revisions received on May 13, 2020 and June 17, 2020, 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 Salmon Creek and Mattole Canyon Creek watersheds, approximately 7.6 miles west of the town of Phillipsville, County of Humboldt, State of California. The project is located in Section 22, T3S, R2E, Humboldt Base and Meridian; in the Ettersburg U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number's 221-121-007 and 221-131-001; latitude 40.1925 N and longitude 123.9301 W at the Spring/Small Pond Point of Diversion.

PROJECT DESCRIPTION

This Agreement relies on the Notification materials and a desk review conducted without a CDFW site inspection.

The project is limited to six encroachments (Table 1). Three encroachments are for water diversion from hydrologically connected ponds located on unnamed tributaries to Kinsey Creek and Mattole Canyon Creek. Water is diverted for domestic use and irrigation. Work for these water diversions will include facility retrofit, use, and maintenance of the water diversion infrastructure. The three other proposed encroachments are to upgrade pond overflow spillways on one hydrologically connected rainwater catchment pond and two spring-fed ponds. Work for these encroachments will include excavation, fill recontouring, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Spring/Small Pond Project	40.1925, -123.9301	Modify spillway of ~30,000-gallon spring-fed pond to allow two-feet of free-board, rock armor spillway outfall with 10 CY of 6" to 12" rock aggregate.
Spring/Small Pond (POD1)	40.1925, -123.9301	Point of diversion (POD) from 30,000-gallon spring-fed pond for domestic water use and used to top off irrigation tanks during the non-forbearance period (200 gallons per day (gpd)).
200,000-gallon Pond Project	40.1917, -123.9338	Modify spillway of ~200,000-gallon spring-fed pond to allow two-feet of free-board, rock armor spillway outfall with ~20 CY of 6"-12" rock aggregate.
200,000-gallon Pond (POD2)	40.1917, -123.9338	French drain POD from 200,000-gallon spring-fed pond for domestic water use (200gpd per household x four households).
200,000-gallon Pond (POD3)	40.1917, -123.9338	POD from 200,000-gallon onstream pond used to divert water during winter diversion period (November 1-May 14) to storage tanks for dry season cannabis cultivation irrigation. Diversion of water for the purpose of cannabis cultivation irrigation is limited to 200gpd.
Off-stream Pond Spillway Project	40.1932, -123.9344	After-the-fact permitting for the construction of a pond spillway associated with an alleged off-stream pond, that connects to the headwaters of a Class III stream. Add additional rock aggregate to the pond spillway outlet to minimize erosion.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and 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;
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.
- 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.
- 1.8 Agreement Compliance. The proposed work shall comply with all measures included in this Agreement. **Failure to comply with these measures shall result in suspension or revocation of this Agreement.**

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 7, 2019 with revisions received on May 13, 2020, and June 17, 2020, 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 15** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning

construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.

- 2.4 **Work Completion.** All work for water diversion facility retrofit shall be completed by no later than **August 15, 2020**. The proposed work for spillway modification shall be completed by no later than **October 15, 2021**. **Failure to complete work by these dates shall result in suspension or revocation of this Agreement.** A notice of completed work, including labeled 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 15, 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 15.

Water Diversion

- 2.6 **Maximum Diversion Rate.** The maximum instantaneous diversion rate from the water intake shall not exceed **two (2) gallons per minute (gpm)** at any time.
- 2.7 **Bypass Flow.** The Permittee shall pass **50% 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.
- 2.8 **Seasonal Diversion Minimization.** No more than 200 gallons per day (gpd) shall be diverted from POD-1, no more than 800 gpd from POD-2, and zero gpd diverted from POD-3 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 2.6 and 2.7 of this Agreement.
- 2.9 **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:
- 2.9.1 The date and time diversion occurred.
- 2.9.2 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).
- 2.9.3 Permittee shall make available for review at the request of the department the 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).

Water Diversion Facility Retrofit

- 2.10 **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.
- 2.11 **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.
- 2.12 **Intake Screening**. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.12.1 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.
- 2.12.2 The intakes screen shall be designed so that approach velocity is no more than 0.1 foot per second (fps). Approach velocity is the velocity of the water perpendicular to the screen face measured three inches in front of the screen surface.
- 2.12.3 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.
- 2.12.4 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted and should have a minimum of 27% open area. 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.
- 2.12.5 The screen shall be designed to distribute the flow uniformly over the entire screen area.
- 2.12.6 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.

- 2.13 **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.
- 2.14 **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.
- 2.15 **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.
- 2.16 **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

- 2.17 **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.
- 2.18 **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.
- 2.19 **Reservoirs.** Shall be appropriately designed, sized, and managed to contain any diverted water in addition to precipitation and storm water runoff, without overtopping.
- 2.20 **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.
- 2.21 **Water Conservation.** The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.

- 2.22 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

- 2.23 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.
- 2.24 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.
- 2.24.1 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 3.4)
- 2.25 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.
- 2.26 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.

2.27 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 within sixty-days following the installation of the proposed pond liner.

Equipment and Vehicles

2.28 Clean Equipment Prior to Work. All heavy equipment that will be working within 150 feet of a stream shall be cleaned daily, to remove materials deleterious to aquatic and terrestrial life or riparian habitat including non-native species, oil, grease, hydraulic fluid, soil, and other debris. Cleaning of equipment shall take place a minimum of 150 feet from top of bank or edge of the riparian zone, whichever results in a greater stream buffer.

2.29 Operating Equipment and Vehicle Leaks. Any equipment or vehicles driven and/or operated within or adjacent to the stream shall be checked and maintained daily to prevent leaks of materials that could be deleterious to aquatic and terrestrial life or riparian habitat.

2.30 Staging and Storage Areas. Short-term staging and storage areas for equipment, materials, fuels, lubricants, and solvents shall be located more than 150 feet from the top of bank or edge of the riparian zone, whichever results in a greater stream buffer. All equipment and fuel stored on site shall be bermed to contain any spilled material and shall be protected from rain. Berms shall consist of plastic covered dirt or sandbags. All materials shall be promptly removed following the completion of project work.

2.31 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within 150 feet of the 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.

2.32 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.

Erosion Control and Pollution

- 2.33 **Erosion Control.** Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter the stream.
- 2.34 **Seed and Mulch.** Upon completion of construction operations and/or the onset of wet weather, Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying locally native, weed-free, grass seeds (use of Humboldt grass seed mix prohibited). Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two 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.
- 2.35 **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.
- 2.36 **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.
- 2.37 **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.
- 2.38 **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 the stream. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering the stream.
- 2.39 **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.

Project Inspection

2.40 Project Inspection. The Project shall be inspected by Stillwater Sciences or a licensed engineer to ensure that the Project (all work proposed) was implemented 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.

3. Reporting Measures

3.1 Work Completion. All work for water diversion facility retrofit shall be completed by no later than **August 15, 2020**. The proposed work for spillway modification shall be completed by no later than **October 15, 2021**. **Failure to complete work by these dates shall result in suspension or revocation of this Agreement**. A notice of completed work (condition 2.4), including labeled photographs of each site, 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 2.9) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2020**.

3.3 Invasive Species Management for Reservoirs. The Permittee shall submit all required documents described in the Invasive Species Management for Reservoirs (condition 2.24) including subsection 2.24.1, **Bullfrog Management Plan** (Exhibit A) no later than **December 31** of each year. The Bullfrog Management Plan shall be submitted to CDFW at 619 2nd Street, Eureka, CA 95501.

3.4 Wildlife Entrapment Prevention. A **notice of completed work** (condition 2.27), with supplemental pictures, shall be submitted to CDFW at 619 2nd Street, Eureka, CA 95501, **within sixty-days** following the installation of the proposed pond liner.

3.5 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.40) to CDFW, LSA Program at 619 2nd 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:

Modesto Olea
P.O. Box 344
Miranda, CA 95553
707-497-4081
Oleavero@hotmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 2nd Street
Eureka, CA 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2019-0461-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.

RECEIVED

AUG 03 2020

CDFW-NR
EUREKA LICENSE

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.

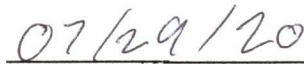
CONCURRENCE

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

FOR Modesto Olea



Modesto Olea



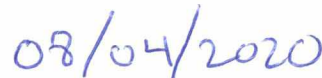
Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer

Senior Environmental Scientist Supervisor



Date

Prepared by: Kalyb Bocast, Environmental Scientist, June 30, 2020

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN FOR 1600-2019-0461-R1

GENERAL BULLFROG INFORMATION

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California that poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result, bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

MONITORING

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of two total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey efforts must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of two total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

*Day time monitoring can also be conducted to aid detection but is not required under this plan.

SUCCESS CRITERIA

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successful if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

OPTIONS FOR MANAGEMENT

Two removal methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by phone at (707) 441-2077 or via email at kalyn.bocast@wildlife.ca.gov.

Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of **two** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

Pond Dewatering

Pond dewatering may be appropriate if the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

REPORTING

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

APPENDIX A. BULLFROG REFERENCE PHOTOS



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).



The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and **the underside of the bullfrogs hind legs are not shaded pink or red.**

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		No Response	
Division Environmental Health	✓	Conditional Approval	On file
Public Works, Land Use Division	✓	Conditional Approval	Attached
Cal Fire	✓	No Comments	Attached
Bureau of Land Management	✓	Comments	Attached
Salmon Creek FPD		No Response	
California Department of Fish & Wildlife		No Response	
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
Humboldt County Sheriff	✓	Approved	On file
Intertribal Sinkiyone Wilderness Council		No Response	
Southern Humboldt Joint Unified School District		No Response	
Humboldt County Code Enforcement		No Response	
County Counsel		No Response	
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	



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T
 MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
 AREA CODE 707

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

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


ON-LINE
 WEB: CO.HUMBOLDT.CA.US

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Liza Welsh, Planner, Planning & Building Department
 FROM: Kenneth M. Freed, Assistant Engineer 
 DATE: 08/21/2019

RE:	Applicant Name	GREEN FLASH FARMS, LLC
	APN	221-121-007
	APPS#	PLN-12366-SP

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"~~

Note: Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 9/9/2018, with Part A – Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

The submitted road evaluation is missing approximately 2.6 miles of the non-county maintained portion of Thomas Road.

Previous projects in the area have been used a report by Stillwater Sciences. If the applicant is not part of the original road report, the engineer should provide an addendum to the original report stating that the addition of this project will not change the previous requirements. Or provide new requirements because of the addition of the project.

If the above is addressed, the department requires all recommendations in Segment 3 and 4 to be completed and any additional requirements in the addendum, from the original report previously stamped received by Humboldt County Building Division on January 8, 2018, by Stillwater Sciences.

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12366

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT END OF COUNTY MAINTAINED RD)

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

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Arcata Field Office
1695 Heindon Road
Arcata, CA 95521-4573
www.blm.gov/california



8/29/2019

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

Dear Sir or Madam:

In response to Application APP(S) PLN-12366-SP (APN: 221-121-007-00)

The adjacent BLM lands are designated as Critical Habitat for Northern Spotted Owl by the U.S. Fish and Wildlife Service (USFWS). There is a potential for light, generator noise, runoff, and rodenticide use from the applicant's operation to impact BLM land and sensitive wildlife species such as the Northern Spotted Owl.

The Humboldt County Ordinance No. 2559, Performance Standards for all Commercial Medical Marijuana Land Use Ordinance, Cultivation and Processing Operations section 55.4.11 item d, requires a 600 foot setback for publicly owned lands managed for open space and/or wildlife habitat purposes. The BLM is concerned about a reduced setback because of the potential impacts to wildlife habitat.

There have been issues of trespass on nearby BLM lands in the recent past. The applicant should have their parcel surveyed by a professional land surveyor so that their operations do not trespass or cause resource damage to federal lands.

Any activity or resource damage related to cannabis operations on public land such as the cultivation, production, transportation or distribution of supplies or product will violate the Controlled Substances Act and may be subject to federal criminal and/or civil action.

Sincerely,

Molly Brown
Field Manager