



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

---

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

Hearing Date: October 7<sup>th</sup>, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Emerald Flower Farms, LLC Special Permit**  
Application Number PLN-2021-16644  
Assessor's Parcel Number (APN) 108-281-003  
2872 Chemise Mountain Road, Shelter Cove, CA 95589

<b>Table of Contents</b>	<b>Page</b>
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	7
Maps	
Topographic Map	12
Zoning Map	13
Aerial Map	14
Site Plans	15
Attachments	
Attachment 1: Recommended Conditions of Approval	16
Attachment 2: CEQA Addendum	23
Attachment 3: Applicant's Evidence in Support of the Required Findings	28
Attachment 4: Referral Agency Comments and Recommendations	74

Please contact Sarah Faraola, Planner (Harris & Associates) at [sarah.faraola@weareharris.com](mailto:sarah.faraola@weareharris.com) if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
October 7 <sup>th</sup> , 2021	Special Permit	Sarah Faraola

**Project Description:** Emerald Flower Farms (PLN-2021-16644) seeks a Special Permit for 16,908 square feet (SF) of outdoor cultivation, including 4,908 SF of existing cultivation in three (3) outdoor greenhouses (under a Zoning Clearance Certificate PLN-12394-ZCC) and 12,000 SF of new cultivation. The new cultivation is contained within the following greenhouses: six (6) 2,000-SF outdoor greenhouses, and one (1) new 2,000-SF nursery propagation greenhouse. New cultivation will utilize light deprivation techniques to achieve two (2) harvest cycles. The applicant obtained a Special Permit (SP17-112, effective August 17, 2018) to allow for a reduction of the 600-foot setback requirement to Bureau of Land Management property.

The source of water for irrigation is from a rainwater catchment surface that provides an estimated 69,460 gallons per year, and groundwater from a permitted well (19/20-0464) that is located 53 feet below ground surface and produces six (6) gallons per minute (Well Completion Report). The well will be used to provide irrigation water to this project, as well as the adjacent project under the same ownership (PLN-2021-16645). Total water storage is 53,000 gallons contained in twelve (12) hard tanks: ten (10) 4,800-gallon tanks and two (2) 2,500-gallon tanks. Total annual water use is approximately 168,650 gallons (10 gal/SF).

Drying will occur onsite in an existing 600-SF building, and a proposed metal building (2,100 SF). Power is provided by a 7kWH solar system on the property that consists of 20 solar panels and exceeds the operational power needs of the farm. In the event of an energy malfunction, the project has an emergency backup Honda 7,000 watt gas generator. The applicant proposes to replace the backup gas generator with a 24k Kohler propane generator (54 Db). The project is conditioned to be fully transitioned to solar power with no dependence on generator power by January 1, 2024 (**Condition 18**).

**Project Location:** The project is located on the property known as 2872 Chemise Mountain Road, approximately 2.35 miles southeast from the intersection of Chemise Mountain Road and Hidden Valley Trail, in the unincorporated Shelter Cove area in western Humboldt County.

**Present Plan Land Use Designations** Residential Agriculture (RA); 2017 General Plan; Density: 40 - 160 acres per unit; Slope Stability: Moderate Instability (2)

**Present Zoning:** Unclassified (U)

**Record Number:** PLN-2021-16644

**Assessor's Parcel Number:** 108-281-003

**Applicant**

Emerald Flower Farms LLC  
C/O Seth Ayers  
P.O. Box 1384  
Redway, CA 95560

**Owner**

Seth Ayers & Mira Davis-Ayers  
P.O. Box 1384  
Redway, CA 95560

**Agents**

Margo Advisors  
C/O Suzanne Maese  
2306 Albee St  
Eureka, CA 95501

**Environmental Review:** An Addendum to a previously adopted Environmental Impact Report 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:** No major issues/concerns were identified for this project.

## Emerald Flower Farms

Record Number: PLN-2021-16644  
Assessor's Parcel Number: 108-281-003

### Recommended Zoning Administrator Action:

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

### Adopt the Resolution to:

1. Find that the Zoning Administrator has considered the Addendum to the adopted Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO), as described by Section §15164 of the State CEQA Guidelines;
2. Make the required findings for approval of the Special Permit; and
3. Approve the Emerald Flower Farms, LLC. Special Permit (PLN-2021-16644) as recommended by staff subject to the recommended conditions.

### Executive Summary

Emerald Flower Farms (PLN-2021-16644) seeks a Special Permit for 16,908 square feet (SF) of outdoor cultivation, including 4,908 SF of existing cultivation in three (3) outdoor greenhouses (under a Zoning Clearance Certificate PLN-12394-ZCC) and 12,000 SF of new cultivation. The new cultivation is contained within the following greenhouses: six (6) 2,000-SF outdoor greenhouses, and one (1) new 2,000-SF nursery propagation greenhouse. This permit does not authorize more than 1,690 square feet of propagation nursery area (10% of the cultivation area) (**see Condition 5**). New cultivation will utilize light deprivation techniques to achieve two (2) harvest cycles. The applicant obtained a Special Permit (SP17-112, effective August 17, 2018) to allow for a reduction of the 600-foot setback requirement to reduce the setback to Bureau of Land Management property.

The parcel is 40 acres and includes one Class III waterway. The present land use designation is Residential Agriculture (RA), as defined in the Humboldt County 2017 General Plan Update, and the zoning designation is Unclassified (U).

The existing onsite wastewater treatment system (OWTS) is functioning properly, based on an evaluation conducted by the County Department of Environmental Health. No corrective actions are required as the system meets all of the County's setback requirements and the State Water Resources Control Board's Tier 0 requirements.

Drying will continue to occur onsite in an existing 600-SF building and a proposed 2,100-SF metal building. Processing occurs offsite at a licensed third-party facility. The project requires three (3) employees. Power is provided by a 7kWH solar system on the property that consists of 20 solar panels and exceeds the operational power needs of the farm. In the event of an energy malfunction, the project has an emergency backup Honda 7,000 watt gas generator. The applicant proposes to replace the backup gas generator with a 24k Kohler propane generator (54 Db).

### Water Resources

The source of water for irrigation is a rainwater catchment surface which provides a capacity of 69,460 gallons that will be used to fill 53,000 gallons of hard tank storage. Water will also be available by the permitted well (permit no. 19/20-0464), that produces six (6) gallons per minute and is located 53-feet below ground surface (Well Completion Report). The well will be used to provide irrigation water to this project, as well as the adjacent project under the same ownership (PLN-2021-16645). Total water storage is 53,000 gallons and is contained within the following hard tanks: ten (10) 4,800-gallon tanks and two (2) 2,500-gallon tanks. Total annual water use is approximately 168,650 gallons (10 gal/SF), as shown below in **Table 1**.

Jan	Feb	Mar	Apr	May	June
0	0	1,850	12,650	21,950	33,100

July	Aug	Sept	Oct	Nov	Dec
33,100	33,100	21,950	10,950	0	0

**Table 1. Annual Water Use**

The project area contains one (1) unnamed Class III waterway that is a tributary to Bear Creek within the Mattole River watershed. There are no existing or proposed cultivation activities located within a Streamside Management Area (SMA).

A Site Management Plan (SMP) was prepared by Margo Advisors (December 2020) to show compliance with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023 and protect the water resources within the project area through annual site inspection, monitoring, and reporting of Tier 1 discharges. The project is enrolled with the NCRWQCB under the water quality identification number (WDID 1\_12CC405868). The access roads are in good condition and do not show evidence of erosion. Stormwater drainage along the access roads do not discharge onto unstable slopes, earthen fills, or a waterbody. There is one stream crossing culvert on the parcel that is 36 inches in diameter, located at a Class III waterway, in good condition, and capable of accommodating 100-year flows. Best management practices (BMPs) that are currently being implemented to address erosion at the project area include using raised beds surrounded by straw wattles and wood chips in all cultivation areas. Onsite monitoring shall occur during the following activities: 1) Before and after alteration or upgrade to a stream crossing, road segment or sediment discharge site; 2) Prior to the start of the water season on October 15 and December 15, in order to evaluate site winterization and preparedness for stormwater runoff; and 3) Following any rainfall event with an intensity of three (3) inches of precipitation within 24 hours (**Condition 14**).

A Lake and Streambed Alteration Agreement (LSAA) has been filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterway (No. 1600-2018-0731-R1). The LSAA establishes specific mitigation measures that the applicant must apply to offset potential impacts to the six (6) encroachments within the project area.

The first encroachment is for water diversion from an unnamed tributary to South Fork Bear Creek and shall be diverted for domestic use only. The second encroachment shall remove a disused spring-box and all associated diversion infrastructure from the stream channel, which includes excavation and storage or disposal of infrastructure offsite. The third encroachment shall replace an undersized culvert and remove excessive rock armoring, which will include excavation, removal of the undersized culvert and excessive rock armoring, replacement with a new culvert, backfilling, compaction of fill, and rock armoring to minimize erosion at the inlet, outlet, and slope faces. The fourth and fifth encroachments shall upgrade informal dirt ford crossings with appropriately designed armored fill crossings. Work will include excavation, removal of fill, realignment and recontouring of the natural channel, replacement with properly sized rock, backfilling and compaction of fill, and rock armoring. The sixth encroachment shall remove a dirt embankment and paved spillway impounding the stream; and work will include dismantling and removing the paved spillway, excavation and removal of the fill, and revegetation of the riparian area.

The mitigation measures are summarized as follows: 1) All activities that occur within waterways in the project area shall be documented; 2) All work (excluding the water diversion) shall be confined to the dry weather period of June 15<sup>th</sup> through October 1<sup>st</sup> of each year; 3) Water diversion structures

shall be constructed and maintained to not inhibit the movement of aquatic life; 4) Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities; and 5) The completed project shall be inspected by Margo Advisors or another qualified professional to ensure the stream crossings were installed as designed, and a copy of the inspection report shall be submitted to CDFW within 90 days of project completion (**Condition 9**).

### **Biological Resources**

A Biological Resources Assessment Report (Report) was prepared by Kyle Wear, Botanical Consultant (July 2020) to comply with the Commercial Cannabis Land Use Ordinance (CCLUO) requirements set forth in the Environmental Impact Report (EIR). The Report includes an assessment for sensitive biological resources that includes special status plants, wildlife and natural communities that could be impacted by development of the new 12,000 SF of cannabis cultivation. A search of special status species that could potentially occur in the project area was generated in July 2020 using the CDFW California Natural Diversity Database (CNDDDB), which includes the California Native Plant Society (CNPS) and the Northern Spotted Owl (NSO) Database.

There were no special status plants or natural communities observed on the parcel. The development of the disturbed grassland where the cultivation would take place has low potential to impact special status wildlife. The stream in the project area (unnamed Class III waterway that is a tributary to Bear Creek) has the potential to provide habitat for foothill yellow-legged frog, Pacific tailed frog, southern torrent salamander, red-bellied newt, and western pond turtle. The stream will be protected with the required Streamside Management Area (SMA) setback. The coniferous forest and woody vegetation along the stream have the potential to be nesting habitat for birds, but will not be impacted by project activities due to SMA setbacks. Birds that could be found include Cooper's hawk, golden eagle, and American peregrine falcon. The coniferous forest is potential habitat for Northern spotted owl (NSO), and the nearest NSO activities centers located approximately 1.3 miles east (HUM 0769) and 1.3 miles northwest (HUM 0861). Project activities are not expected to have detrimental or adverse impacts to biological species within the project area.

### **Timberland Conversion Evaluation**

As required by CAL FIRE, the applicant is conditioned to complete a Timberland Conversion Evaluation Report (Report) to address unauthorized timberland conversion that occurred within the project area in 2013. Based on a field inspection and analysis of the conversion area by a Registered Professional Forester, the Report will include an evaluation of timber habitat and the ecological values of the cultivation area prior to conversion, and it will identify any necessary mitigation measures and recommendations for timber restocking or restoration locations. The applicant is conditioned to prepare the Report and implement any mitigation measures and recommendations identified) in the Report (**Condition 10**).

### **Tribal Cultural Resource Coordination**

A records search for known cultural resources was requested from the Northwest Information Center (NWIC). The records search revealed that a study (S-43337, Steele and Roscoe 2008) was previously conducted and included the project area, and no cultural resources were identified within the proposed project area location. The Bear River Band of the Rohnerville Rancheria was contacted and recommended implementation of the standard Inadvertent Discovery Protocol (PRC 15064.5 (f) if any human remains or artifacts of cultural significance are encountered (**Condition 11**).

### **Access**

The project is located on the property known as 2872 Chemise Mountain Road, approximately 2.35 miles southeast from the intersection of Chemise Mountain Road and Hidden Valley Trail, in the unincorporated Shelter Cove area in western Humboldt County. The County Department of Public Works (DPW) reviewed the project referral and recommended standard conditions of approval for county roads, which include: Fences and Encroachments (**Condition 15**), Driveway and Private Road Intersection Visibility (**Condition 16**), and Private Road Intersections (**Condition 17**).

**Environmental Review and Recommendations**

Environmental review for this project was conducted. Based on the results of that analysis, Planning staff finds that all aspects of the project have been considered in the EIR that was adopted for the Commercial Cannabis Land Use Ordinance, and thus prepared an addendum to the EIR for consideration by the Zoning Administrator (See **Attachment 2** for more information). Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda; survey the audience to see if any person would like to discuss the application; and if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

**RECOMMENDATION:** Based on a review of Planning and Building Department 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 Special Permit.

**ALTERNATIVES:** Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; or 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 21-  
Record Number: PLN-2021-16644  
Assessor's Parcel Number: 108-281-003**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Emerald Flower Farms, Special Permit.**

**WHEREAS**, Emerald Flower Farms (PLN-2021-16644) seeks a Special Permit for 16,908 square feet (SF) of outdoor cultivation, including 4,908 SF of existing cultivation in three (3) outdoor greenhouses under a Zoning Clearance Certificate (PLN-12394-ZCC) and 12,000 SF of new cultivation in six (6) 2,000-SF outdoor greenhouses, and one (1) 2,000-SF nursery propagation greenhouse.

**WHEREAS**, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the EIR. 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 Zoning Administrator held a duly-noticed public hearing on **October 7<sup>th</sup>, 2021**, and reviewed, considered, and discussed the application for the requested Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

**THEREFORE BE IT RESOLVED**, that the Zoning Administrator makes all the following findings:

- 1. FINDING:**                   **Project Description:** Emerald Flower Farms (PLN-2021-16644) seeks a Special Permit for 16,908 SF of outdoor cultivation, including 4,908 SF of existing cultivation in three (3) outdoor greenhouses (under a Zoning Clearance Certificate PLN-12394-ZCC) and 12,000 SF of new cultivation in six (6) 2,000-SF outdoor greenhouses, and one (1) nursery propagation greenhouse to be no larger than 1,690 SF in size. The water source for irrigation is surface water from a rainwater catchment surface that provides 69,460 gallons, and groundwater from a permitted well (19/20-0464) that produces six (6) gallons per minute. Total annual water storage is 53,000 gallons contained in twelve (12) hard tanks: ten (10) 4,800-gallon tanks and two (2) 2,500-gallon tanks. Total water use is approximately 168,650 gallons (10 gal/SF). Drying will continue to occur onsite in an existing 600-SF building and a proposed 2,100-SF metal building, and processing occurs offsite at a licensed third-party facility. The project requires three (3) employees. Power is provided by a 7kWH solar system on the property that consists of 20 solar panels and exceeds the operational power needs of the farm. The project has an emergency backup Honda 7,000 watt gas generator. The applicant proposes to replace the backup gas generator with a 24k Kohler propane generator.

**EVIDENCE:**                   a) Project File: PLN-2021-16644

- 2. FINDING:**                   The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to the EIR prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) and adopted by the Humboldt

County Board of Supervisors on May 8, 2018.

**EVIDENCE:**

- a) EIR Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) There were no special status plants or natural communities observed on the parcel. The development of the disturbed grassland where the cultivation would take place has low potential to impact special status wildlife. The stream in the project area (unnamed Class III waterway) has the potential to provide habitat for foothill yellow-legged frog, Pacific tailed frog, southern torrent salamander, red-bellied newt, and western pond turtle. The stream will be protected with the required Streamside Management Area (SMA) setback. The coniferous forest and woody vegetation along the stream has the potential to be nesting habitat for birds but will not be impacted by project activities due to SMA setbacks. Birds that could be found include Cooper's hawk, golden eagle, and American peregrine falcon. The coniferous forest is potential habitat for Northern spotted owl (NSO), with the nearest NSO activities centers located approximately 1.3 miles northwest (HUM 0769) and 1.3 miles east (HUM 0861). Project activities are not expected to have detrimental or adverse impacts to biological species within the project area.
- d) A Site Management Plan (SMP) was prepared by Margo Advisors (December 2020) to show compliance with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023 and protect the water quality of waterways within the project area through annual site inspection, monitoring, and reporting of Tier 1 discharges (WDID 1\_12CC405868) (**Condition 14**).
- e) A records search for known cultural resources was requested from the Northwest Information Center (NWIC). The records search revealed that a study (S-43337, Steele and Roscoe 2008) was previously conducted and included the project area, and no cultural resources were identified within the proposed project area location. The Bear River Band of the Rohnerville Rancheria recommended the use of Inadvertent Discovery Protocol (PRC 15064.5 (f)) by a qualified professional archaeologist, if any previously unidentified cultural resources or human remains are encountered throughout project implementation (**Condition 11**).

**FINDINGS FOR SPECIAL PERMIT**

**3. FINDING**

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

**EVIDENCE**

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



Space Plan and its Open Space Action Program.

- b) There are no existing or proposed cultivation activities located within a Streamside Management Area (SMA).

**4. FINDING** The proposed development is consistent with the purposes of the existing Unclassified (U) zoning district in which the site is located.

- EVIDENCE**
- a) The proposed development is consistent with the purposes of the existing Unclassified (U) zoning district.
  - b) Unclassified (U) zoned parcels are intended to be combined with any principal zone, consistent with cultivation activities within the project area.
  - c) The CCLUO (HCC 314-55.4.6) allows new cannabis cultivation of up to one acre on parcels larger than 10 acres in areas zoned U (Unclassified), when accompanied by a Resource Production General Plan land use designation (not including Timberland), with a Special Permit. This application is for 12,000 sf of new cultivation on a 40-acre parcel.

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

- EVIDENCE**
- a) The CCLUO allows existing cannabis cultivation to be permitted in areas zoned Residential Agriculture (RA), and Residential Low Density (RL) (HCC 314-55.4.6.5).
  - b) The parcel was created in compliance with all applicable state and local subdivision regulations in place at the time of creation. A document shows that the parcel was created in Book 108 of Parcel Maps, Page 28.
  - c) The source of irrigation water is surface water from a rainwater catchment surface that provides 69,460 gallons per year, and groundwater from a permitted well (19/20-0464) that produces six (6) gallons per minute. Total water storage is 53,000 gallons in twelve (12) hard tanks. Total annual water use is approximately 168,650 Gallons (10 gal/SF).
  - d) The slope of the land where cannabis will be cultivated is less than 15%.
  - e) The location of the cultivation complies with all setbacks required in Section 55.4.6.4.4. It is more than 30 feet from any property line, more than 300 feet from any offsite residence, and more than 600 feet from any school, church, or Tribal Cultural Resource. The applicant obtained a Special Permit (SP17-112, effective August 17, 2018) to allow for a reduction of the 600-foot setback requirement

**6. FINDING** The cultivation of 16,908 SF of cannabis and the conditions under which it may be operated and 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 County Department of Public Works (DPW) reviewed the project referral and recommended standard conditions of approval for county roads, which include: Fences and Encroachments (**Condition 15**),

Driveway and Private Road Intersection Visibility (**Condition 16**), and Private Road Intersections (**Condition 17**).

- b) The parcel is in the rural, Shelter Cove area of the county. The 40-acre parcel is located far enough away from developed areas that cannabis cultivation activities would not present a negative impact to the community. 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 predominantly rural nature of the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest offsite residence.
- d) Estimated annual water use for the subject parcel is 168,650 gallons that will be used on 16,908 SF of cultivation area. The overall water usage is calculated to be approximately 10 gallons/SF.
- e) Total water storage for the project is 53,000 gallons contained in twelve (12) hard tanks: ten (1) 4,800-gallon tanks and two (2) 2,500-gallon tanks.
- f) Provisions have been made in the applicant's proposal to protect water quality through yearly site inspection, monitoring, and reporting to the NCRWQCB. As detailed in the SMP, the site shall be inspected and monitoring reports prepared for the following activities: 1) Before and after alteration or upgrade to a stream crossing, road segment or sediment discharge site; 2) Prior to the start of the water season on October 15 and December 15, in order to evaluate site winterization and preparedness for stormwater runoff; and 3) Following any rainfall event with an intensity of 3 inches of precipitation within 24 hours. Annual reporting shall be submitted to the NCRWQCB by March 31 of each year. Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely affected. (**Condition 14**).
- g) A Lake and Streambed Alteration Agreement (1600-2018-0731-R1) has been filed with CDFW to address all work to be done within the waterways within the project area. The LSAA establishes specific mitigation measures that the applicant must apply to offset any potential impacts to any of the waterways within the project area. The mitigation measures are summarized as follows: 1) All activities that occur within waterways at the project site shall be documented; 2) All work (excluding the water diversion) shall be confined to the dry weather period of June 15<sup>th</sup> through October 1<sup>st</sup> of each year; 3) Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life; 4) Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities; and 5) The completed project shall be inspected by a qualified professional to ensure the stream crossings were installed as designed, and a copy of the inspection report shall be submitted to CDFW within 90 days of project completion (**Condition 9**).

## 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

The parcel currently contains one (1) existing residential unit. The approval

of cannabis cultivation on this parcel will not conflict with the operation or use of the existing residential units on site.

### **DECISION**

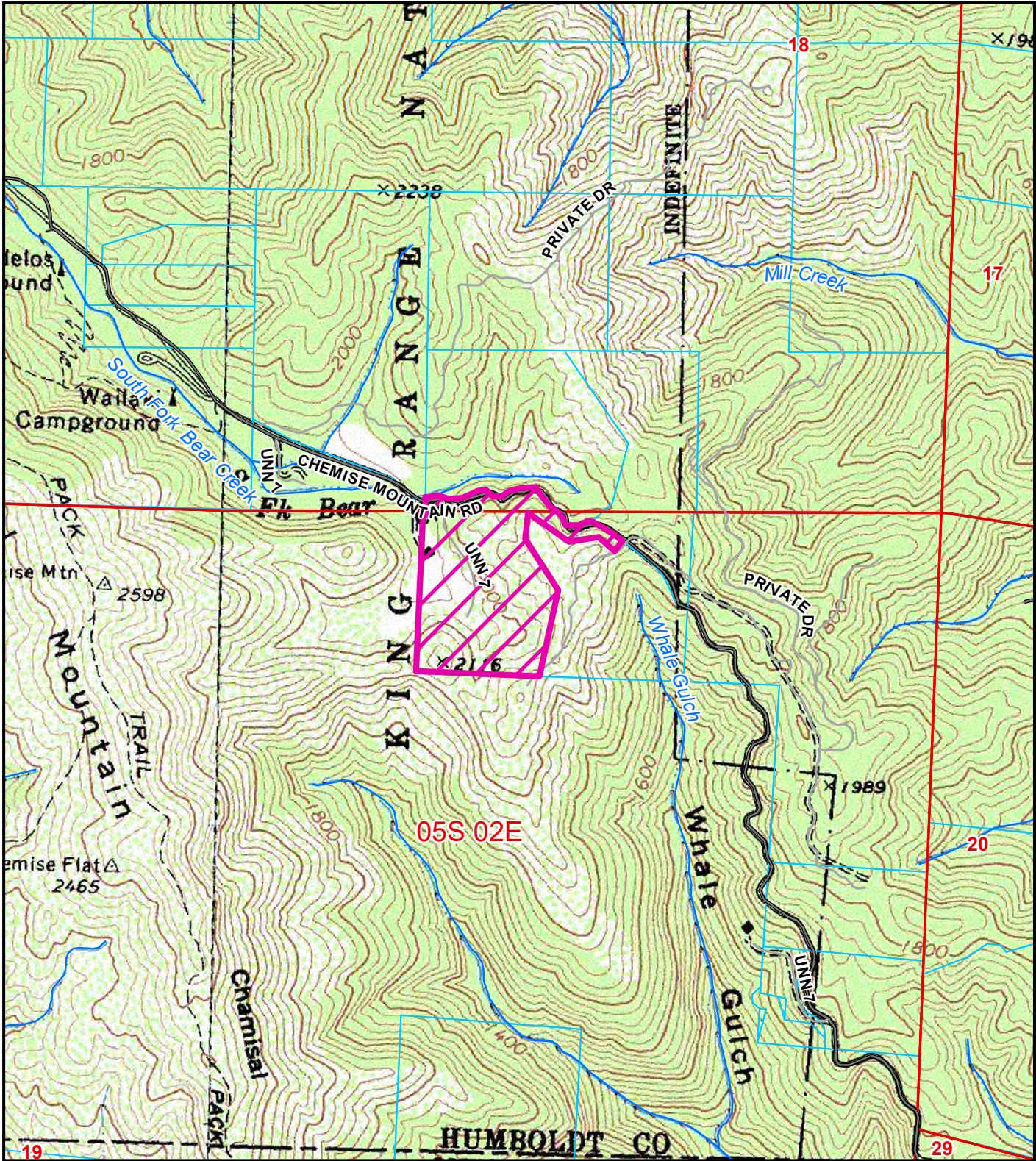
**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approve the Special Permit (PLN-2021-16644) for Emerald Flower Farms, 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 October 7<sup>th</sup>, 2021.

I, John Ford, Zoning Administrator 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.

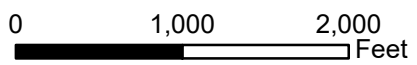
---

John Ford, Zoning Administrator,  
Planning and Building Department

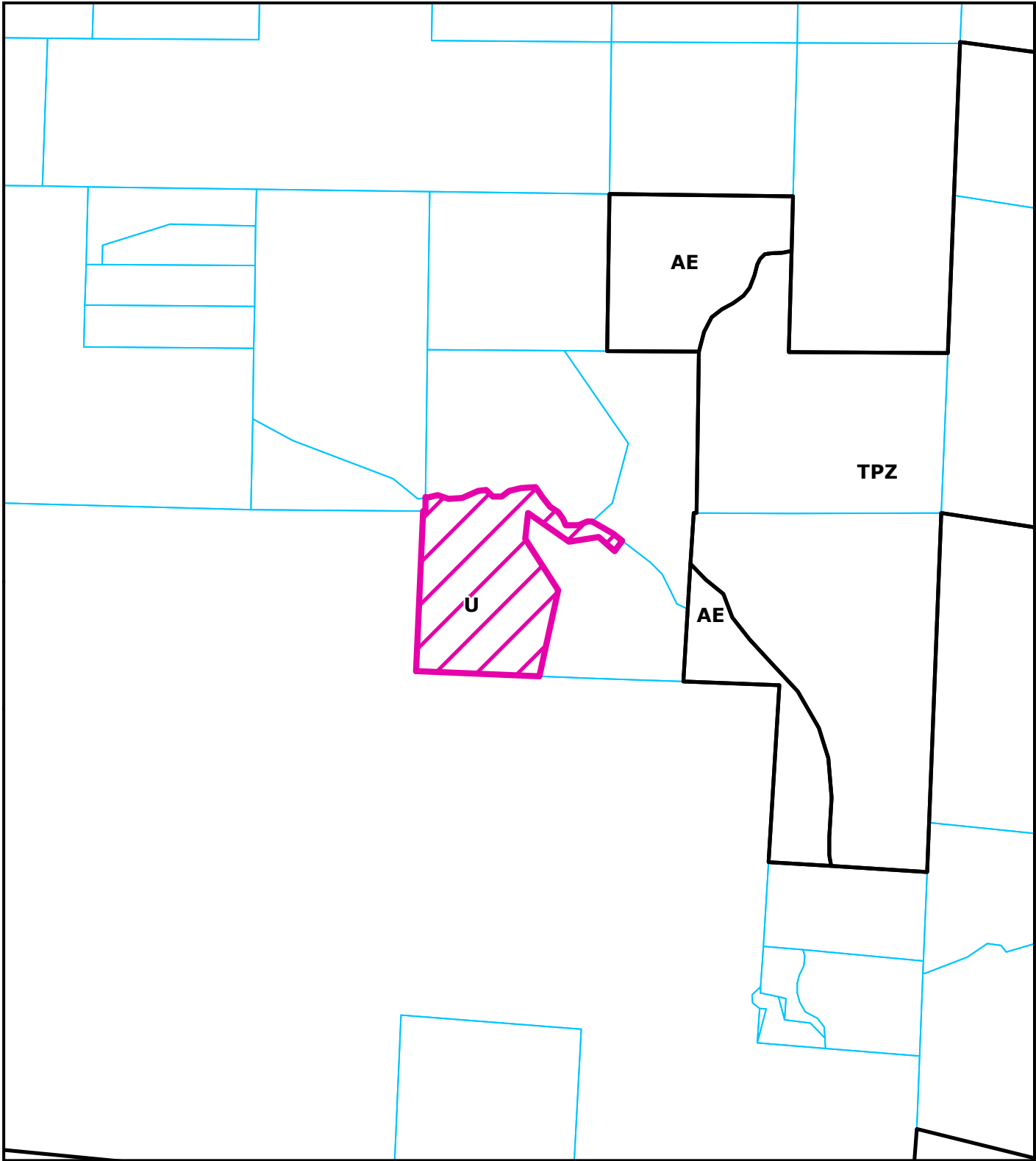


**TOPO MAP**  
**PROPOSED EMERALD FLOWER FARMS LLC**  
**SHELTER COVE AREA**  
**PLN-2020-16644**  
**APN: 108-281-003**  
**T05S R02E S18; S19 HB&M (BRICELAND)**

Project Area =

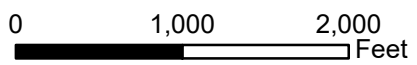


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

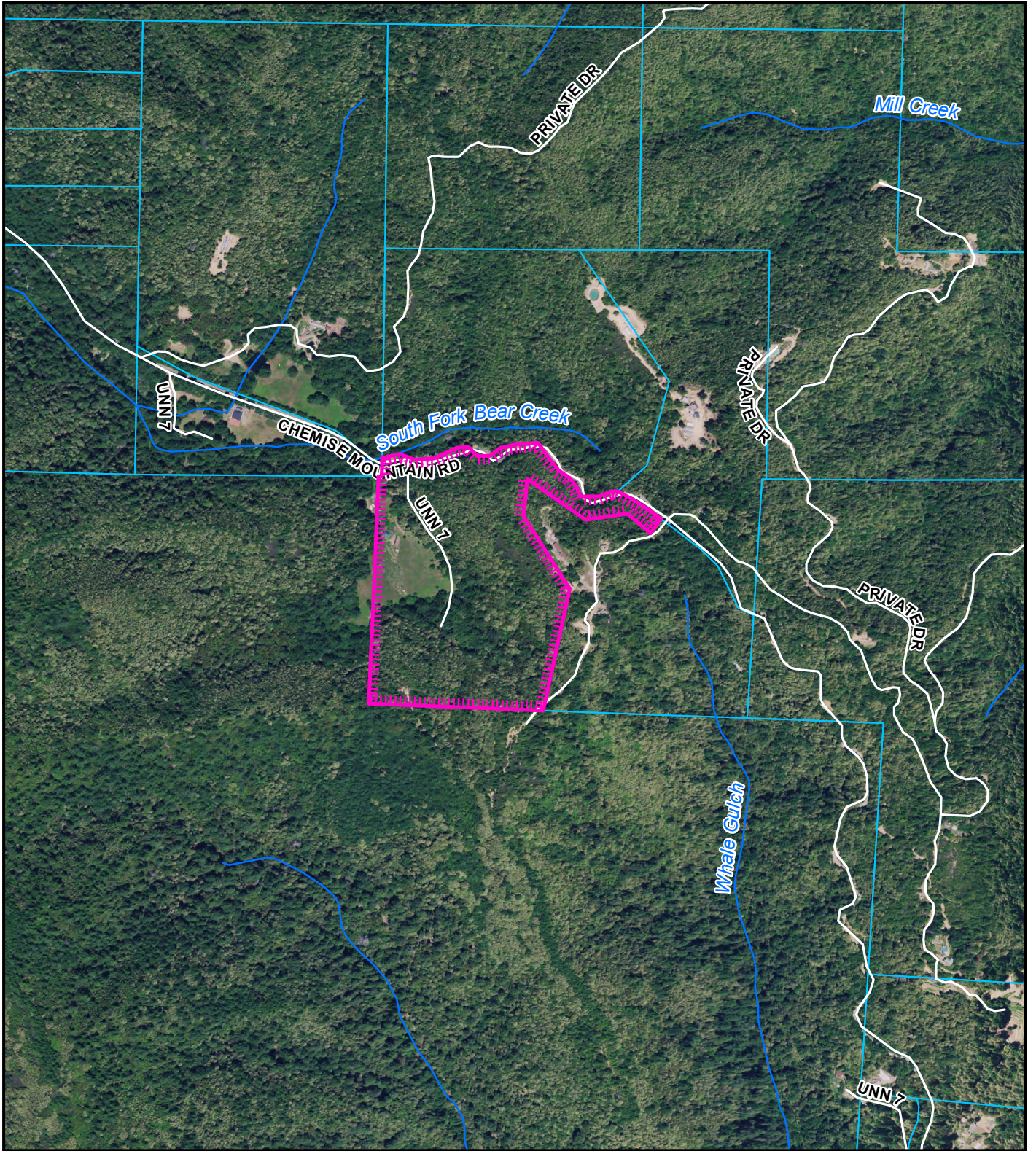


Project Area = 

**ZONING MAP**  
**PROPOSED EMERALD FLOWER FARMS LLC**  
**SHELTER COVE AREA**  
**PLN-2020-16644**  
**APN: 108-281-003**  
**T05S R02E S18; S19 HB&M (BRICELAND)**



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

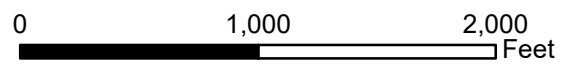


**AERIAL MAP**  
**PROPOSED EMERALD FLOWER FARMS LLC**  
**SHELTER COVE AREA**  
**PLN-2020-16644**  
**APN: 108-281-003**  
**T05S R02E S18; S19 HB&M (BRICELAND)**

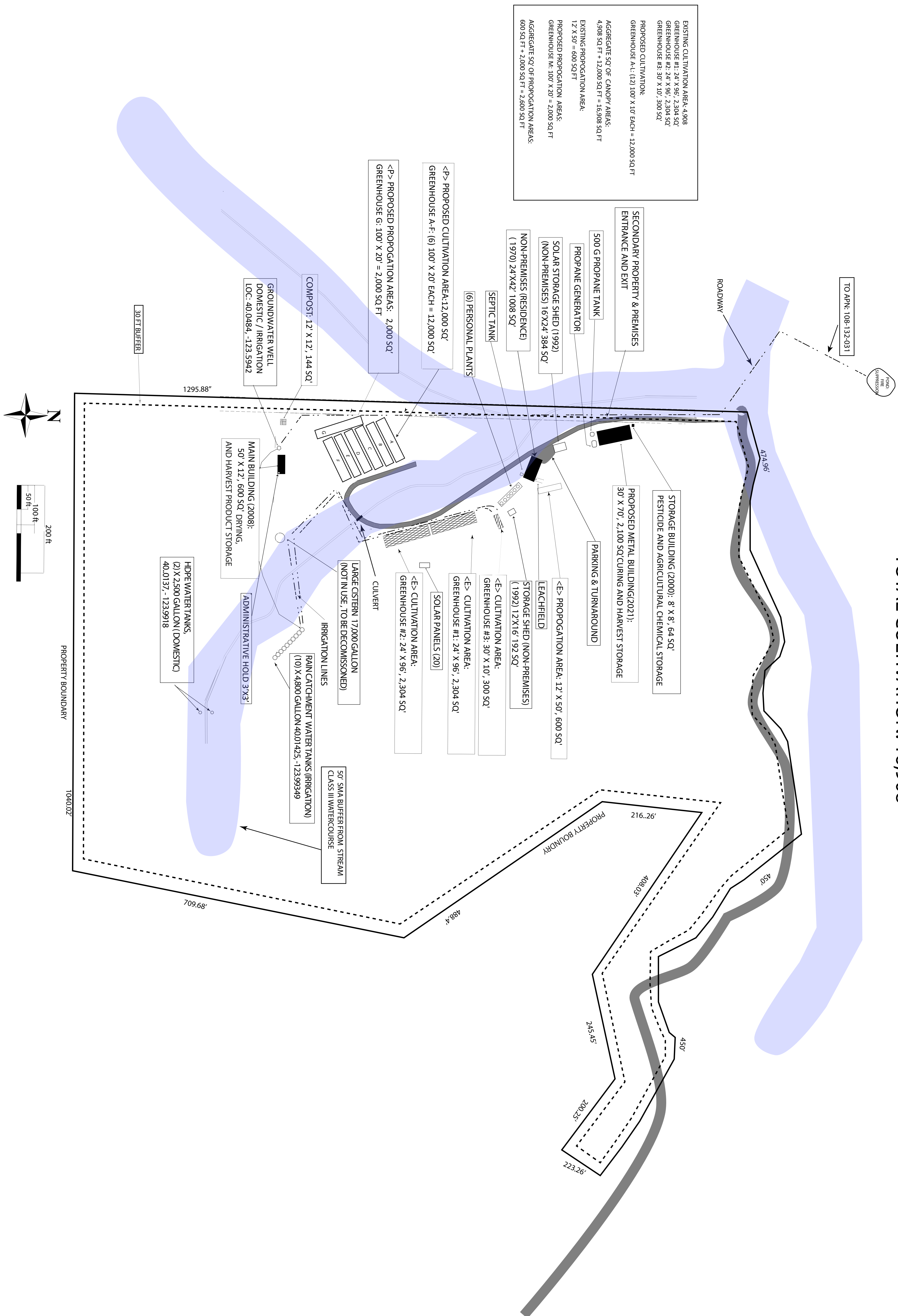
Project Area = 



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.



**EMERALD FLOWER FARMS, APN: 108-281-003**  
**TOTAL CULTIVATION: 16,908**



**EXISTING CULTIVATION AREA-4,908**  
 GREENHOUSE #1: 24' X 96', 2,304 SQ'  
 GREENHOUSE #2: 24' X 96', 2,304 SQ'  
 GREENHOUSE #3: 30' X 10', 300 SQ'

**PROPOSED CULTIVATION:**  
 GREENHOUSE A-L: (12) 100' X 10' EACH = 12,000 SQ FT

**AGGREGATE SQ OF CANOPY AREAS:**  
 4,908 SQ FT + 12,000 SQ FT = 16,908 SQ FT

**EXISTING PROPOGATION AREA:**  
 12 X 50' = 600 SQ FT

**PROPOSED PROPOGATION AREAS:**  
 GREENHOUSE M: 100' X 20' = 2,000 SQ FT  
 GREENHOUSE N: 100' X 20' = 2,000 SQ FT

**AGGREGATE SQ OF PROPOGATION AREAS:**  
 600 SQ FT + 2,000 SQ FT = 2,600 SQ FT

<P> PROPOSED CULTIVATION AREA-12,000 SQ'  
 GREENHOUSE A-F: (6) 100' X 20' EACH = 12,000 SQ'

<P> PROPOSED PROPOGATION AREAS: 2,000 SQ'  
 GREENHOUSE G: 100' X 20' = 2,000 SQ FT

COMPOST: 12' X 12', 144 SQ'  
 GROUNDWATER WELL DOMESTIC / IRRIGATION LOC: 40.0484, -123.5942

MAIN BUILDING (2008): 50' X 12', 600 SQ' DRIVING AND HARVEST PRODUCT STORAGE

ADMINISTRATIVE HOLD 3'X3'

HDPE WATER TANKS, (2) X 2,500 GALLON (DOMESTIC) 40.0137, -123.9918

RAIN CATCHMENT WATER TANKS (IRRIGATION) (10) X 4,800 GALLON 40.01425, -123.99349

IRRIGATION LINES

LARGE CISTERN 17,000 GALLON (NOT IN USE, TO BE DECOMMISSIONED)

CULVERT

<E> CULTIVATION AREA: GREENHOUSE #1: 24' X 96', 2,304 SQ'

<E> CULTIVATION AREA: GREENHOUSE #2: 24' X 96', 2,304 SQ'

<E> CULTIVATION AREA: GREENHOUSE #3: 30' X 10', 300 SQ'

SOLAR PANELS (20)

SEPTIC TANK

(6) PERSONAL PLANTS

NON-PREMISES (RESIDENCE) (1970) 24'X42' 1008 SQ'

SOLAR STORAGE SHED (1992) (NON-PREMISES) 16'X24' 384 SQ'

PROpane GENERATOR

500 G PROpane TANK

SECONDARY PROPERTY & PREMISES ENTRANCE AND EXIT

STORAGE BUILDING (2000): 8' X 8', 64 SQ' PESTICIDE AND AGRICULTURAL CHEMICAL STORAGE

PROPOSED METAL BUILDING (2021): 30' X 70', 2,100 SQ' CURRING AND HARVEST STORAGE

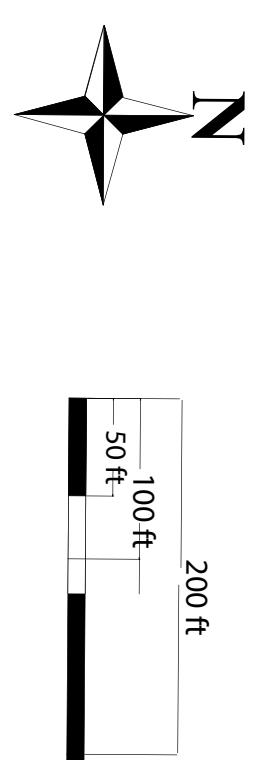
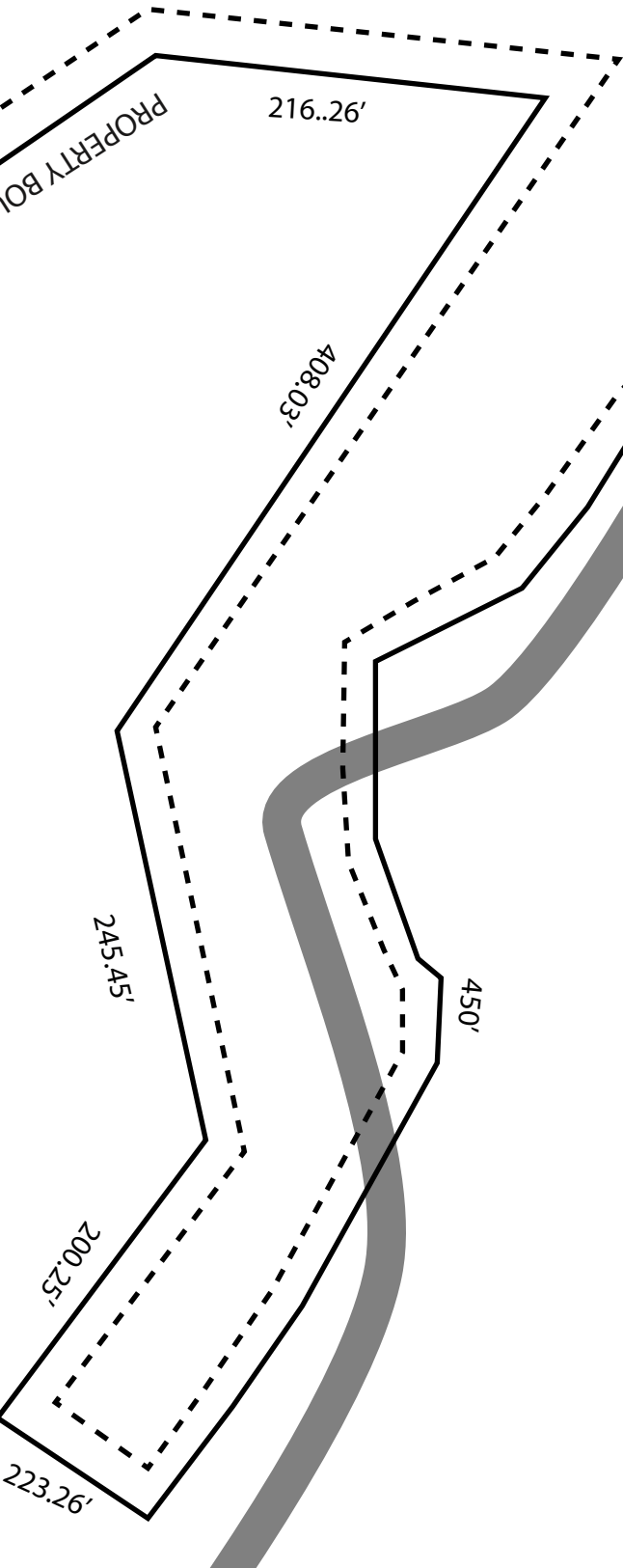
PARKING & TURNAROUND

<E> PROPOGATION AREA: 12' X 50', 600 SQ' LEACHFIELD

STORAGE SHED (NON-PREMISES) (1992) 12'X16' 192 SQ'

<E> CULTIVATION AREA: GREENHOUSE #1: 24' X 96', 2,304 SQ'

<E> CULTIVATION AREA: GREENHOUSE #2: 24' X 96', 2,304 SQ'



## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

**APPROVAL OF THE 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 the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the time of annual inspection. A conformance review deposit, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750), shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, the Department will file the Notice of Determination and will charge this cost to the project.
5. The applicant shall submit a revised site plan within 60 days of project approval illustrating no more than 1,690 square feet of propagation nursery area (10% of the cultivation area).
6. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #18. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
7. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
8. The applicant shall install a water monitoring device on each source – groundwater well - if/when utilized and on storage tanks as applicable to monitor water used for cannabis irrigation separate from domestic use.



9. The applicant shall comply with all mitigation measures set forth in the Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW) and shall implement all corrective actions detailed/required within the LSAA. Mitigation measures include:
  - a. Document all activities that occur within waterways at the project site;
  - b. All work (excluding the water diversion) shall be confined to the dry weather period of June 15<sup>th</sup> through October 1<sup>st</sup> of each year;
  - c. Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life;
  - d. Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities;
  - e. The completed project shall be inspected by Margo Advisors or another qualified professional to ensure the stream crossings were installed as designed, and a copy of the inspection report shall be submitted to CDFW within 90 days of project completion
10. At such time the applicant increases cultivation to maximum aggregate allotment, allowed under the CCLUO 2.0 and Cultivation Area Verification (CAV) allowances, the applicant/operator/owner shall submit a revised site plan showing placement of all cannabis cultivation, broken down by zone and growing version (outdoor and/or mixed light), at least 30 days prior to placement/development of the cultivation area(s). The site plan shall be reviewed and approved by the Director of Planning and Building.
11. The applicant shall complete a Timberland Conversion Evaluation within six (6) months of project approval, to satisfy the rejected referral by CAL FIRE , and bring the project into full compliance. The applicant shall complete all mitigation measures (if any) identified within the Evaluation within two (2) years of project approval.
12. The applicant shall implement the Inadvertent Discovery Protocol, in the event of the accidental discovery of historical artifacts or human remains. A qualified professional Archaeologist shall be contacted immediately, in order to inspect and clear the site for all further activities.
13. The applicant shall contact the Shelter Cove Volunteer Fire Department and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning and Building Department. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
14. The applicant shall execute and file with the Planning and Building Department the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
15. The applicant shall follow all BMP's within the Site Management Plan, and conduct onsite monitoring before the following activities:
  - a) Before and after alteration or upgrade to a stream crossing, road segment or sediment discharge site;
  - b) Prior to the start of the water season on October 15 and December 15, in order to evaluate site winterization and preparedness for stormwater runoff;
  - c) Following any rainfall event with an intensity of three (3) inches of precipitation within 24 hours.

16. COUNTY ROAD – 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.
17. 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).
18. COUNTY ROADS – PRIVATE ROAD INTERSECTIONS: 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. An encroachment permit shall be obtained from the Department of Public Works Land Use Division prior to commencing work within the public right-of-way.
19. The applicant shall ensure that the project is fully transitioned to solar power with no dependence on generator power, except for emergency purposes, by January 1, 2024.

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

1. The combination of background, and greenhouse fan or other operational equipment created noise must not result in the harassment of Foraging Bat species or Northern Spotted Owl and is required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CCLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation. The applicant is to limit the use of heavy equipment during nesting season February 1st through August 15<sup>th</sup>.
2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.

7. The use of anticoagulant rodenticide is prohibited.
8. Invasive plant species will be eradicated and managed at existing and proposed cultivation areas for the duration of the project lifespan.
9. The operator shall provide information to all workers 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.
10. 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.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. 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.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. 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).
16. Maintain enrollment in Tier 1 or 2, certification with State Water Quality Control Board (SWQCB) Order 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.
17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife, if applicable.
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.

19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. 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

25. 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."
26. 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).
27. 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.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (5) Materials handling policies;
    - (6) Job hazard analyses; and

- (7) Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
  - b. Location where processing will occur
  - c. Number of employees, if any
  - d. Employee Safety Practices
  - e. Toilet and handwashing facilities
  - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
  - g. Drinking water for employees
  - h. Plan to minimize impact from increased road use resulting from processing
  - i. On-site housing, if any
30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CCLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
32. 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.
33. 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.

34. 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 CCLUO 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:
- Identifying information for the new owner(s) and management as required in an initial permit application;
  - A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - The specific date on which the transfer is to occur;
  - Acknowledgement of full responsibility for complying with the existing permit; and
  - Execution of an Affidavit of Non-diversion of Cannabis.
35. 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:**

- Pursuant to Section 314-55.4.11(a) of the CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CCLUO.
- This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #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.
- If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

**ATTACHMENT 2**

**CEQA ADDENDUM TO THE  
ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL MEDICINAL MARIJUANA LAND USE  
ORDINANCE**

**Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR)  
(State Clearinghouse # 2017042022), January 2018**

**APN 108-281-003 (PLN-2021-16644) 2872 Chamise Creek Road, Shelter Cove, CA 95589**

**County of Humboldt**

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

**August 2021**

## **BACKGROUND**

### **Purpose of Addendum**

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

1. Substantial changes are proposed in the project which require major revisions of the previous EIR 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 EIR 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 Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effects previously examined will be substantially more severe than shown in the Final EIR; 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 Final EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

### **Project History**

The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within Humboldt County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO 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. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental



impacts of the project to a less than significant level.

### **Modified Project Description**

Emerald Flower Farms (PLN-2021-16644) seeks a Special Permit for 12,000 SF of new outdoor cultivation of which 4,908 SF is existing under a Zoning Clearance Certificate (PLN-12394-ZCC). Existing cultivation includes three (3) of outdoor greenhouses (4,908 SF). Proposed cultivation is for an additional 12,000 SF of cultivation and includes six (6) outdoor greenhouses that are each 2,000 SF (10,000 SF total) and one (1) nursery propagation greenhouse (2,000 SF).

Power is provided by a 7kWH solar system on the property that consists of 20 solar panels and exceeds the operational power needs of the farm. In the event of an energy malfunction, the project has an emergency backup Honda 7,000 watt gas generator. The applicant proposes to replace the gas generator with a 24k Kohler propane generator (54 Db), to provide backup power needs.

The source of water for irrigation is a rainwater catchment surface which provides a capacity of 69,460 gallons that will be used to fill 53,000 gallons of hard tank storage. Water will also be available by the permitted well (permit no. 19/20-0464), that produces six (6) gallons per minute and is located 53 feet below ground surface (Well Completion Report). The applicant has a water right (No. D033100) for domestic use only. Total water storage is 53,000 gallons and is contained within the following hard tanks: ten (10) 4,800-gallon tanks and two (2) 2,500-gallon tanks. One (1) 17,000 cistern cement tank is used for domestic irrigation only. Total water use is approximately 168,650 gallons (10 gal/SF).

A Biological Resources Assessment Report (Report) was prepared by Kyle Wear, Botanical Consultant to comply with the Commercial Cannabis Land Use Ordinance (CCLUO) 2.0 requirements set forth in the Environmental Impact Report (EIR). The Report includes an assessment for sensitive biological resources and a search of special status species that could potentially occur in the project area was generated in July 2020 using the CDFW California Natural Diversity Database (CNDDDB), which includes the California Native Plant Society (CNPS) and the Northern Spotted Owl (NSO) Database. There were no special status plants or natural communities observed on the parcel. The development of the disturbed grassland where the cultivation would take place has low potential to impact special status wildlife. The Biological Assessment Area (BAA) is defined as the area where potential impacts may occur to sensitive or protected species and/or sensitive biological communities. Sensitive species that have the potential to occur within the BAA include: the stream has the potential to be habitat for foothill yellow-legged frog, Pacific tailed frog, southern torrent salamander, red-bellied newt, and western pond turtle. The stream will be protected with the required Streamside Management Area (SMA) setback. The coniferous forest and woody vegetation along the streams have the potential to be nesting habitat for birds but will not be impacted by project activities due to SMA setbacks. Birds that could be found include Cooper's hawk, golden eagle, and American peregrine falcon. The coniferous forest is potential habitat for Northern spotted owl (NSO), with the nearest NSO activities centers located approximately 1.3 miles east (HUM 0769) and 1.3 miles northwest (HUM 0861). Project activities are not expected to have detrimental or adverse impacts to biological species within the project area.

A records search for known cultural resources was requested from the Northwest Information Center (NWIC). The records search revealed that a study (S-43337, Steele and Roscoe 2008) was previously conducted and included the project area, and no cultural resources were identified within the proposed project area location. The Bear River Band of the Rohnerville Rancheria recommended the use of Inadvertent Discovery Protocol (PRC 15064.5 (f)) by a qualified professional archaeologist, if any previously unidentified cultural resources or human remains are encountered throughout project implementation.

The project will comply with provision of the CCLUO intended to eliminate impacts to sensitive species from noise and from light and noise. Compliance with these and other measures of the CCLUO ensure consistency with the EIR. These include ensuring supplemental lighting and security lighting adheres

to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife, which will limit impacts to biological resources because of light and noise.

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

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize the project is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

In reviewing the application for consistency with the adopted EIR, the County considered the following information and studies for Emerald Flower Farms (PLN-2021-16644) among other documents:

- Site Plan prepared by Margo Advisors in June 2021
- Cultivation & Operations Plan Addendum prepared by Margo Advisors in June 2021
- Site Management Plan prepared by Margo Advisors in December 2020
- Lake and Streambed Alteration Agreement No. 1600-2018-0731-R1, granted December 2020
- Biological Resources Assessment Report prepared by Kyle Wear (Botanical Consultant) in July 2020
- Well Completion Report, Permit No. 19/20-0464
- Northwest Information Center Records Search in November 2017
- Bear River Band of the Rohnerville Rancheria Referral in November 2018

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

### **FINDINGS**

1. The proposed project will permit a new 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 EIR was adopted as complete.

## **CONCLUSION**

Based on these findings it is concluded that an Addendum to the previous Final EIR 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 EIR, remain in full force and effect on the original project.

There are no new significant environmental effects and no substantial increases in the severity of previously identified effects. For the current proposed project, Emerald Flower Farms, (PLN-2021-16644), 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.

## 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. (**On file**)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (**On file**)
3. Site Plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by Margo Advisors June 2021 – **Attached in Maps**)
4. A Cultivation & Operations Plan Addendum that meets or exceeds minimum legal standards for water source, storage, irrigation plan, conservation, and projected use; drainage, runoff and erosion control; watershed and habitat protection; and storage of fertilizers, pesticides, and other regulated products to be used on the parcel. A description of cultivation activities (outdoor, indoor, mixed light); the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable; and schedule of activities during each month of the growing and harvesting season. (Cultivation & Operations Plan prepared by Margo Advisors June 2021 - **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (**Not applicable**)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation & Operations Plan - see item 4 above)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board (NCRWQCB) demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Site Management Plan prepared by Margo Advisors in December 2020 – **Attached**)
8. If any onsite or offsite 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 Lake and Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Lake and Streambed Alteration Agreement No. 1600-2018-0731-R1 granted 12/11/2020 – **Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (Permitted Well (19/20-0464 – **Attached**))
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption

or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Timberland Conversion Evaluation Report is a required condition of permit approval – **Condition 10**)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (**On file**)
12. For indoor cultivation facilities, identification of the source of electrical power, how it will meet the energy requirements in Section 55.4.8.2.3, and the plan for compliance with applicable building codes. (**Not applicable**)
13. Acknowledgment 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. Acknowledgment that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (**On file**)
15. Biological Resources Assessment Report prepared by Kyle Wear (Botanical Consultant) in July 2020. (**On file**)

**Cultivation Plan**  
**Emerald Flower Farms**  
**2872 Chemise Mountain Rd, Whitethorn, CA 95589**  
**Parcel APN #108-281-003**  
**Application for 2.0 Expansion**

Project location: The project is located in Humboldt County, in the Shelter Cove area, on the west side of Chemise Mountain Road, approximately 2.45 miles south from the intersection of Chemise Mountain Road and Shelter Cove Road on the property known as 2872 Chemise Road.

Emerald Flower Farms, LLC is the permit holder of ZCC17-012, with 4,908 square feet cultivation approved October 19, 2018. This applicant is seeking a Permit to expand under 2.0. A county Permit Modification was submitted to increase the cultivation area by 5,092 square feet, which would provide 10,000 total square feet. Eligibility was based on CAV verification dated November 9, 2017, identifying up to 11,992 square feet of pre-existing cultivation areas. Delays in the processing of that application caused the applicant to submit a 2.0 application seeking an additional 6,908 square feet (12,000 total) to bring the proposed cultivation area up to 16,908 square feet. This additional square footage will take place utilizing less than 20% Prime Ag Soil and be a sungrown outdoor garden practicing light deprivation growing techniques.

This parcel consists of 40 acres with zoning of U, RA-40. The existing Cultivation Area is within setback requirements, including being at least 30 feet from any property line, and at least 600 feet from any School, School Bus Stop, Church, Place of Worship, Public Park or Tribal Cultural Resource. This parcel shares a property line with the King Range National Conservation Area which is addressed in the staff report of the existing Special Permit. No cultivation will take place within 300 feet of a neighboring residence. This includes no cultivation within 300 feet of separately owned undeveloped property line as well as 30 feet from property lines.

The following plan describes the general operations for managing the full 17,000 sq ft Outdoor cultivation site.

Historical outdoor cultivation was located near a Class III stream which has been properly restored and remediated in compliance with the existing permit. The proposed expansion area is flat with proper setbacks from the SMA. As the site is flat, very little grading will occur and cultivation will take place in the natural soil once the area is properly tilled.

**1. Water Use**

The amount of water used for the cultivation of cannabis will vary throughout the 8-month cultivation cycle. The beginning of propagation is estimated to require approximately 1,850 gals per month, with the highest usage expected to be up to 33,100 gallons per month during summer months. Average annual rainfall is 69 inches per year. The current total catchment capacity on this property is 69,460 gallons/per year. Total tank storage capacity will be 48,000 gallons.

Additional water to be used for cannabis cultivation will be sourced from the farm’s recently permitted well. A well was drilled in 2020 which will supplement irrigation, pumping at 6 gals/min. This well will also provide back up irrigation for the adjoining parcel 108-132-031.

Water will be pumped to irrigation tanks and then gravity directs waterflow from the irrigation tanks through the irrigation lines to the cultivation sites. Careful hand watering techniques and drip irrigation will be used and water will be metered for efficiency and consistency. A water usage log is kept that tracks water usage and detects leaks in the water system. The use of the prime ag soil will greatly reduce water needs as it retains moisture naturally.

During the beginning of the growing season, seedlings are occasionally watered as needed. Once fully planted, daily irrigation begins with plants watered for 2-5 minutes every 3rd day. Alfalfa mulch is used around plants to improve water retention. Careful timed irrigation, with immediate oversight, is also used to reduce the potential for irrigation runoff.

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

1.a. Water USE by month

Jan	Feb	Mar	Apr	May	June
0	0	1,850	12,650	21,950	33,100

July	Aug	Sept	Oct	Nov	Dec
33,100	33,100	21,950	10,950	0	0

1.b. Water Storage

<b>Water Storage Type</b>	<b>Size (Gallons)</b>	<b>Number</b>	<b>Total (Gallons)</b>
Tank	4,800	10	48,000
<b>Total</b>			<b>48,000</b>

**2. Watershed Protection**

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

The applicant, designated as the “Discharger”, is enrolled and annually reports in the SWRCB Waiver of Waste Discharge Program as a Tier I Discharger, WDID # 1\_12CC404056. The cultivation site includes a Site Management Plan (SMP) kept onsite for ongoing site management and regulatory inspections.

An approved riparian setback is established to protect water quality of the adjacent Class III watercourse. The riparian buffer area is vegetated with undisturbed trees, shrubs, and plants. Cultivation sites have proper setbacks from both property lines and water courses. The nearest greenhouse to the property line is 165 feet and over 200 feet from the Bear Creek. Natural vegetation is in place between the cultivation areas and the property lines and between the cultivation areas and the creek. Storm water is collected into bioswales to allow infiltration and groundwater recharge.

The Emerald Flower Farms, LLC cultivation site is on agricultural soil along the Bear Creek Drainage. This type of soil drains extremely well, helping with reducing runoff issues. Additionally, any bare soils are mulched and seeded to protect the soil surface from erosion and promote infiltration of rainwater.

Gravel roads are maintained and shaped to alleviate erosion and aid in minimizing runoff. All roads will be maintained year-round to ensure that water runoff causes minimal impact on the surrounding environment.

**3. Power Source**



Electricity usage is on average 5.7kWh-11.4kWh per day from March to September, depending on the need for and duration of ventilation, and use of farming equipment. Usage is averaged between 34.5kWh-68.8kWh per day in October and November while harvesting. The primary use of electricity is for the ventilation fans, dehumidifiers and irrigation pumps. There is a 7kWh solar system on the property consisting of 20 solar panels which exceeds the operational powers needs of the farm.

A backup Honda EU7000 gas generator is currently used if energy needs should exceed the solar system capacity. The generator is rated at 52db and used away from the property boundaries, thereby preventing disturbance of neighbors and wildlife, and meeting perimeter noise restrictions required by environmental regulations. The gas that supplies the generator is stored in a 5 gallon tank. The applicant intends to use this generator to serve only as a backup source for cultivation activities.

**4. Site Structures**

Existing Structures		
Family Home	24'x42' (1008 sq ft)	Non-Premises Residence
Main Building	50'x12' (600 sq ft)	Processing, Packaging, Secure Cannabis Waste Storage
Storage Shed	8'x8' (64 sq ft)	Pesticide and Agricultural Chemical Storage
Solar Shed & Shop	16'x24' (384 sq ft)	Non-Premises Solar Storage and Shop
Storage Shed	12'x16' (192 sq ft)	Non-Premises Storage Shed
Greenhouse #1	24'x96' (2,304 sq ft)	Cultivation Area
Greenhouse #2	24'x96' (2,304 sq ft)	Cultivation Area
Greenhouse #3	30'x10' (300 sq ft)	Cultivation Area
Proposed Structures		
Metal Building	30'x70' (2,100 sq ft)	Curing and Harvest Storage
Greenhouses A-F	(6) 20'x100' (10,000 sq ft)	Cultivation Area
Greenhouse G	20'x100' (2,000 sq ft)	Immature Plant Area

## 5. Materials Storage

Product Name	Chemical Type	N-P-K or Primary Active Ingredient(s)	Annual Use (lb or gal)
Dr. Earth	Fertilizer	4-6-3	36-150 lb
Chicken Manure	Fertilizer	3-2-2	330 ft <sup>3</sup>
Fox Farm Big Bloom	Fertilizer	0-0.5-0.7	30 gal
Superthrive	Fertilizer	B-vitamins, Auxin	6 gal
Cal Mag	Fertilizer	2-0-0	15 gal
Liquid Karma	Fertilizer	0.1-0.1-0.5	15 gal
Plant Therapy	Pesticide	Soy Oil, Peppermint Oil, Citric Acid	3 gal
Sulfur	Pesticide	Sulfur	15 gal
Great White Mycorrhizae	Fertilizer	Beneficial Bacteria & Trichoderma	32 oz
Bud Candy	Fertilizer	0-0-1	20 gal
Liquid Baseline	Fertilizer	Peat Humus	15 gal
Iguana Bloom	Fertilizer	4-3-6	25 gal
Silica Blast	Fertilizer	0-0-0.5	15 gal
Sea Pal Fishing Emulsion	Fertilizer	5-1-1	5 gal
Epsom Salt	Fertilizer	Magnesium Sulfate	25 lb
Down to Earth Liquid Bone Meal	Fertilizer	0-12-0	15 gal

Table 5: Overview of estimated annual chemical product usage.

All fertilizers and nutrients are stored in a secure garden shed with secondary containment. Each supplement is properly labeled and used according to directions by the manufacturer. Great care is taken in the handling and application of these supplements. Personal protective

equipment, like gloves, safety goggles, and respirators, are available and used during application. Materials are kept in their original containers with product labels in place and legible. Emerald Flower Farms, LLC. reserves the right to increase or decrease nutrient use for optimum plant growth. All fertilizer and nutrient containers will be recycled at an appropriate facility. Appropriate Safety Data Sheets (SDS) are kept onsite as a component of the cultivator’s SMP.

One (1) 500-gallon propane tanks are used as fuel storage along with a Spill Prevention, Countermeasures, and Cleanup (SPCC) kit. As a safety measure, kits provide a supply of clean-up materials in the event of accidents, and are kept within fuel storage areas.

**6. Waste Management**

All solid waste will be properly stored and self-hauled to the Redway Transfer Station up to two times per week using 33-gal cans. Recycling will be hauled to the recycling center once per month in 33-gal cans. Refuse containers stored outside are covered and kept in animal-proof containment.

All spent growth medium, and cannabis plant waste will be composted onsite.

The Applicant will not use any Hazardous Materials as part of the cannabis cultivation project. Any plastics such as tarps, waterlines, plastic pots or propagation trays or any unusable greenhouse materials will be disposed of appropriately at a licensed disposal site.

Onsite wastewater management consists of one septic system. This system is sufficient for processing wastewater for current and projected use.

**7. Cultivation Activities**

<b>Jan-Feb</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Submit SWRCB enrollment report and fee</li> <li><input type="checkbox"/> Install and repair any infrastructure</li> <li><input type="checkbox"/> Perform initial site inspection</li> </ul>
<b>Mar-Apr</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Verify proper amendments storage and record inventory</li> <li><input type="checkbox"/> Acquire clones and begin nursery</li> <li><input type="checkbox"/> Begin tilling soil and amendments to prepare for planting</li> <li><input type="checkbox"/> Plant clones to initial pots (Crop #1)</li> <li><input type="checkbox"/> Begin daily plant inspections</li> <li><input type="checkbox"/> Check water meters and record monthly usage</li> </ul>
<b>May-Jun</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Transfer plants to soil beds in cultivation area</li> <li><input type="checkbox"/> Add nutrients as needed</li> </ul>

	<ul style="list-style-type: none"> <li><input type="checkbox"/> Install bamboo support, ties and netting to plants for stability</li> <li><input type="checkbox"/> Plant clones to initial pots (Crop #2)</li> </ul>
<b>Jul-Aug</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Harvest plants (Crop #1)</li> <li><input type="checkbox"/> Machine Trim</li> <li><input type="checkbox"/> Dry crop</li> <li><input type="checkbox"/> Process off-site</li> <li><input type="checkbox"/> Package and store</li> <li><input type="checkbox"/> Remove and compost plant waste following harvest</li> <li><input type="checkbox"/> Transfer plants to final beds in cultivation area (Crop #2)</li> <li><input type="checkbox"/> Install bamboo support, ties and netting to plants for stability</li> </ul>
<b>Sep-Oct</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Harvest plants (Crop #2)</li> <li><input type="checkbox"/> Machine Trim</li> <li><input type="checkbox"/> Dry crop</li> <li><input type="checkbox"/> Process off-site</li> <li><input type="checkbox"/> Package and store</li> <li><input type="checkbox"/> Remove and compost plant waste following harvest</li> </ul>

**8. Soil Management**

Emerald Flower Farms, LLC uses permaculture techniques such as mulching and cover crops, which greatly reduce the need for chemical additives to the soil. The additives and fertilizers used are organic and every precaution is made to ensure zero runoff for protection of nearby watershed and habitat.

Used soil is contained in an area where it can be recycled for future use. Mulching and cannabis waste products are added to enhance composting and rejuvenation. Cover crops will be used in the off season to also rejuvenate the soil in the beds of the greenhouses reducing the need for new soils.

Emerald Flower Farms, LLC will utilize less than 20% of the natural Prime Ag soil for the expanded cultivation area. Plants will be placed directly in raised beds. This soil will be amended as needed each growing cycle by adding appropriate natural and organic nutrients. Amendments will be kept in a 8’X8’ storage shed located onsite.

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

Following the harvest, cover crop is planted in beds prior to tilling for the next season. The beds are covered with plastic for the winter months to prevent runoff.

**9. Cultivation Cycles**

The site plans to produce two crop cycles. In April, planting will begin with clones in the nursery area. During the vegetative state plants are upgraded to larger pots outdoors, until ready for light deprivation. Plants are then transferred to their final greenhouse for flowering. All greenhouses are staggered on a two greenhouse every two week cycle starting mid May. First round harvest usually occurs mid July - mid August. Greenhouses are refilled after the first round harvest. The second harvest is late September - mid October. Harvest times can always vary depending on environmental factors including weather, pests, and plant strains.

**10. Plant Management**

During the cultivation cycles plants are inspected daily. Irrigation is monitored and adjusted based on various factors, mainly heat and precipitation. Once plants are placed into soil beds, they are carefully maintained with periodic topping and pruning until ready to harvest.

**11. Processing Practices**

After being harvested, the cannabis is taken into the drying building where it will be dried and packed before being taken off-site for processing at a permitted facility.

**12. Staffing**

The site is currently not hiring part-time or full-time employees. Currently harvesting is usually done with the support of family members. As the site's commercial operations are developed and expanded, temporary staffing will be utilized. It is expected that the two adjoining permitted properties may require up to 3 temporary workers during peak times for planting and harvesting activities.

**13. Security Measures**

The following is an overview of the Emerald Flower Farms, LLC security plan for the site. The site's security also benefits from its remote rural location.

- The site is located two (2) miles from the Shelter Cove Road and is at the end of a 400 ft long private driveway.
- To access the site, there is one locked gate. The combination locks at the gates are changed regularly.
- Security cameras are in place covering key access areas
- A community watch program is in place for suspicious vehicles that could be in the area.
- Signs with the wording, "Security cameras in place," "Private Property," and "No Trespassing" are located at the gates.

- A dense wooded mountainous terrain creates a natural boundary restricting access on the north side of the property.
- Items of value are not left unsecured on the property.
- Greenhouses and facilities are not visible by any public road.
- Secure storage rooms and the house have adequate locking doors.
- Operations shall be kept discreet from public view to not draw attention to the site.

#### 14. Health and Safety

If in the future employees are hired to work onsite, it will be operated as an “agricultural employer” as defined by the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code, and comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers. At the first establishment of 20 or more employees, the firm will sign and enact a Labor Peace Agreement and allow upon written request, all bona fide labor organizations access at reasonable times to areas in which the farm’s employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment.

With regards to operations, any onsite activities will ensure that any employees handling cannabis will have access to facemasks and gloves in good operable condition, and will be required to wash hands sufficiently when handling cannabis or use gloves.

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

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

- *Injury and Illness Prevention Program (IIPP) Plan* - T8 CCR Section 3203 of the General Industry Safety Orders
- *Agricultural Occupations Notice* - Industrial Welfare Commission Order No. 14-2001
- *Professional, Technical, Clerical, Mechanical, and Similar Occupations Notice* - Industrial Welfare Commission Order No. 4-2001
- *Safety and Health Protection on the Job* - Labor Code section 6328
- *California Minimum Wage* - MW-2017 General Minimum Wage Order
- *Healthy Workplaces/Healthy Families Act of 2014 Paid Sick Leave* - Division of Labor Standards
- *Payday Notice* - Labor Code section 207
- *Emergency Numbers* - Title 8 Section 1512 (e), California Code of Regulations
- *Access to Medical and Exposure Records and General Industry Safety Order 3204*

- *Injuries Caused by Work* - Title 8, California Code of Regulations, Division of Workers' Compensation section 9881
- *Whistleblower Protections* - Labor Code Section 1102.8(a)
- *No smoking signage* - Labor Code section 6404.5(c)(1)
- *Farm Labor Contractor Statement of Pay Rates* - California Labor Code Section 1695(7)
- *Insurance and Paid Leave Notice to Employees* - DE 1857A
- *Equal Employment Opportunity is the Law* - EEOC-P/E1 and Americans with Disabilities Act
- *Human Trafficking Public Notice* - Civil Code § 52.6

### **15. International Dark Sky Standards**

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

### **16. Storm Water Management Plan**

Applicant will maintain driveways and access roads to eliminate erosion or runoff during storms. One stream using a culvert exists on an access road to the cultivation site. This stream crossing is only used during the summer season and is maintained year-round for efficiency. The culvert has been sized to withstand a 100-year flood event and is cited in the CA Dept Fish & Wildlife Lake and Streambed Alteration Agreement with the Applicant. During storm events roads and cultivation sites will be monitored to ensure that runoff from cultivation sites as well as access roads will be corrected for minimal impact or erosion. This will include proper ditching and vegetation buffers to prevent erosion. If needed straw, seed, wattles, jute cloth or other industry standards of erosion control will be placed to eliminate runoff. Roads and cultivation sites will be shaped with rolling dips and vegetation buffers which help absorb potential runoff. The Site Management Plan contains Winterization Protocols and additional information to ensure proper measures will be taken for appropriate storm water management.

### **17. Parking Plan**

This cultivation site is located off the paved Chemise Mountain Road with a private gravel driveway with ample parking up to 6 vehicles including any type of emergency vehicle such as a Type 3 fire apparatus. See Site Plan for Parking areas.

### **18. Invasive Species Control Plan**

No highly invasive species were observed on the parcel. See attached Biological Resources Assessment from a qualified professional.

16644  
16645



**Site Management Plan for:  
WDID: 1\_12CC404056  
APN: 108-132-031 & 108-281-003**

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

Prepared by:  
Margro Advisors  
230 4<sup>th</sup> St, Eureka CA, 95501

12/22/2019 / rev 12.2.2020

**Introduction**

This Site Management Plan (SMP) as required by the State's General Order<sup>1</sup> is for a cannabis cultivation site operated by Emerald Flower Farms LLC, located in the Whitethorn area, street address 2500 Chemise Mountain Road & 2872 Chemise Mountain Road, in Humboldt County. The purpose of this order is to provide a regulatory structure for cannabis cultivation that reduces contributions to existing water quality issues and prevents additional adverse impacts to water resources throughout California. The purpose of the SMP is to identify conditions present on a parcel that may pose a threat to water quality and resources, and establish a plan to meet or surpass requirements set forth in the order, as well as to describe how the cultivator is implementing the best practical treatment or control (BPTC) measures listed in Attachment A of the Cannabis General Order. Refer to Attachment D of the General Order for further technical report guidance.

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

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

---

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





**Site Characteristics**

This project is associated with Humboldt County Permit # 12397-ZCC & 12394-ZCC, and has been granted an interim permit for 9,788 ft<sup>2</sup> of outdoor cultivation and a CDFA License #CCL18-0002495 & CCL18-0002496. Processing and packaging are performed on-site. Power source for cannabis cultivation is solar, with a small gasoline generator powering a mixing feed.

Elevation within this parcel ranges from 1,920 to 2,000 feet. Mean annual precipitation is 60 to 100 inches. Mean annual air temperature is 48 to 57 degrees Fahrenheit. The frost free period is 240 to 300 days.

Attached at the end of this document are the farm’s site maps. The site maps includes features such as: access roads, vehicle parking areas, streams, stream crossings, cultivation sites, buildings, and other relevant site features.

**Soil Description**

Attached are soil maps of the parcel. The soils within the North West section of the farm area are Gibsoncreek-Sproulish-Redwohly complex (Map Unit 576, 77.3% of parcel), Canocreek-Sproulish-Redwohly complex (Map Unit 575, 10.7% of parcel), Parkland-Garberville complex (Map Unit 151, 4.5% of parcel), and Gschwend-Frenchman





































Complex (Map Unit 182, 0.8% of parcel). There is no digital data available for 6.7% of the parcel (Map Unit NOTCOM).<sup>2</sup>

In the South Eastern section of the farm the soils within the area are Gibsoncreek-Sproulsh-Redwohly complex (Map Unit 576, 82.1% of parcel), Parkland-Garberville complex (Map Unit 151, 6.1% of parcel), Gschwend-Frenchman complex (Map Unit 182, 0.7% of parcel), and Canoecreek-Sproulsh-Redwohly complex (Map Unit 575, 0.4% of parcel). There is no digital data available for 10.7% of the parcel (Map Unit NOTCOM).



<sup>2</sup> Descriptions and estimates from the US Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey

### MAP LEGEND

-  Area of Interest (AOI)
- Soils**
-  Soil Map Unit Polygons
-  Soil Map Unit Lines
-  Soil Map Unit Points
- Special Point Features**
-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features
- Water Features**
-  Streams and Canals
- Transportation**
-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads
- Background**
-  Aerial Photography

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Humboldt County, South Part, California  
 Survey Area Data: Version 7, Sep 13, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.





































Date(s) aerial images were photographed: Dec 31, 2009—Nov 6, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
151	Parkland-Garberville complex, 2 to 9 percent slopes	3.2	4.5%
182	Gschwend-Frenchman complex, 0 to 9 percent slopes	0.6	0.8%
575	Canoe creek-Sproulish-Redwohly complex, 50 to 75 percent slopes, warm	7.7	10.7%
576	Gibsoncreek-Sproulish-Redwohly complex, 30 to 50 percent slopes	55.4	77.3%
NOTCOM	No Digital Data Available	4.8	6.7%
<b>Totals for Area of Interest</b>		<b>71.6</b>	<b>100.0%</b>



**MAP LEGEND**

- Area of Interest (AOI)**
-  Area of Interest (AOI)
- Soils**
-  Soil Map Unit Polygons
-  Soil Map Unit Lines
-  Soil Map Unit Points
- Special Point Features**
-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features
- Water Features**
-  Streams and Canals
- Transportation**
-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads
- Background**
-  Aerial Photography

**MAP INFORMATION**

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Humboldt County, South Part, California  
 Survey Area Data: Version 7, Sep 13, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 31, 2009—Nov 6, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
151	Parkland-Garberville complex, 2 to 9 percent slopes	2.4	6.1%
182	Gschwend-Frenchman complex, 0 to 9 percent slopes	0.3	0.7%
575	Canoe creek-Sproulish-Redwohly complex, 50 to 75 percent slopes, warm	0.2	0.4%
576	Gibsoncreek-Sproulish-Redwohly complex, 30 to 50 percent slopes	32.4	82.1%
NOTCOM	No Digital Data Available	4.2	10.7%
<b>Totals for Area of Interest</b>		<b>39.5</b>	<b>100.0%</b>

### Gibsoncreek

The parent rock of the Gibsoncreek is colluvium derived from conglomerate and/or colluvium derived from sandstone and/or residuum weathered from sandstone. The natural drainage class is well drained. The capacity of the most limiting layer to transmit water (Ksat) is moderately high to high (0.60 to 2.00 in/hr). The depth to a restrictive feature is more than 80 inches. The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is moderate (8.3 inches).

### Sproulish

The parent rock of the Sproulish is colluvium derived from mudstone and/or colluvium derived from sandstone and/or residuum weathered from mudstone and/or residuum weathered from sandstone. The natural drainage class is well drained. The capacity of the most limiting layer to transmit water (Ksat) is moderately high to high (0.20 to 2.00 in/hr). The depth to a restrictive feature is more than 80 inches. The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is high (about 10.1 inches). The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm).

### Redwohly

The parent rock of the Redwohly is residuum weathered from sandstone and/or residuum weathered from mudstone. The natural drainage class is well drained. The capacity of the most limiting layer to transmit water (Ksat) is moderately low to moderately high (0.14 to 1.42 in/hr). In terms of depth to a restrictive feature, there are 20 to 39 inches to strongly contrasting textural stratification. The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is low (about 3.7 inches). The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm).

### Canocreek

The parent rock of the Canocreek is colluvium and residuum derived from sandstone, mudstone, and conglomerate. The natural drainage class is well drained. The capacity of the most limiting layer to transmit water (Ksat) is moderately high to high (0.60 to 2.00 in/hr). The depth to a restrictive feature is more than 80 inches. The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is moderate (about 7.4 inches). The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm).

### Parkland

The parent rock of the Parkland is alluvium derived from mixed sedimentary sources. The natural drainage class is moderately well drained. The capacity of the most limiting layer to transmit water (Ksat) is moderately low to moderately high (0.06 to 0.60 in/hr). The depth to a restrictive feature is more than 80 inches. The frequency of flooding is none. The frequency of

Water Storage Type	Size (Gallons)	Number	Total (Gallons)
APN: 108-132-003			
Tank	4,800	10	48,000
Tank	17,000	1	17,000
Tank	2,500	2	5,000
<b>Total</b>			<b>70,000</b>

Table 1: Summary of water storage on the parcel.

Irrigation water is used at rates to minimize overwatering cannabis plants and prevent irrigation runoff. Cannabis plants will be hand-watered as needed and at agronomic rates. A summary of estimated water use in gallons by month for irrigation is shown below in Table 2.

**APN: 108-132-031**

Jan	Feb	Mar	Apr	May	June
0	0	3,400	23,000	40,000	60,000
July	Aug	Sept	Oct	Nov	Dec
60,000	60,000	40,000	20,000	0	0

**APN: 108-281-003**

Jan	Feb	Mar	Apr	May	June
0	0	2,900	19,500	34,000	51,000
July	Aug	Sept	Oct	Nov	Dec
51,000	51,000	34,000	17,000	0	0

Table 2: Summary of estimated water use in gallons by month for irrigation.

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

**Domestic Use**

Water for domestic use is sourced from an onsite spring and gravity fed to storage. Domestic storage is 600 gallons. A summary of water storage is shown below in Table 3.

Water Storage Type	Size (Gallons)	Number	Total (Gallons)
APN: 108-132-031			
Tank	300	2	600
<b>Total</b>			<b>600</b>

Table 3: Summary of domestic water storage.

Domestic water will support up to four residents and a 5,000 square foot fruit, vegetable, and herb garden. Usage is expected to be up to 300 gallons per day.

**Sediment Discharge**

Access Roads

The access roads are in good condition and do not show evidence of erosion. There is very little vehicle traffic from the site (about 1 car per day goes on and off the parcel). Chemise Mountain Road is paved asphalt with roadside ditches. The driveway on the parcel is graveled. There are currently no road maintenance activities at the site. Access road stormwater drainage structures do not discharge onto unstable slopes, earthen fills, or directly to a waterbody.

Stream Crossings

There is one stream crossing culvert on the parcel. An overview is shown below in Table 4.

Label	Size (inches)	Type	Watercourse Class	Condition
Culvert Crossing	36	Corrugated Plastic Pipe	Class II	Good

Table 4: Overview of stream crossings on the property.

The culvert is believed to be capable of accommodating the estimated 100-year flood flow, including debris and sediment loads. The culvert will be maintained and inspected for blockage with regular monitoring detailed in the Monitoring section of this plan. The culvert appears to be installed parallel to the watercourse alignment to the extent possible, of sufficient length to extend beyond stabilized fill/sidecast material, and embedded or installed at the same level and gradient of the streambed in which it was placed to prevent erosion.



**Sediment Erosion Prevention and Sediment Capture**

BPTC measures being implemented to ensure erosion prevention and capture sediment include use of raised beds surrounded by wood chips and straw wattles at all cultivation areas. After harvest, empty beds are covered with tarps in order to prevent runoff and weeds. In addition, there is no driving or operating of vehicles or equipment within the riparian setbacks or within waters of the state unless authorized.

**Monitoring**

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

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

Captured sediment will be stabilized in place.

**Fertilizer, Pesticide, Herbicide, Fungicide, and Rodenticide**

Amendments are stored in the Storage Shed next to the Residence. An overview of estimated annual chemical product use is shown below in Table 5.

Product Name	Chemical Type	N-P-K or Primary Active Ingredient(s)	Annual Use (lb or gal)
Dr. Earth	Fertilizer	4-6-3	36-150 lb
Chicken Manure	Fertilizer	3-2-2	330 ft <sup>3</sup>
Fox Farm Big Bloom	Fertilizer	0-0.5-0.7	15 gal
Superthrive	Fertilizer	B-vitamins, Auxin	6 gal
Cal Mag	Fertilizer	2-0-0	15 gal
Liquid Karma	Fertilizer	0.1-0.1-0.5	9 gal
Plant Therapy	Pesticide	Soy Oil, Peppermint Oil, Citric Acid	3 gal
Sulfur	Pesticide	Sulfur	15 gal

Great White Mycorrhizae	Fertilizer	Beneficial Bacteria & Trichoderma	32 oz
Bud Candy	Fertilizer	0-0-1	20 gal
Liquid Baseline	Fertilizer	Peat Humus	15 gal
Iguana Bloom	Fertilizer	4-3-6	25 gal
Silica Blast	Fertilizer	0-0-0.5	15 gal
Sea Pal Fishing Emulsion	Fertilizer	5-1-1	5 gal
Epsom Salt	Fertilizer	Magnesium Sulfate	25 lb
Down to Earth Liquid Bone Meal	Fertilizer	0-12-0	15 gal

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

**Petroleum Products**

An overview of estimated annual petroleum usage is shown below in Table 6.

Product	Chemical Type	Storage (gal)	Annual Use (gal)
Gasoline	Petroleum	Up to 20	30

Table 6: Overview of estimated annual petroleum usage.

Petroleum products are brought to the site as needed. Products which are not consumed during the growing season are kept in secondary containment to prevent discharge, including over the Winter season. Petroleum, petroleum products, and similar fluids are stored in a manner that provides chemical compatibility, provides secondary containment, and protection from accidental ignition, the sun, wind, and rain. Fuels, lubricants, and other petroleum products are stored, mixed, and applied per packaging instructions. Vehicles or equipment are only refueled outside of riparian setbacks. A Spill Prevention, Countermeasures, and Cleanup (SPCC) kit is

kept with fuel storage. As a safety measure, SPCC kits provide a supply of clean-up materials in the event of accidents.

### **Trash/Refuse and Domestic Wastewater**

On an average day, there is about one employee, visitor, and/or resident at the site. Human waste, domestic wastewater, packaging, organic materials, plastic, paper, glass, clay, and spent growth media will be generated at this site. The cultivator will compost on-site but reserves the right to dispose of the cannabis waste at a staffed and permitted solid waste landfill, a solid waste operation, a compostable materials handling facility, or an in-vessel digestion facility. During the off-season, reusable cultivation materials are collected and stored where they will not enter a waterway or create a nuisance. Trash is kept in secure trash storage which is kept to prevent leaching and transport of foreign materials to groundwater, and are located outside of riparian setbacks. Garbage is picked up and delivered to Recology at the Redway Transfer Station on a weekly basis. Recycling will be picked up and delivered to Recology at the Redway Transfer Station on a monthly basis or more frequently as needed.

There is an on-site wastewater treatment system (a septic tank) which is currently going through the permitting process.

### **Winterization**

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

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

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

REGION 1 – NORTHERN REGION  
619 Second Street  
Eureka, CA 95501



**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION NO. 1600-2018-0731-R1

Unnamed Tributary to South Fork Bear Creek, Tributary to Bear Creek,  
Tributary to the Mattole River and the Pacific Ocean

Seth Ayers

Ayers Water Diversion, Stream Crossings, and Embankment Removal  
Project  
6 Encroachments

This Lake or Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Seth Ayers (Permittee).

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on November 28, 2018, and revised on July 19, 2019 and December 27, 2019, with additional information obtained during a September 30, 2020 CDFW site visit, 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 is located within the Mattole River watershed, at 2872 Chemise Mountain Road in the town of Whitethorn, County of Humboldt, State of California. The project is located in Section 19, T5S, R2E, Humboldt Base and Meridian; in the Briceland U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 108-281-003; latitude 40.0132 N and longitude 123.9923 W at the point of diversion (POD).

**PROJECT DESCRIPTION**

This Agreement relies on the Notification materials and a CDFW site inspection by Environmental Scientist Jonathan Hollis on September 30, 2020.

The project is limited to six encroachments (Table 1). One encroachment is for water diversion from an unnamed tributary to South Fork Bear Creek. Water shall be diverted for domestic use only. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The second encroachment shall remove a disused spring-box and all associated diversion infrastructure from the stream channel. Work for this encroachment will include excavation and proper storage or disposal of the infrastructure off-site. The third encroachment shall replace an undersized culvert and remove excessive rock armoring. Work for this encroachment will include excavation, removal of the undersized culvert and excessive rock armoring, replacement with a new properly sized culvert, backfilling and compaction of fill, and rock armoring only as necessary to minimize erosion at the inlet, outlet, and slope faces. The fourth and fifth encroachments shall upgrade informal dirt ford crossings with appropriately designed armored fill crossings. Work for these encroachments will include excavation, removal of the fill material down to the natural streambed, realignment and recontouring of the natural channel, replacement with new properly sized rock, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. The sixth encroachment shall remove a dirt embankment and paved spillway impounding the stream. Work for this encroachment will include dismantlement and removal of the paved spillway, excavation and removal of the fill material comprising the embankment down to the natural streambed and banks, proper storage and/or disposal of the material off-site, and revegetation of the riparian area.

Table 1. Project Encroachments Covered by this Agreement with Description

ID	Latitude/Longitude	Description
POD-1	40.0132, -123.9923	Year-round water diversion from an unnamed tributary of South Fork Bear Creek for <b>Domestic use only</b> . SWRCB application ID: D033100 Permittee shall implement Seasonal Diversion Minimization: 200 gallons per day from May 15 – October 31, 90% bypass at all times.
POD-2	40.0130, -123.9920	Removal of the disused spring-box and all associated diversion infrastructure from the stream channel.
Crossing-1	40.0139, -123.9946	Replace 18" diameter culvert with minimum 30" diameter culvert.
Crossing-2	40.0130, -123.9932	Upgrade informal dirt ford crossing with appropriately designed armored fill crossing; remediate associated bank erosion.
Crossing-3	40.0129, -123.9933	Upgrade informal dirt ford crossing with appropriately designed armored fill crossing; remediate associated bank and channel erosion.
Embankment Removal	40.0132, -123.9936	Removal of the embankment and associated paved spillway impounding the stream; recontour

ID	Latitude/Longitude	Description
		the channel to its original cross-section and profile and revegetate the riparian area.

CDFW observed a well located at Lat/Long 40.0135, -123.9954. Permittee stated that specially designed rain-catchment water-storage tanks supply all commercial irrigation needs on the property; the well serves as a supplementary source of irrigation water in the event that rain-catchment proves insufficient. CDFW did not evaluate hydraulic connection of the well to surface water, nor was a hydrogeologic evaluation prepared by a licensed geologist provided for CDFW review. The well may be hydraulically connected to streams and/or springs and shall be evaluated for potential impacts from commercial cannabis irrigation use through Humboldt County’s cannabis cultivation permit(s).

No other projects that may be subject to FGC section 1602 were disclosed. This Agreement does not retroactively permit any constructed reservoirs (including “ponds”), stream crossings, water diversions, modifications to riparian buffers, or other encroachments not described in Table 1.

**PROJECT IMPACTS**

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

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

**Impacts to water quality:**

- increased water temperature;
- increased turbidity;
- increased sedimentation (chronic or episodic);

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

- loss or decline of riparian habitat;
- loss or decline of instream channel habitat;
- direct impacts on benthic organisms;
- direct and/or incidental take of aquatic and/or terrestrial organisms;

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

reduced instream flow;  
cumulative effect of diversions in the watershed;  
impediment of up- or down-stream movement;  
water quality degradation; and  
damage to aquatic habitat and function.

**MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES**

**1. Administrative Measures**

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. 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. 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 Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if 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 Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees to allow CDFW employees access to the Project site for the purpose of inspecting and/or monitoring, provided CDFW: a) provides 24 hours advance notice; and b) allows Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW law enforcement personnel.
- 1.5 Applicable Permits. Land development or alterations may be subject to additional federal, state and local laws, regulations, and permitting requirements, including but not limited to the following:
  - The Clean Water Act (CWA) as implemented through permits, enforcement orders, and self-implementing requirements. When needed per the requirements of the CWA, Permittee shall obtain a CWA section 404 (33 U.S.C. § 1344) permit from the United States Army Corps of Engineers (Army Corps) and a CWA section 401 (33 U.S.C. § 1341) water quality

certification from the State Water Board or the Regional Water Board with jurisdiction.

- The California Water Code as implemented through applicable water quality control plans (often referred to as Basin Plans), waste discharge requirements (WDRs) or waivers of WDRs, enforcement orders, and self-implementing requirements issued by the State Water Resources Control Board (State Water Board) or Regional Water Quality Control Boards (Regional Water Boards).
- All applicable state, city, county, or local regulations, ordinances, or license requirements including, but not limited to those for grading, construction, and building.
- All applicable requirements of the California Department of Forestry and Fire Protection (CAL FIRE), including the Board of Forestry.

1.6 Cannabis Cultivation Policy. If commercial cannabis cultivation occurs on the project parcel, the State Water Resources Control Board (SWRCB) requires enrollment in the Cannabis Cultivation General Order and compliance with the Cannabis Cultivation Policy - Principles and Guidelines for Cannabis Cultivation, available at:  
[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_policy.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_policy.html)

1.6.1 Site Management Plan and Related Technical Reports. Permittee shall submit to CDFW the initial preparation and subsequent updates to the project's Site Management Plan and related technical reports prepared in conformance with the SWRCB Cannabis Cultivation Policy.

1.7 Water Rights. This Agreement does not constitute a valid water right. All water diversion facilities that Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights. Water rights are administered by the State Water Resources Control Board as described here:  
[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/registrations/](https://www.waterboards.ca.gov/waterrights/water_issues/programs/registrations/).

1.8 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 fish and wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information that indicates bypass flows, diversion rates or other measures 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.

1.9 Notification Materials. Permittee's Notification of Lake or Streambed Alteration, together with all maps, plans, photographs, drawings, and all other supporting documents submitted with the Notification and received on November 28, 2019,



and revised on July 19, 2019 and December 27, 2019, with additional information obtained during a September 30, 2020 CDFW site visit, is hereby incorporated by reference into this Agreement. Permittee shall conduct project activities within the work areas, and using the protective measures, described in the Notification and supporting documents, unless such project activities, work areas or protective measures are modified by the provisions of this Agreement, in which case the activities shall be conducted as described in this Agreement.

## 2. Avoidance and Minimization Measures

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

### Work Periods and Pre-Project Notice

- 2.1 Work Period. All work, not including authorized 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**. Permittee shall monitor precipitation forecasts and potential increases in stream flow when planning construction activities. Construction activities shall cease, and all necessary erosion control measures shall be implemented prior to the onset of precipitation. A notice of completed work, including dates of activities and photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.
- 2.2 CDFW Notification of Work Initiation and Completion. Permittee shall contact CDFW in writing within the 7-day period preceding the beginning of work permitted by this Agreement. Information provided shall include Agreement number, and the anticipated start date. Subsequently, Permittee shall notify CDFW in writing no later than seven (7) days after the project is fully completed. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions as required below.**
- 2.3 Work Period Extension Requests. If Permittee needs more time to complete the project, CDFW may grant a work period extension on a day-to-day basis. Extension requests shall be made in writing before **October 5** of each year and shall: 1) describe the extent of work already completed; 2) detail the uncompleted activities; 3) detail the time required to complete each remaining activity; and 4) provide photographs of the completed work site(s) and remaining work. Requests shall describe the effects of increased stream flows, rain delays, increased erosion control measures, access constraints caused by saturated soils, and anticipated effects of climatic conditions on growth of erosion control grasses. Work period extensions are issued at the discretion of CDFW. CDFW will review the written request and may require additional measures to protect fish and wildlife resources.

## General Stream Protection Measures

- 2.4 Fish and Aquatic Species. If surface water is or becomes present during construction, Permittee shall: a) have a Biologist survey the site and adjacent area for fish, amphibians, and turtles three (3) days or less before commencing project activities and b) if fish, amphibians, or turtles are detected, CDFW shall be contacted and work shall not commence until authorized by a CDFW representative.
- 2.5 Maintain Passing of Fish Up and Down Stream. It is unlawful to construct or maintain in any stream any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish (as defined in FGC Section 45 "fish" means a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals) up and down stream pursuant to FGC section 5901.
- 2.6 Decontamination. Permittee shall ensure all project personnel adhere to the Northern Region California Department of Fish and Wildlife Aquatic Invasive Species Decontamination Protocol for all field gear and equipment that will be in contact with water. Heavy equipment and other motorized or mechanized equipment that contacts water shall adapt watercraft decontamination protocols found in the AIS Decontamination Protocol.  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=92821&inline>
- 2.7 Staging and Storage. Staging and storage areas for equipment, materials, fuels, lubricants and solvents shall be located outside of the stream channel and banks, and away from riparian vegetation. Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high-water mark before such flows occur or at the end of the work period, whichever occurs first.
- 2.8 Equipment and Vehicle Leaks. Equipment or vehicles operated in or near the stream shall be checked and maintained daily to prevent leaks. Stationary equipment (e.g. motors, pumps, generators, welders, etc.) in or near the stream shall be positioned over drip pans. Stationary heavy equipment shall have sufficient containment to manage catastrophic spills or leaks.
- 2.9 Hazardous Substances. Debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any substance or material deleterious to fish, plant life, mammals, or bird life, or their habitat, shall be prevented from contaminating the soil and/or entering the waters of the State, pursuant to FGC Sections 5650 and 5652. Permittee shall ensure hazardous or toxic materials are stored in watertight containers and promptly removed from the worksite.

- 2.10 Spill Containment and Cleanup. All authorized activities performed in or near a stream shall have on-site cleanup equipment (e.g. boom, skimmers, etc.) and absorbent materials for spill containment and cleanup prior to the start of work and for the duration of the project. In the event of a spill, Permittee shall immediately notify the California Office of Emergency Services State Warning Center at 1-800-852-7550 and initiate clean-up. Permittee shall immediately notify CDFW of any spills and shall follow CDFW cleanup procedures and guidance.
- 2.11 Stockpiled Materials. Materials shall not be stockpiled where they may wash into the stream or cover aquatic or riparian vegetation. Permittee shall monitor the National Weather Service (NWS) 72-hour forecast for the project area and cover stockpiles if NWS predicts precipitation.
- 2.12 Erosion Control. Permittee shall implement erosion control measures throughout all phases of operation where sediment delivery could occur. Silt fences, straw bales, gravel or rock lined ditches, water check bars, broadcasted weed-free straw, or other approved erosion control measures shall be used wherever sediment has the potential to leave the work site and enter the stream.
- 2.13 Silt Laden Runoff. At no time shall silt laden runoff enter the stream or be directed to where it may enter the stream. Silt control structures shall be monitored for effectiveness and shall be repaired or replaced as needed.
- 2.14 Disposal and Removal of Material. Permittee shall remove from the work area, and relocate outside of the stream and riparian area, all spoils and construction debris prior to inundation. All removed material and debris shall be disposed of according to State and local laws and ordinances.
- 2.15 Waste Containment and Disposal. Permittee shall contain all refuse in enclosed, wildlife proof, storage containers, at all times, and relocate refuse to an authorized waste management facility, in compliance with State and local laws, on a regular and ongoing basis. All refuse shall be removed from the site and properly disposed of at the close of the cultivation season and/or when the parcel is no longer in use.
- 2.16 Wash Water. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.
- 2.17 Allow Wildlife to Leave Unharmed. Permittee shall allow any wildlife encountered to leave the project area unharmed. This Agreement does not allow for the trapping, capture, or relocation of any state or federally listed species.
- 2.18 Escape Ramp in Trench. At the end of each work day, Permittee shall place an escape ramp at each end of any open trench deeper than six inches with walls greater than 30 degrees to allow entrapped animals to escape. The ramp may be

constructed of either dirt fill, non-treated wood, or other suitable material placed at an angle no greater than 30 degrees.

- 2.19 Prohibition Against Use of Plastic Netting in Erosion Control Measures. Permittee shall not use erosion control devices containing plastic, including photo- or bio-degradable plastic netting. Erosion control mats, blankets, and straw or fiber wattles shall consist entirely of natural fiber.
- 2.20 Remove Temporary Flagging, Fencing, and Barriers. Permittee shall remove all temporary flagging, fencing, and/or barriers from the project site and vicinity of the stream upon completion of project activities.

### **Special Status Species Avoidance and Minimization**

- 2.21 Prohibition on Take of Listed Species. This agreement does not authorize the take or incidental take of any State or Federal listed threatened or endangered listed species. State Listed or Fully Protected Species include any native plant species listed as rare under the Native Plant Protection Act (FGC, § 1900 et seq.; Cal. Code Regs., tit. 14, § 670.2), any species that is listed or is a candidate for listing under the California Endangered Species Act (FGC Code, § 2080 et seq.; Cal. Code Regs., tit. 14, §§ 670.2, 670.5), or any fully protected species (FGC, §§ 3511, 4700, 5050, 5515). Permittee shall consult with the appropriate agency prior to commencing the project.
- 2.22 Avoidance of Nesting Birds. Permittee shall avoid nests occurring within and near the project site pursuant to the Migratory Bird Treaty Act of 1918 and FGC section 3503. Vegetation maintenance/removal shall be confined to the period **September 1 to January 31** of any year in which this Agreement is valid, provided the work area is outside the stream. Vegetation maintenance/removal may continue during precipitation events provided stream flows have not risen into work areas and sediment delivery will not result.

### **Dewatering and Sediment Control**

- 2.23 Dewatering and Sediment Control Plan. All work should be conducted when the stream is dry, to the extent feasible. At sites where flowing water is present during operations the following shall be applied:
- 2.23.1 Biological Survey. Within five (5) days prior to operations, the Designated Biologist shall survey the portion of stream proposed for dewatering. If fish or amphibians are observed during the survey(s), Permittee shall not commence operations, and shall immediately notify and consult with CDFW to incorporate avoidance or disturbance minimization measures.
- 2.23.2 Methods for Dewatering. Cofferdams shall be installed to divert stream flow,

isolate and dewater the work site, catch sediment-laden water, and minimize sediment transport downstream. Cofferdams shall be constructed of non-polluting materials including sandbags, rock, and/or plastic tarps. Mineral soil shall not be used in the construction of cofferdams.

2.23.3 Diversion of Flow. Flowing water shall be cleanly bypassed and/or prevented from entering the work area through pumping or gravity flow, and cleanly returned to the stream below the work area. Flow diversions shall be done in a manner that prevents pollution and/or siltation and provide flows to downstream reaches.

2.23.4 Restore Normal Flows. Permittee shall restore normal flows to the affected stream immediately upon completion of work.

## Vegetation Management

2.24 Riparian Buffers. Riparian buffers shall be not be modified, unless authorized by CDFW in writing.

2.25 Minimum Vegetation Removal. No native riparian vegetation shall be removed, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the authorized activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.

2.26 Vegetation Maintenance. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of the authorized activity to the use of hand tools. Vegetation management shall not include treatment with herbicides.

2.27 Invasive Plant Species. Permittee shall not plant, seed or otherwise introduce invasive plant species within the Project area. Invasive plant species include those identified in the California Invasive Plant Council's inventory database, which is accessible at: <https://www.cal-ipc.org/plants/inventory/>.

## Water Diversion

2.28 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute** at any time.

2.29 Bypass Flow. Permittee shall pass **90% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the POD.

2.30 Seasonal Diversion Minimization. For POD-1, no more than 200 gallons in any one day shall be diverted (intended for household domestic use only) during the low flow season from **May 15 to October 31** of each year. Water shall be diverted only

if Permittee can adhere to the maximum diversion rate and bypass flow conditions of this Agreement.

2.31 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 Permittee. The device shall be installed within the flow of diverted water. Permittee shall maintain records of diversion, and provide information including, but not limited to the following:

2.31.1 A log including the date, time and quantity of water diverted from the POD.

2.31.2 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).

2.31.3 Permittee shall make available for review at the request of CDFW the diversion records required by the SWRCB Cannabis Cultivation Policy.

### **Water Diversion Infrastructure**

2.32 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.

2.33 Intake Structure Placement. Infrastructure installed in the streambed (e.g. spring box) shall not exceed 10% 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 12 inches below the streambed.

2.34 Intake Screening Maintenance. Permittee shall regularly inspect, clean, and maintain screens in good condition.

2.35 Intake Screens. All intakes shall be screened and openings in the screen shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings.

2.36 Intake Shall Not Impede Aquatic Species Passage. 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.

2.37 Exclusionary Devices. Permittee shall keep diversion-related structures covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.

- 2.38 Diversion Intake Removal. Permittee shall plug, cap, block (e.g., with a shut-off valve located near the source) or remove all intakes when no water diversion is planned for a period of one week or longer.
- 2.39 Heavy Equipment Use. No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. 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**

- 2.40 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) shall be located outside the active 100-year floodplain. Covers/lids shall be securely affixed to water tanks to prevent entry by wildlife. Permittee shall cease all water diversion at the POD when WSFs are full.
- 2.41 Water Storage Maintenance. WSFs shall have float valves to prevent overflowing. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and water diversion infrastructure, and immediately repair leaks.
- 2.42 Water Conservation. Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.43 Limitations on Impoundment and Use of Diverted Water. 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.

### **Stream Crossings**

- 2.44 Road Approaches. Permittee shall treat road approaches to new or re-constructed crossings to minimize erosion and sediment delivery to the stream. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including during the construction or reconstruction of a stream crossing. Road approaches shall be armored from the crossing for a minimum of 50 feet in both directions, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable, clean, screened, angular rock.
- 2.45 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the stream, all excavated and relocated fill material shall be tractor contoured (to drain

water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.

- 2.46 Runoff from Steep Areas. Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential, or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- 2.47 No Equipment in Wetted Areas. No heavy equipment shall enter the wetted stream channel.
- 2.48 Fill Materials. No fill material, other than clean rock, shall be placed in the stream channel.
- 2.49 Material Sizing. Rock shall be sized to withstand washout from high stream flows and extend above the ordinary high-water level.
- 2.50 Crossing Maintenance. Permittee shall provide site maintenance for the life of the structures, including, but not limited to, re-applying erosion control to minimize surface erosion and ensuring drainage structures, streambeds and banks remain sufficiently armored and/or stable. Permanent culverts shall be maintained and kept open year-round. Permittee is responsible for such maintenance as long as the culvert remains in the stream.
- 2.51 Armoring. The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow.
- 2.52 Armor Placement. Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.
- 2.53 Crossing Decommissioning. When stream crossings and fills are removed, all fill shall be excavated down to the original stream channel and outwards, horizontally, as wide as or wider than the natural channel to form a channel as close as feasible to the natural stream grade and alignment. The restored stream bank slopes shall be no steeper than a 2:1 slope (horizontal: vertical) or natural slope. Restored slopes shall be stabilized to prevent slumping and to minimize soil erosion that could lead to sediment deposition into Waters of the State.

### **Culvert Installation**

- 2.54 Permanent Culvert Sizing. Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e.  $\geq 1.0$  times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert



embedding, and sediment loads (Cafferata et al. 2017, Designing Watercourse Crossings for Passage of 100-Year Flood Flows, Wood, and Sediment).

<http://timbertraining.resources.ca.gov/mod/resource/view.php?id=378>

- 2.55 Critical Dips. Where diversion potential exists, a critical dip shall be installed to direct flood flow over the crossing fill and back into the channel. Critical dips shall be constructed to accommodate the entire estimated 100-year flood flow and may be installed by lowering the existing fill over the crossing or by constructing a deep, broad rolling dip over the crossing surface to prevent flood flow from diverting down the road.
- 2.56 Culvert Materials in High Fire Zones. If the project is located in a high to very high Fire Hazard Severity Zone as designated by CAL FIRE, CDFW recommends culvert materials consist of corrugated metal pipe. Use of High-Density Polyethylene pipe is discouraged. <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>
- 2.57 Fill Material. Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.
- 2.58 Culvert Grade. Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be placed in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). Permittee shall ensure basins are not constructed and channels are not widened at culvert inlets.
- 2.59 Culvert Bed. Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted. No geotextile fabric shall be placed in the culvert bed, streambed, bank or channel.
- 2.60 Culvert Armoring. Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.

2.61 Project Inspection. The Project shall be inspected by a qualified licensed professional/engineer to ensure that the stream crossings were installed and functioning as designed and in accordance with this Agreement. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

### **Fords, Armored, and Vented Crossings**

2.62 Design Capacity. Fords, armored, and vented crossings are considered permanent watercourse encroachments and shall be designed and sized to accommodate the 100-year flood flow plus associated sediment and debris.

2.63 Crossing Maintenance. Fords, armored, and vented crossings and hydrologically-connected road approaches shall be maintained as necessary to avoid delivery of fine sediment to the watercourse below.

2.64 Outslope Crossings. Fords, armored, and vented crossings shall be sufficiently outsloped to minimize aggradation of suspended sediments at the crossing.

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

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

2.66.1 If maximum fill heights exceed 15 feet or fill volumes exceed 500 cubic yards, rock sizing, armoring thickness, chute width and chute depth shall be calculated and sized using the nomograph provided in Figure 23 (Simplified Design of Rock-armored Crossings) of Cafferata et al. (2017).

2.67 Scour Prevention. Stream crossing spillway fill slopes shall be armored from roadbed to the natural channel in a manner sufficient to prevent scour or removal of armor during high flows. Scour is expected through road surface rock cap.

2.68 No Geotextiles in Stream. No geotextile fabric shall be placed in the streambed, bank or channel.

2.69 Ford Use. Fords shall only be used when the fording surface is dry.

2.70 Project Inspection. The Project shall be inspected by qualified licensed professional/engineer to ensure that the stream crossings were installed and

functioning as designed and in accordance with this Agreement. 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

Permittee shall meet each reporting requirement described below.

- 3.1 CDFW Notification of Work Initiation. 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.
- 3.2 Work Completion. The proposed work shall be completed by no later than **October 15, 2023**. Notification of completion will include dates work occurred, photographs of work stages and the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions and shall be submitted to CDFW LSA program at 619 Second Street, Eureka, CA 95501 within seven (7) days of project completion.
- 3.3 Project Inspection. The Project shall be inspected a by licensed professional/engineer to ensure that the stream crossings were installed and functioning as designed and in accordance with this Agreement. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of each separate project. Permittee shall submit the **Project Inspection Report** to CDFW LSA Program at 619 Second Street, Eureka, CA 95501.
- 3.4 Measurement of Diverted Flow. Copies of the **Water Diversion Records** shall be submitted to CDFW LSA Program at 619 Second Street, Eureka, CA 95501 no later than **March 31** of each year beginning in **2021**, to report the preceding year's diversion.
- 3.5 Site Management Plan and Related Technical Reports. Permittee shall submit to CDFW the project's current draft of the Site Management Plan and related technical reports if it was not included in the Notification. If the Site Management Plan and/or related technical reports are still in preparation, Permittee shall submit it and all subsequent revisions and updates within **30 days** of submittal to the SWRCB.
- 3.6 Notification to the California Natural Diversity Database. If any special status species are observed at any time during the project, the Designated Biologist shall submit California Natural Diversity Data Base (CNDDDB) forms to the CNDDDB within **five (5) working days** of the sightings. A summary of CNDDDB submissions shall be included with the completion notification. Forms and instructions for

submissions to the CNDDDB may be found at:  
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

## **CONTACT INFORMATION**

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

### To Permittee:

Seth Ayers  
P.O. Box 1384  
Redway, California 95560  
707-223-1209  
[emeraldflowerfarmsinc@yahoo.com](mailto:emeraldflowerfarmsinc@yahoo.com)

### To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program – Jonathan Hollis  
Notification #1600-2018-00731-R1

## **LIABILITY**

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 Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, or 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. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 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, subdivision (b), 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, 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 section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (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 CEQA; and 3) after payment of the applicable FGC section 711.4 filing fee listed at <https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

## **TERM**

This Agreement shall **expire five (5) 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, subdivision (a)(2) requires.

**AUTHORITY**

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

**AUTHORIZATION**

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, 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 SETH AYERS**

  
Seth Ayers

4-12-21

Date

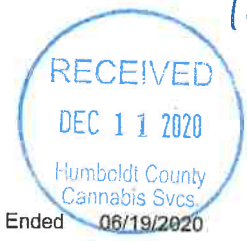
**FOR DEPARTMENT OF FISH AND WILDLIFE**

Cheri Sanville  
Senior Environmental Scientist Supervisor

Date

Prepared by: Jonathan Hollis, Environmental Scientist, October 21, 2019. Revised: August 4, 2020 and again October 14, 2020

State of California  
**Well Completion Report**  
 Form DWR 188 Submitted 6/30/2020  
 WCR2020-008159



16644

Owner's Well Number \_\_\_\_\_ Date Work Began 06/17/2020 Date Work Ended 06/19/2020  
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program  
 Secondary Permit Agency \_\_\_\_\_ Permit Number 19/20-0464 Permit Date 12/26/2019

**Well Owner (must remain confidential pursuant to Water Code 13752)**

Name Seth Ayers  
 Mailing Address P.O. Box 1384  
 City Redway State CA Zip 95560

**Planned Use and Activity**

Activity New Well  
 Planned Use Water Supply Irrigation - Agriculture

**Well Location**

Address 2872 Chemise Mtn. RD APN 108-281-003  
 City Whitethorn Zip 95589 County Humboldt Township 05 S  
 Latitude 40 0 48.2327 N Longitude -123 59 42.6876 W Range 02 E  
 Deg. Min. Sec. Deg. Min. Sec. Section 19  
 Dec. Lat. 40.013398 Dec. Long. -123.995191 Baseline Meridian Humboldt  
 Vertical Datum \_\_\_\_\_ Horizontal Datum WGS84 Ground Surface Elevation \_\_\_\_\_  
 Location Accuracy \_\_\_\_\_ Location Determination Method \_\_\_\_\_ Elevation Accuracy \_\_\_\_\_  
 Elevation Determination Method \_\_\_\_\_

**Borehole Information**

Orientation Vertical Specify \_\_\_\_\_  
 Drilling Method Direct Rotary Drilling Fluid Air  
 Total Depth of Boring 200 Feet  
 Total Depth of Completed Well 200 Feet

**Water Level and Yield of Completed Well**

Depth to first water 53 (Feet below surface)  
 Depth to Static \_\_\_\_\_  
 Water Level 28 (Feet) Date Measured 06/19/2020  
 Estimated Yield\* 6 (GPM) Test Type Air Lift  
 Test Length 4 (Hours) Total Drawdown 147 (feet)  
 \*May not be representative of a well's long term yield.

**Geologic Log - Free Form**

Depth from Surface Feet to Feet	Description
0 - 2	top soil
2 - 18	brown silty clay & sandstone
18 - 44	brown clay
44 - 53	red chert & sandstone
53 - 122	basalt
122 - 141	shale fractured
141 - 179	basalt & fractured blue sandstone
179 - 191	shale clay with fractured shale
191 - 200	shale melange



**Casings**

Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specifications	Wall Thickness (Inches)	Outside Diameter (Inches)	Screen Type	Slot Size if any (Inches)	Description
1	0	40	Blank	PVC	OD: 5.563 in.   SDR: 21   Thickness: 0.265 in.	0.265	5.563			
1	40	200	Screen	PVC	OD: 5.563 in.   SDR: 21   Thickness: 0.265 in.	0.265	5.563	Milled Slots	0.032	

**Annular Material**

Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Other Bentonite		Sanitary Seal
20	200	Filter Pack	Other Gravel Pack	3/8 inch	Pea Gravel

Other Observations:

**Borehole Specifications**

Depth from Surface Feet to Feet		Borehole Diameter (Inches)
0	200	10

**Certification Statement**

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief

Name FISCH DRILLING  
 Person, Firm or Corporation

3150 JOHNSON ROAD      HYDESVILLE      CA      95547  
 Address      City      State      Zip

Signed *[Signature]*      06/30/2020      683865  
*electronic signature received*      Date Signed      C-57 License Number  
 C-57 Licensed Water Well Contractor

**Attachments**

scan.pdf - Location Map

**DWR Use Only**

CSG #	State Well Number	Site Code	Local Well Number
		N	
			W

Latitude Deg/Min/Sec      Longitude Deg/Min/Sec

TRS:  
 APN:

## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following agencies for review and comment. The agencies that provided written comments are indicated with a check under Response.

Referral Agency	Response	Recommendation	Location
Humboldt County Building Inspection Division	✓	Conditional approval	<b>Attached</b>
Humboldt County Department of Health & Human Services	✓	Approval	On file
Humboldt County Public Works, Land Use Division	✓	Conditional approval	<b>Attached</b>
CAL FIRE	✓	Denial (see <b>Condition 10</b> )	<b>Attached</b>
Northwest Information Center (NWIC)	✓	Conditional approval	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On File
Humboldt County Sheriff	✓	Approval	On file
State Division of Water Resources	✓	Approval	On file
Regional School District Mattole Union			
California Department of Fish and Wildlife			
Federal Bureau of Land Management			
Regional FPD Whale Gulch VFC			
Humboldt County Agricultural Commissioner			
Humboldt County District Attorney			

314

*Thurs*



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

12/22/2020

**Project Referred To The Following Agencies:**

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, **Building Inspections**, Bureau of Land Management, FPD: Whale Gulch VFC, RWQCB, School District: Mattole Union, Cal Fish & Wildlife, Division of Water Resources, CalFire, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

**Applicant Name** Emerald Flower Farms, LLC **Key Parcel Number** 108-281-003-000

**Application (APPS#)** PLN-2020-16644 **Assigned Planner** Stephen Luther 707-268-3737

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

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

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

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

**Return Response No Later Than: 1/6/2021**

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

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

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

Other Comments: See attached Bid Dept. comments

DATE: 3-8-21

PRINT NAME: Ross Esker



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Accela Record No: PLN-16644 APN: 108-281-003

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

Site plan appears to be accurate.

Site plan is not accurate, submit revised site plan showing the following items:

All grading including ponds and roads,

Location of any water course including springs,

All structures including size and use and all setbacks from each other, above stated items, and property lines.

Existing operation appears to have expanded as follows: \_\_\_\_\_

Proposed new operation has already started.

Development is near a wet area. If yes, distance from development: \_\_\_\_\_

Development is near a Steam side Management Area (SMA). If yes, distance from development: Some 50'-100', one structure < 50'

Recommend approval based on the condition that all required grading, building, plumbing, electrical, and mechanical permits and or Agricultural Exemptions are obtained.

Other Comments: Applicant said this was an old map not the current one, Map missing labels of structures, no solar, setbacks from SMA, (P) cultivation site, structures not shown

Name: Ross Estrg

Date: 3-8-21

Note: Please take photographs and save them to the Planning Accela record number. Updated 1/21



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Accela Record No: PLN-16645 APN: 108-132-031

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

- Site plan appears to be accurate.
- Site plan is not accurate, submit revised site plan showing the following items:
- All grading including ponds and roads,
  - Location of any water course including springs,
  - All structures including size and use and all setbacks from each other, above stated items, and property lines.
  - \_\_\_\_\_
  - \_\_\_\_\_
- Existing operation appears to have expanded as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Proposed new operation has already started.
- Development is near a wet area. If yes, distance from development: \_\_\_\_\_
- Development is near a Steam side Management Area (SMA). If yes, distance from development: <100'
- Recommend approval based on the condition that all required grading, building, plumbing, electrical, and mechanical permits and or Agricultural Exemptions are obtained.
- Other Comments: See attached GIS print for SMA. All photos of this project are un-retrievable from phone (IT notified). Photos are from a prior inspection that were in docs. Map accurate except missing 1 small shed on side of road leading to creek crossing

Name: 3-8-21 Ross Eskig

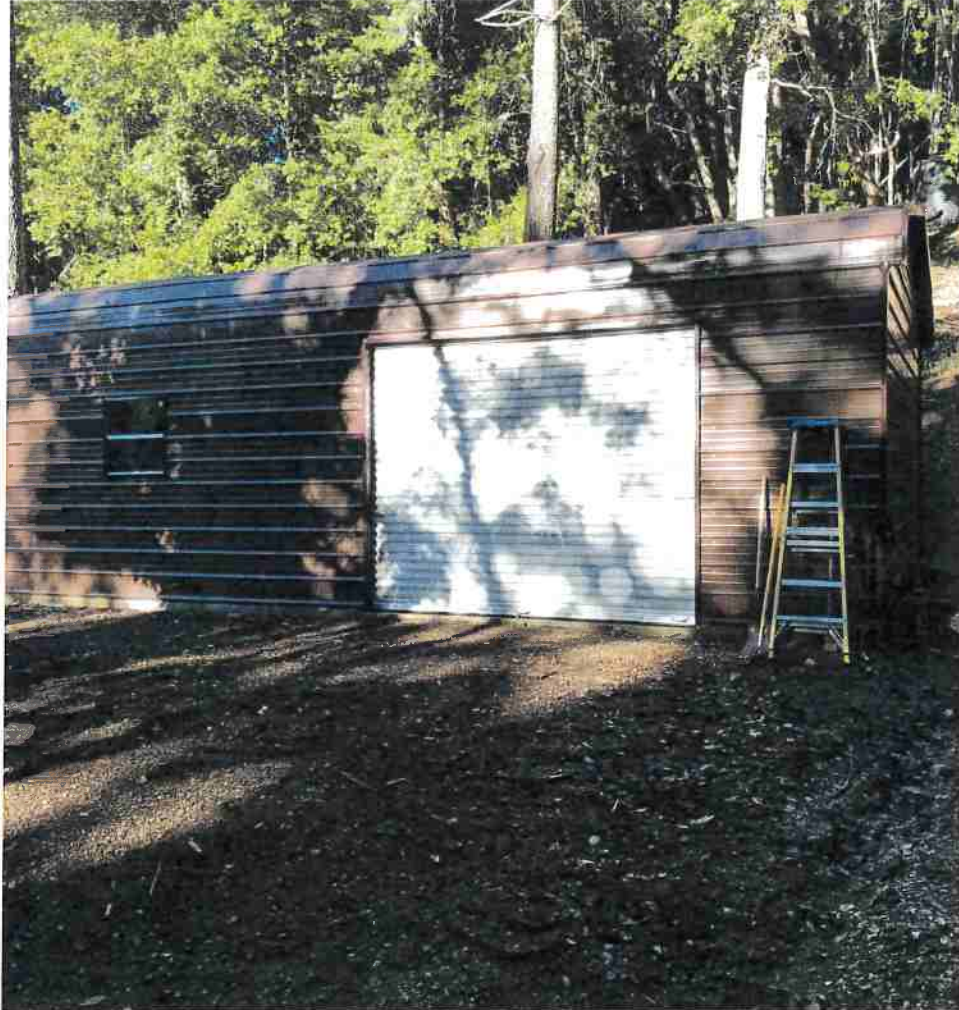
Date: 3-8-21

Note: Please take photographs and save them to the Planning Accela record number. Updated 1/21

*Water tanks by pond*



*Main building*



2x Smaller Hoops by residence





*Main GH by residence*



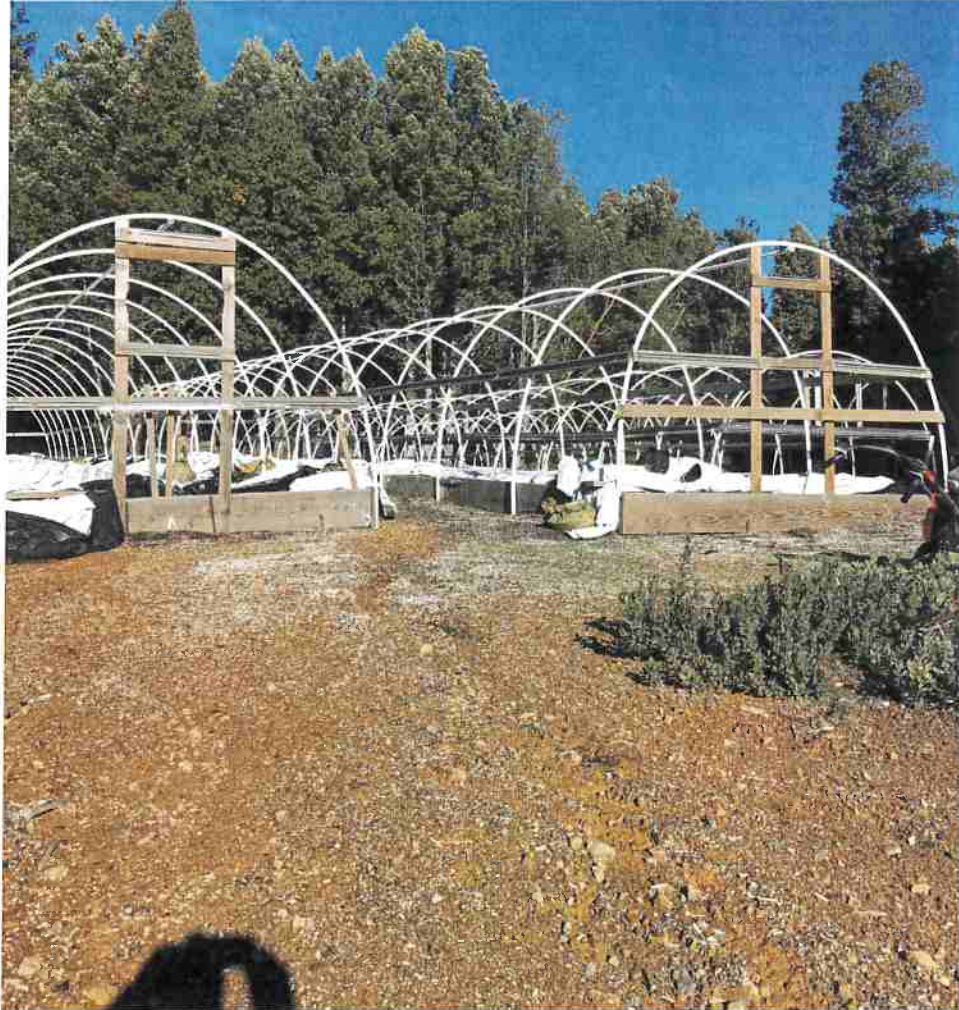
*H<sub>2</sub>O Tanks at upper site*



Upper site GHS



Upper site GHs





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

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

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

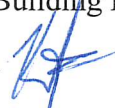
ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

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

LAND USE	445-7205
----------	----------

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Stephen Luther, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 01/13/2021

<b>RE:</b>	<b>Applicant Name</b>	<b>EMERALD FLOWER FARMS</b>
	<b>APN</b>	<b>108-281-003</b>
	<b>APPS#</b>	<b>PLN-2020-16644</b>

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:

The Department required that the commercial driveway be surfaced to County standards for Apps# 12394, to date no encroachment permit has been applied for to perform the work.

// END //

# Exhibit "A"

## Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 16644

**COUNTY ROADS- PROXIMITY OF FARMS:**

Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.

**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 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:**