



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: July 21, 2022

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Fruitland Family Farms LLC Special Permit for Modification**
Record Number: PLN-2021-17383
Assessor's Parcel Number: 211-331-021
10356 Dyerville Loop Road, Myers Flat Area

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Please contact Augustus Grochau, Planner I, at 707-441-2626 or by email at agrochau@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date July 21, 2022	Subject Special Permit for Modification	Contact Augustus Grochau
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Project Description: A Special Permit for expansion of the approved Zoning Clearance Certificate PLN-2019-16057. The project will expand from the approved 5,000 square feet of light deprivation outdoor cultivation to the proposed 10,000 square feet of light deprivation outdoor cultivation. The cultivation will occur in five (5) 2,000 square foot greenhouses. The applicant hopes to achieve two (2) harvests annually. All water will be sourced by rainwater catchment from an existing rooftop rainwater catchment system. The estimated water needed annually for irrigation is approximately 72,500 gallons (7.25 gal/sq.ft./yr). There are twelve (12) 5,000 gallon tanks connected to the catchment system, two (2) existing 2,500 gallon tanks, and three (3) proposed 5,000 gallon tanks for a total of 80,000 gallons of water storage. There is also an existing 21,000 gallon pond designated for fire suppression. Drying and curing will occur onsite in the proposed 1,040 square foot drying shed. Operations will be handled by family members living onsite, no employees are proposed. Power is sourced from PG&E. The project also requires a reduction of the 300 feet setback from an existing residence, and the owner of that residence has provided permission to waive this setback requirement.

Project Location: This project is located in the Myers Flat area, on the east side of Dyerville Loop Road, approximately 750 feet north from the intersection of Dyerville Loop Road and Kelsey Lane, on the property known as 10356 Dyerville Loop Road.

Present Plan Land Use Designations: Residential Agriculture (RA5-20), Density: Range is 5 to 20 acres per unit, 2017 General Plan, Slope Stability: Moderate Instability (2)

Present Zoning: Unclassified (U)

Record Number: PLN-2021-17383

Assessor's Parcel Number: 211-331-021

Applicant	Owner	Agent
Fruitland Family Farms LLC Wade Smith 10356 Dyerville Loop Road Myer Flat, CA 95553	Wade and Lauren Smith 10356 Dyerville Loop Road Myer Flat, CA 95553	Clearwater Ag Services Diana Totten 446 Maple Lane Garberville, CA 95542

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: None

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:

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, make all of the required findings for approval of the Special Permit and adopt the Resolution approving the Fruitland Family Farms LLC Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: A Special Permit for expansion of the approved Zoning Clearance Certificate PLN-2019-16057. The project will expand from the approved 5,000 square feet of light deprivation outdoor cultivation to the proposed 10,000 square feet of light deprivation outdoor cultivation. The cultivation will occur in five (5) 2,000 square foot greenhouses. The applicant hopes to achieve two (2) harvests annually. All water will be sourced by rainwater catchment from an existing rooftop rainwater catchment system. The estimated water needed annually for irrigation is approximately 72,500 gallons (7.25 gal/sq.ft./yr). There are twelve (12) 5,000 gallon tanks connected to the catchment system, two (2) existing 2,500 gallon tanks, and three (3) proposed 5,000 gallon tanks for a total of 80,000 gallons of water storage. There is also an existing 21,000 gallon pond designated for fire suppression. Drying and curing will occur onsite in the proposed 1,040 square foot drying shed. Operations will be handled by family members living onsite, no employees are proposed. Power is sourced from PG&E. The project also requires a reduction of the 300 feet setback from an existing residence, and the owner of that residence has provided permission to waive this setback requirement.

There will be 10,000 SF of outdoor cultivation proposed to be within five (5) 5,000 square foot greenhouses which will be equipped with automatic light deprivation tarps. The applicant hopes to achieve two (2) harvests annually. Ancillary propagation is proposed to occur within a 1,000 square foot nursery. A permitted 1,040 square foot shed will be used for drying and curing. Further processing will occur at a licensed third-party facility. Two (2) shipping containers will also be utilized for storage. The applicant shall permit or acquire agricultural exemptions for all buildings with a nexus to cannabis, including but not limited to five (5) greenhouses, and one (1) nursery area.

The site is located in an area of Moderate Instability for seismic safety. The project is located on an existing flat with slopes of less than 15% and no grading is proposed.

There is an ADA-accessible portable toilet onsite.

The project is within the jurisdiction of Southern Humboldt Joint Unified School District. The project was referred to them on August 18th, 2021 and no response has been received. The project has not been found to be within 600 feet of a school or bus stop.

Water Resources

The project's water source is rainwater catchment. There is an existing rooftop catchment system on the residence, which provides a catchment area of 3,200 square feet. Water from rainwater catchment flows directly to six (6) existing 5,000 gallon tanks and will flow directly to a total of twelve (12) 5,000 gallon tanks. There are also two (2) existing 2,500 gallon tanks and three (3) additional proposed 5,000 gallon tanks, for a total of approximately 80,000 gallons of water storage available. There is also an existing 21,000 gallon pond designated for fire suppression and an additional 2,500 gallon tank for domestic water. By utilizing metered drip irrigation, the applicant estimates that annual water usage for irrigation

will be approximately 72,500 gallons (7.25 gal/sq.ft./yr). There is an existing well onsite, which is used exclusively for domestic water. No water sourced from wells will be used for irrigation.

The project site is not located in a wetland mapped by the National Wetlands Inventory and no wetland or riparian communities are located within the proposed footprint of the cultivation site. A Class III drainage goes through the parcel, but all sites are more than 50 feet from the drainage. It is unlikely that any wetland habitats have potential to be impacted by the proposed project.

The applicant is currently cultivating under the approved PLN-2019-16057, which was enrolled in the State Water Resources Control Board's (SWRCB) (Order WQ 2019-0001-DWQ) General Waste Discharge Requirements and Waiver of Waste Discharge Requirements. A Site Management Plan which matches the proposed project's description was developed outlining the measures required to meet the standards of the SWRCB's Order. The applicant shall adhere to the measures and recommendations within the SMP.

Fire Safety

The project is located within the State Responsibility Area in an area designated as High Fire Severity. The applicant has designated a 21,000 gallon pond for fire suppression. Additionally, the project is located in the Fruitland Ridge Fire Protection District.

Biological Resources

A biological resource survey was conducted in the study area on May 10th, 2022 by Corrina Kamoroff, a qualified biologist. This survey was used to inform the Biological Resource Assessment (BRA) prepared by biologist Corrina Kamoroff for Hohman & Associates Forestry Consultants on May 24th, 2022.

The subject parcel is within mapped range of certain rare or endangered plant species listed in the California Natural Diversity Database (CNDDDB) layer shown in Humboldt County's WebGIS. According to the BRA, the proposed greenhouses are sited on a graded barren flat on open grassland habitat and the surrounding area contains an abundance of non-native flora species. An invasive species management plan was prepared for PLN-2019-16057, and any invasive species onsite shall be removed prior to their bloom and seed periods each year, though a protocol-level Invasive Species Survey is recommended by the Biological Resources Assessment and required by the conditions (A.7 & B.8). Given that the expansion area is barren from pre-disturbance, there is no likely impact to special status plant species and a Botanical Study is unnecessary.

The subject parcel is located outside of any mapped ranges for rare or endangered fauna species listed in the California Natural Diversity Database (CNDDDB) layer shown in Humboldt County's Web GIS. The nearest northern spotted owl (NSO) activity center is approximately 0.8 miles from the proposed cultivation area and there are three (3) NSO observations which are approximately 0.6 miles from the proposed cultivation area and are associated with two (2) different NSO activity centers. The BRA determined that although the project site contains the NSO's preferred habitat, Northern Spotted Owl Surveys were conducted in 2022 for timber operations on an adjacent parcel and no NSO were detected within 0.75 miles of the project area, therefore the project is not expected to significantly impact the NSO. The parcel is connected to PG&E power, minimizing noise. The project will adhere to International Dark Sky Association standards, so no light shall escape the greenhouses between dusk and dawn.

The BRA concluded that although the project site has the potential to support special-status animal species, any negative direct impacts to sensitive habitats, and any foreseeable indirect impacts to the environment, surrounding habitat, or wildlife would be reduced to a less than significant level if the recommended mitigations are followed. Recommendations within the BRA include completing an Invasive Species Survey, conducting bird surveys pre-construction if vegetation removal for construction must take place during nesting season, following guidelines for reducing noise and light pollution, containing any generators in an insulated structure, limiting pesticide use to low-risk exempt substances, not spraying pesticides in the presence of any pollinators, and not allowing drift to any flowering plants

in the surrounding area. These recommendations have been included in the conditions of approval for the project, and construction activities shall only commence in the event that no rare threatened or special-status species are found onsite. If rare, threatened, or special-status species are found onsite, the biologist shall notify the Planning Director in consultation with CDFW. The Planning Director shall determine in consultation with CDFW whether modifications to the project design are possible to avoid removal of occupied habitat while still achieving project objectives, or if avoidance is not feasible.

The project was referred to the California Department of Fish & Wildlife (CDFW) on August 18th, 2021, and no comments were received. The applicant submitted a Notification of Lake or Streambed Alteration with CDFW in 2020. There are no stream crossings nor culverts onsite. Due to the pond onsite, the project will need to comply with the protocols addressed in the CDFW Bullfrog Management Plan.

Noise

Performance Standards required in the CCLUO, per section 55.4.12.6, states that noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of site. Because the power is sourced from PG&E, the greenhouses fans are quiet, and the electric pumps between the catchment tanks and the greenhouses are silent, the project is not expected to raise noise levels. A Noise Study was prepared for the project, showing that the average daytime ambient noise levels at the property lines are between approximately 35 dbA and 43 dbA. Due to its proximity to the road, the sound levels at the west property line are notably higher on average than the other property lines. Excluding the west property line, ambient noise levels are up to 39 dbA on average.

Energy Plan

The project's power source is PG&E and an existing solar panel array. Power supplied by PG&E will be from 100% renewable sources. There are no generators onsite.

Tribal Cultural Resource Coordination

The project is located within the ancestral aboriginal territories of the Sinkyone Intertribal Wilderness Council and the Bear River Band of Rohnerville Rancheria. The project was referred to the Sinkyone and Bear River Band tribes on August 18th, 2021. A cultural resources study which covered approximately 100% of the proposed project area had been completed in January 2020 and found no cultural resources in the proposed project area. No additional survey is required. NWIC also identified a building in the proposed project area from the US Geological Survey Myers Flat 7.5' quad map from 1969. This is likely the residence, which is not proposed to be used by the cultivation project, nor is it proposed for demolition. Inadvertent discovery protocols are in place for the project. In the event that cultural resources are encountered during project activities onsite, the applicant shall adhere to inadvertent discovery protocols, halt operations, and contact a qualified archaeologist.

Access & Parking

Access to the site is via a driveway off of Dyerville Loop Road, a paved County-maintained road. The applicant submitted a road evaluation report for Dyerville Loop Road with PLN-2019-16057 certifying that it is developed to the Category 4 road standard or better along the segment between the driveway and Elk Creek Road. The new project was referred to Public Works and comment was received September 2nd, 2021, indicating that previous comments for PLN-2019-16057 from May 4th, 2020 are still applicable. The department had recommended conditions of approval for the project, including: the applicant is advised that the County-maintained roads may generate dust and other impacts to farms and the applicant shall hold the County harmless from these impacts, all fences and gates shall be relocated out of the County right-of-way with appropriate setbacks, no materials shall be stored or placed in the County right-of-way, any existing or proposed driveways accessing the project shall be improved to current standards and will require an encroachment permit from the Department of Public Works, and all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility). The recommended conditions have been included in the Conditions of Approval for the project that must be met before commencing project activities onsite.

The project will be owner-operated with no employees and the owners reside onsite. The driveway parking is sufficient.

Summary

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document 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.

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; 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 22-

Record Number PLN-2021-17383

Assessor's Parcel Number: 211-331-021

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the **Fruitland Family Farms LLC** Special Permit Modification.

WHEREAS, Fruitland Family Farms LLC, submitted an application and evidence in support of approving a Modification of PLN-2019-16057 increasing the total cultivation area to 10,000 square feet of outdoor cannabis cultivation;

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 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; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on July 21, 2022, and reviewed, considered, and discussed the application for Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** A Special Permit for expansion of the approved Zoning Clearance Certificate PLN-2019-16057. The project will expand from the approved 5,000 square feet of light deprivation outdoor cultivation to the proposed 10,000 square feet of light deprivation outdoor cultivation. The cultivation will occur in five (5) 2,000 square foot greenhouses. The applicant hopes to achieve two (2) harvests annually. All water will be sourced by rainwater catchment from an existing rooftop rainwater catchment system. The estimated water needed annually for irrigation is approximately 72,500 gallons (7.25 gal/sq.ft./yr). There are twelve (12) 5,000 gallon tanks connected to the catchment system, two (2) existing 2,500 gallon tanks, and three (3) proposed 5,000 gallon tanks for a total of 80,000 gallons of water storage. There is also an existing 21,000 gallon pond designated for fire suppression. Drying and curing will occur onsite in the proposed 1,040 square foot drying shed. Operations will be handled by family members living onsite, no employees are proposed. Power is sourced from PG&E. The project also requires a reduction of the 300 feet setback from an existing residence, and the owner of that residence has provided permission to waive this setback requirement.

EVIDENCE: a) Project File: PLN-2021-17383

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to and the 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.

EVIDENCE:

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous 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) The project is enrolled in the State Water Resource Control Board Order No. WQ 2019-0001-DWQ, and has prepared a Site Management Plan to show measures required to meet compliance with the standard conditions of the Order.
- d) The applicant is required to adhere to inadvertent discovery protocols for archaeological resources.
- e) An Invasive Species Control Plan was prepared for the project, and the applicant is conditioned to adhere to the recommendations within the Plan.
- f) A Biological Resource Assessment was prepared by Hohman & Associates on May 24th, 2022. Recommended mitigation measures for the project have been included in the conditions of approval prior to commencing activities onsite.
- g) The Cultivation and Operation Plan states that the only water sources are via rooftop rainwater catchment, so no instream work is required for the project.

FINDINGS FOR THE SPECIAL PERMIT

3. FINDING

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

EVIDENCE

- a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- b) The site has been determined to be in an area of Moderate Instability for seismic safety. No new commercial structures are proposed for the expansion.

According to WebGIS data, all proposed development occurs in areas with slopes of less than 15%.

- c) The subject parcel contains one (1) Class III watercourse identified in the Biological Resource Assessment (BRA) prepared for the site. The project site is not located in a wetland mapped by the National Wetlands Inventory and no wetland or riparian communities are located within the proposed footprint of the cultivation site. A 50 ft buffer from the edge of the Class III watercourse is noted by the BRSR, and the project area is outside of this buffer. It is unlikely that any wetland habitats have potential to be impacted by the proposed project.

4. FINDING

The proposed development is consistent with the purposes of the existing U

zone in which the site is located.

EVIDENCE

- a) The Unclassified or U zone is intended to be applied to areas of the County which have not been sufficiently studied to justify precise zoning classifications.
- b) General agricultural uses are principally permitted in the U zone.
- c) Humboldt County Code section 55.4.6.1.2 (a) allows cultivation of up to 10,000 square feet of new outdoor and mixed light cannabis cultivation on a parcel between 5 and 10 acres in size, subject to approval of a Special Permit, in AE, AG, FR, and U zones, provided that the U zone is accompanied by a Resource Production General Plan land use designation. The application for new operation of 10,000 square feet of mixed light cultivation on a 6-acre parcel is consistent with this.

5. FINDING

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

EVIDENCE

- a) The CCLUO allows up to 10,000 square feet of new commercial cannabis cultivation to be permitted in areas zoned U, provided that the zone is accompanied by a Resource Production or Residential General Plan land use designation, (HCC 314-55.4.6.1.2 (a)) with a Special Permit.
- b) The subject parcel has been determined to be one legal parcel as described in Creation Deed 1964-04386.
- c) The project will obtain water from a non-diversionary water source.
- d) Access to the site is via a driveway off of Dyerville Loop Road, a paved County-maintained road. The applicant submitted a road evaluation report for Dyerville Loop Road with PLN-2019-16057 certifying that it is developed to the Category 4 road standard or better along the segment between the driveway and Elk Creek Road. It has been determined that the access road meets the functional capacity required for the project.
- e) The slope of the land where cannabis will be cultivated and development is to occur has slopes of less than 15%.
- f) No timber conversion has occurred or is proposed on the project site.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.6.4.4 (a-f). It is more than 30 feet from any property line, more than 270 feet from any adjacent undeveloped parcel, more than 600 feet from any school, church or other place of religious worship, Tribal Cultural Resource, or school bus stop, and more than 1,000 feet from any known Tribal Ceremonial Sites. It is not more than 300 feet from all off-site residences, however the property owner of the affected residence has provided express written consent to waive these setbacks.

6. FINDING

The cultivation of 10,000 square feet of new mixed light commercial cannabis and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE**
- a) The segment of Dyerville Loop Road between the driveway and Elk Creek Road has been self-certified by the applicant to be developed to the Category 4 road standard or better and is County-maintained.
 - b) The location of the proposed cannabis cultivation is more than 270 feet from any adjacent undeveloped parcel. The location is not more than 300 feet from the nearest off-site residence, but the property owner of the residence within 300 feet has provided consent to waiving this setback requirement.
 - c) All irrigation water will come from rainwater catchment.
 - d) The project will occur on existing slopes of less than 15%.

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

- EVIDENCE**
- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have one housing unit. The approval of cannabis cultivation on this parcel will not remove this residence.
 - b) The parcel's land use is Residential Agriculture, which has a density range of 5 to 20 acres per unit. The parcel has one residential unit and is assessed at 6 acres. Adding another residential unit would result in an onsite density of 3 acres per unit, below the acceptable range.

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

- EVIDENCE**
- a) The project site is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 191 permits and the total approved acres would be 85.65 acres of cultivation.

DECISION

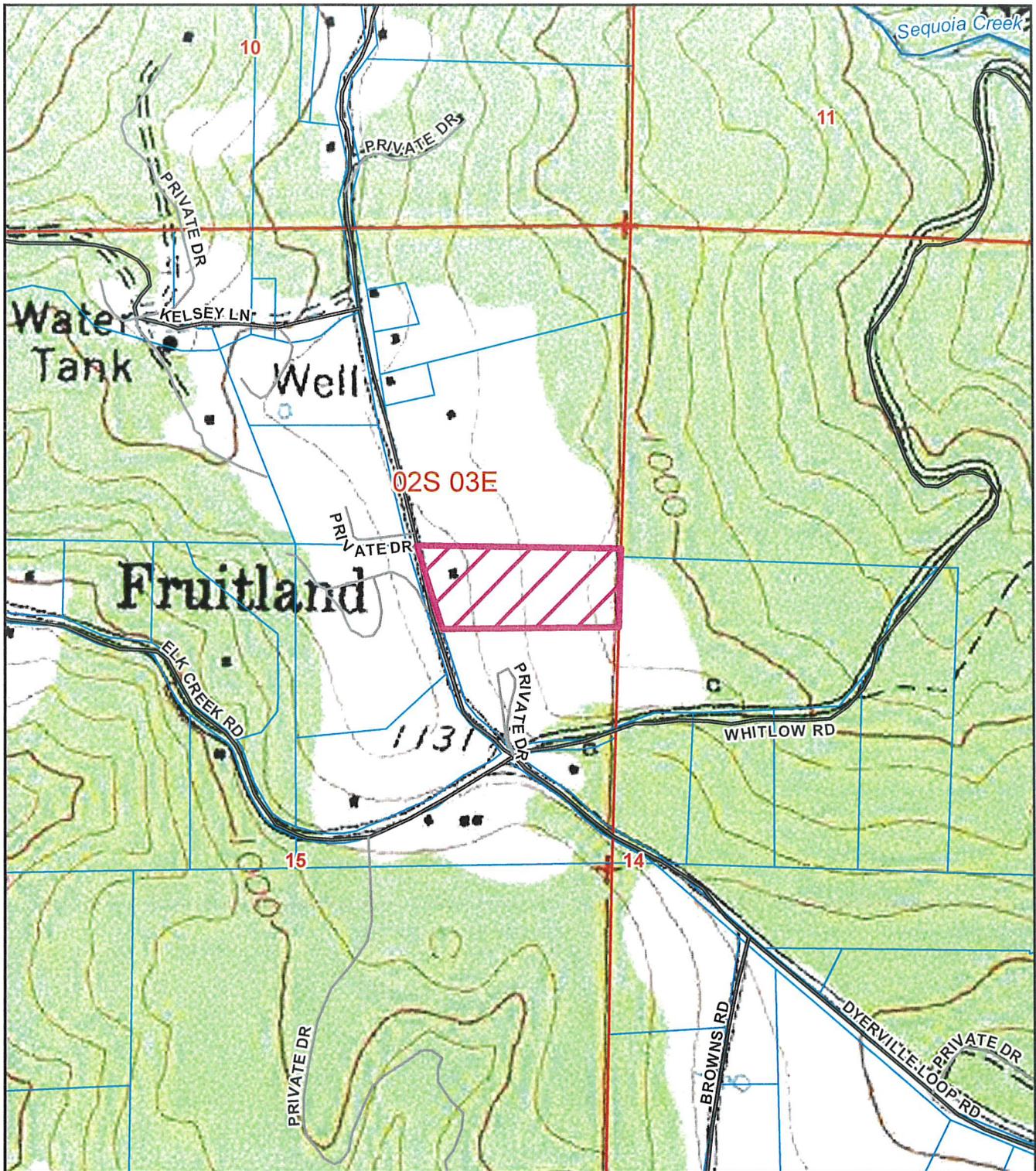
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

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

Adopted after review and consideration of all the evidence on **July 21, 2022**.

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 Zoning Administrator at a meeting held on the date noted above.

John Ford, Zoning Administrator,
Planning and Building Department



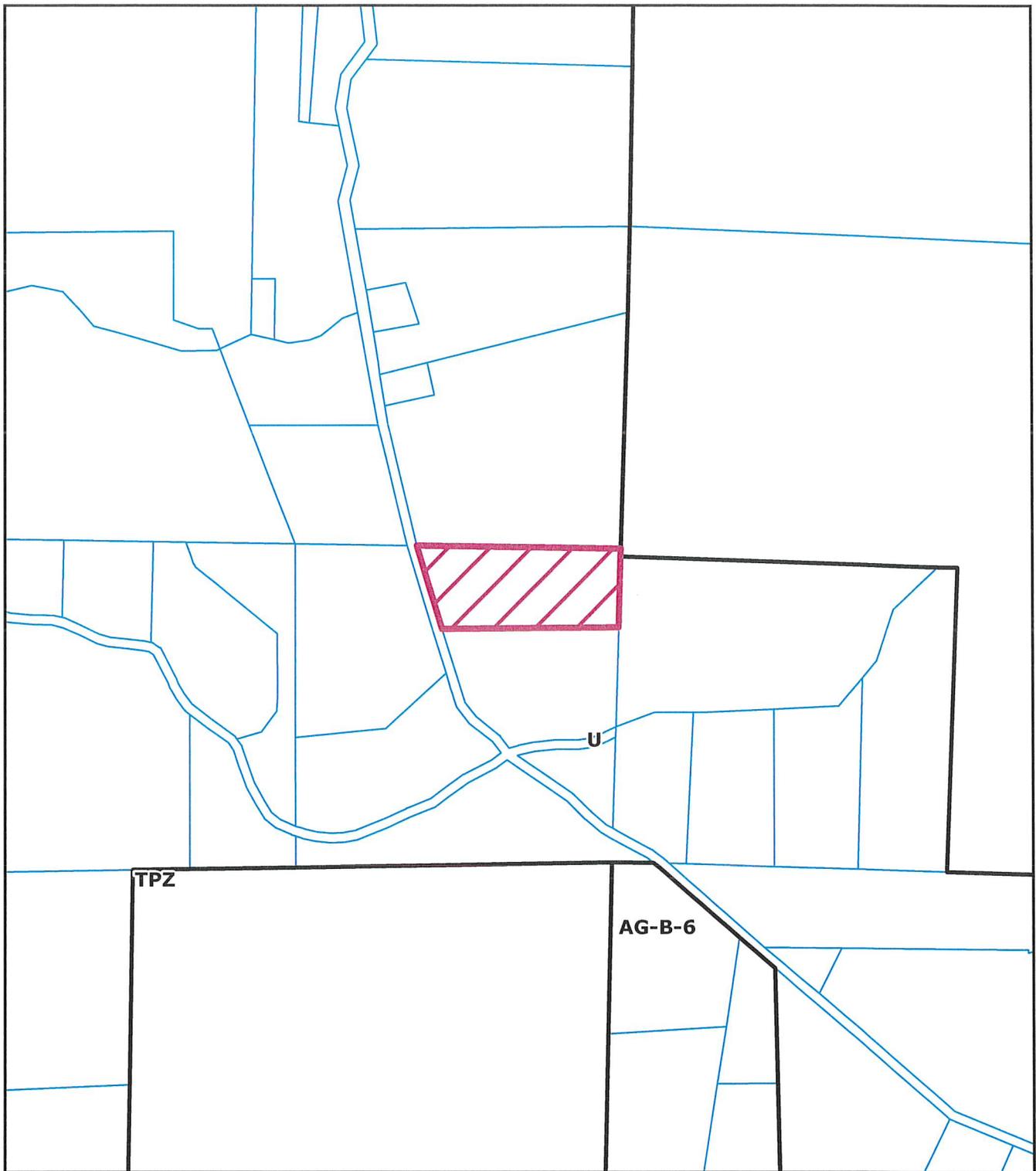
TOPO MAP
PROPOSED FRUITLAND FAMILY FARMS LLC
MYERS FLAT AREA
PLN--2019-16057
APN: 211-331-021-000
T02S R03E S15 HB&M (MYERS FLAT)

Project Area =

N

0 750 1,500
 Feet

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



**ZONING MAP
 PROPOSED FRUITLAND FAMILY FARMS LLC
 MYERS FLAT AREA
 PLN--2019-16057
 APN: 211-331-021-000
 T02S R03E S15 HB&M (MYERS FLAT)**

Project Area = 


 N

0 750 1,500
 Feet

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

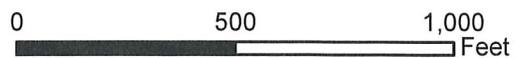


AERIAL MAP
PROPOSED FRUITLAND FAMILY FARMS LLC
MYERS FLAT AREA
PLN--2019-16057
APN: 211-331-021-000
T02S R03E S15 HB&M (MYERS FLAT)

Project Area = 



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



SITE PLAN



SCALE: 1" = 100'



GENERAL NOTES:

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

This map is provided without warranty on any kind. Spatial data is approximate. Parcel positions are estimates only. Reasonable effort has been made to ensure the accuracy of the map and data provided, however errors and omissions may still exist. The positional accuracy of the data is approximate and is not intended to represent surveyed information. Do not use this map to determine property boundaries.

PROJECT INFORMATION:

Applicant: Fruiland Family Farms LLC

Site Address:

10356 Dyerville Loop Road
Myers Flat, CA 95553
APN: 211-331-021-000

Land Owner:

Wade & Lauren Smith
10356 Dyerville Loop Road
Myers Flat, CA 95553

Agent:

Cleanwater Ag Services
446 Maple Lane
Garberville, CA 95542

Trees to be Removed: none

Outdoor Cultivation Area: 10,000 sq ft

Earthwork Quantities: none

Water: Rainwater Catchment, Well

Sewer: Permitted septic

Power: Grid

Parcel Size: 6 acres

Zoning: U

General Plan Designation: RA5-20

No Easements

No Stream Crossings

DIRECTIONS TO SITE:

From Highway 101, Take Exit 656 for CA-254 toward Myers Flat Follow CA-254 S for 4.8 miles, turn left onto Elk Creek Road and continue for 4.6 miles, turn left onto Dyerville Loop Road, project site is .1 mile.

WELL GPS: 40°17'47.33"N 123°49'10.54"W

WATER TANK GPS: 40°17'46.55"N 123°49'11.44"W

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 PROJECT MAY BEGIN OPERATING

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 H Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 H Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to five (5) greenhouses, one (1) nursery area, and any other structures with a nexus to cannabis. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
6. An Invasive Species Survey report based on the Protocol for Surveying and Evaluating Impacts to Special Native Plant Populations and Natural Communities (CDFW 2018) including recommendations on how to mitigate for each invasive species present on the parcel shall be prepared and submitted to the Planning Division. The recommendations in this report shall be followed.
7. Prior to construction activities, the applicant shall complete the following pre-construction surveys and the results shall be submitted to the Planning Division showing no presence of any rare, threatened, or special-status species within the proposed development area.
 - a. If loud construction or any vegetation removal will occur between February 1st and August 31st, the completion of bird surveys by a biologist a couple of weeks prior to construction activities to address the presence of any migratory or nonmigratory birds and raptors which may have constructed nests in any of the trees, cliffs, or ledges within a proximity to the project and may be impacted by noise disturbance.

In the event that rare, threatened, or special-status species are found onsite, the biologist shall notify the Planning Director in consultation with CDFW. The Planning Director shall determine in consultation with CDFW, if modifications to the project design are possible to avoid removal of occupied habitat

while still achieving project objectives or if avoidance is not feasible. If avoidance is not feasible, a qualified biologist shall monitor the site and no construction activities shall commence until the nest and/or den is no longer active and has been cleared.

8. The applicant shall install exit ramps in the pond to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, and be made of solid material (e.g. wood).
9. During the time of the project's site development, the applicant shall follow procedures for eradicating any invasive species identified in the project's associated Invasive Species Control Plan.
10. Per the comments received from the Department of Public Works, conditions of approval for the roadway include:
 - a. 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 or close the gate. In addition, no materials shall be stored or placed on the County right-of-way.
 - b. Driveways that will serve as access for the proposed project and connect to a County-maintained road shall be improved to current standards for a commercial driveway. The driveway shall be paved for a minimum width of 18 feet and a length of 50 feet where it intersects the County road. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County-maintained right-of-way.
 - c. All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility).

These conditions 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.

11. 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.
12. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
13. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

1. Project shall not go over three (3) decibels above 43 decibels, the ambient noise levels established in the Noise Study, for the life of the project.

2. The applicant shall submit the final LSA application response from CDFW when available, and in the event that a Streambed Alteration Agreement is required the applicant shall adhere to the work outlined in the final Agreement.
3. The applicant shall adhere to the measures and recommendations within the Site Management Plan.
4. Permittee is advised that County-maintained roads may generate dust and other impacts to farms. Permittee shall locate their farm in areas not subject to these impacts. Permittee shall be responsible for protecting their farm against these impacts. Permittee shall hold the County harmless from these impacts. Permittee is advised that a paved road may not always remain paved and Permittee shall locate their farm appropriately. Permittee is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.
5. Lighting shall be implemented as described in the Cultivation and Operations Plan to conform to International Dark-Sky Association standards. All artificial lighting shall be fully contained within structures such that no light escapes via blackout tarp shielding. Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
6. 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.5., within ten (10) working days of receiving written notification that a complaint has been filed, the permittee shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
7. Prohibition on use of synthetic netting for erosion control. To minimize the risk of wildlife entrapment, Permittee shall not use any 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.
8. During cultivation activities, the applicant shall adhere to the following best management practices recommended within the Biological Resources Assessment prepared by Corrina Kamoroff on May 24th, 2022:
 - a. If any generators are brought to the site, though not approved by this permit, the generator shall be contained in an insulated structure and kept away from Streamside Management Areas.
 - b. Temporary noise disturbances such as running power tools shall only occur during daylight hours.
 - c. Pesticides shall be limited to low-risk exempt substances and those that are broadly labeled by the Department of Pesticide Regulation. Pesticides shall not be sprayed in the presence of any pollinators, nor shall they be allowed to drift to any flowering plants in the surrounding area.
9. The permittee shall comply with the protocols addressed in the CDFW Bullfrog Management Plan. Reporting requirements shall be submitted to the Planning Department and CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31st of each year.

10. All refuse shall be contained in wildlife proof storage containers at all times, and disposed of at an authorized waste management facility.
11. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
12. The use of anticoagulant rodenticide is prohibited.
13. All components of the 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 Deviation from the Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
14. 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.
15. 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.
16. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, as applicable.
17. 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 55.4.6.4.4 (f).
18. Maintain enrollment in Tier 1 or Tier 2 certification with State Water Resource Control Board (SWRCB) Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
19. Consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
22. Pay all applicable application fees, review for conformance with conditions fees, and annual inspection fees.
23. The master logbooks maintained by the permittee to track production and sales shall be available 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), the 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. Onsite 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 55.4.5.8.
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:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
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.

ATTACHMENT 2

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

**Commercial Cannabis Land Use Environmental Impact Report (EIR)
(State Clearinghouse # 2017042022), May 8, 2018**

**APN 211-331-021, 10356 Dyerville Loop Road
Honeydew, County of Humboldt**

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

July 21, 2022

Background

Modified Project Description and 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 repealed the Medical Cannabis Testing and Research Laboratories provisions and onsite 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 the County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order 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 new cannabis operations by establishing specific regulations for location and conditions under which the development of new commercial cannabis could occur. The EIR prepared for the CCLUO also established local land use regulations for new 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. 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.

Project Description: The modified project includes a Special Permit for expansion of the approved Zoning Clearance Certificate PLN-2019-16057. The project will expand from the approved 5,000 square feet of light deprivation outdoor cultivation to the proposed 10,000 square feet of light deprivation outdoor cultivation. The cultivation will occur in five (5) 2,000 square foot greenhouses. The applicant hopes to achieve two (2) harvests annually. All water will be sourced by rainwater catchment from an existing rooftop rainwater catchment system. The estimated water needed annually for irrigation is approximately 72,500 gallons (7.25 gal/sq.ft./yr). There are twelve (12) 5,000 gallon tanks connected to the catchment system, two (2) existing 2,500 gallon tanks, and three (3) proposed 5,000 gallon tanks for a total of 80,000 gallons of water storage. There is also an existing 21,000 gallon pond designated for fire suppression. Drying and curing will occur onsite in the proposed 1,040 square foot drying shed. Operations will be handled by family members living onsite, no employees are proposed. Power is sourced from PG&E. The project also requires a reduction of the 300 feet setback from an existing residence, and the owner of that residence has provided permission to waive this setback requirement.

Water Resources

The project's water source is rainwater catchment. There is an existing rooftop catchment system on the residence, which provides a catchment area of 3,200 square feet. Water from rainwater catchment flows directly to six (6) existing 5,000 gallon tanks and will flow directly to a total of twelve (12) 5,000 gallon tanks. There are also two (2) existing 2,500 gallon tanks and three (3) additional proposed 5,000 gallon tanks, for a total of approximately 80,000 gallons of water storage available. There is also an existing 21,000 gallon pond designated for fire suppression and an additional 2,500 gallon tank for domestic water. By utilizing metered drip irrigation, the applicant estimates that annual water usage for irrigation will be approximately 72,500 gallons (7.25 gal/sq.ft./yr). There is an existing well onsite, which is used exclusively for domestic water. No water sourced from wells will be used for irrigation.

The applicant is currently cultivating under the approved PLN-2019-16057, which was enrolled in the State Water Resources Control Board's (SWRCB) (Order WQ 2019-0001-DWQ) General Waste Discharge Requirements and Waiver of Waste Discharge Requirements. A Site Management Plan which matches the proposed project's description was developed outlining the measures required to meet the standards of the SWRCB's Order. The applicant shall adhere to the measures and recommendations within the SMP.

Biological Resources

A biological resource survey was conducted in the study area on May 10th, 2022 by Corrina Kamoroff, a qualified biologist. This survey was used to inform the Biological Resource Assessment (BRA) prepared by biologist Corrina Kamoroff for Hohman & Associates Forestry Consultants on May 24th, 2022.

The subject parcel is within mapped range of certain rare or endangered plant species listed in the California Natural Diversity Database (CNDDDB) layer shown in Humboldt County's WebGIS. According to the BRA, the proposed greenhouses are sited on a graded barren flat on open grassland habitat and the surrounding area contains an abundance of non-native flora species. An invasive species management plan was prepared for PLN-2019-16057, and any invasive species onsite shall be removed prior to their bloom and seed periods each year, though a protocol-level Invasive Species Survey is recommended by the Biological Resources Assessment and required by the conditions (A.7 & B.8). Given that the expansion area is barren from pre-disturbance, there is no likely impact to special status plant species and a Botanical Study is unnecessary.

The subject parcel is located outside of any mapped ranges for rare or endangered fauna species listed in the California Natural Diversity Database (CNDDDB) layer shown in Humboldt County's Web GIS. The nearest northern spotted owl (NSO) activity center is approximately 0.8 miles from the proposed cultivation area and there are three (3) NSO observations which are approximately 0.6 miles from the proposed cultivation area and are associated with two (2) different NSO activity centers. The BRA determined that although the project site contains the NSO's preferred habitat, Northern Spotted Owl Surveys were conducted in 2022 for timber operations on an adjacent parcel and no NSO were detected within 0.75 miles of the project area, therefore the project is not expected to significantly impact the NSO. The parcel is connected to PG&E power, minimizing noise. The project will adhere to International Dark Sky Association standards, so no light shall escape the greenhouses between dusk and dawn.

The BRA concluded that although the project site has the potential to support special-status animal species, any negative direct impacts to sensitive habitats, and any foreseeable indirect impacts to the environment, surrounding habitat, or wildlife would be reduced to a less than significant level if the recommended mitigations are followed. Recommendations within the BRA include completing an Invasive Species Survey, conducting bird surveys pre-construction if vegetation removal for construction must take place during nesting season, following guidelines for reducing noise and light pollution, containing any generators in an insulated structure, limiting pesticide use to low-risk exempt substances, not spraying pesticides in the presence of any pollinators, and not allowing drift to any flowering plants in the surrounding area. These recommendations have been included in the conditions of approval for the project, and construction activities shall only commence in the event that no rare threatened or special-status species are found onsite. If rare, threatened, or special-status species are found onsite, the biologist shall notify the Planning Director in consultation with CDFW. The Planning Director shall determine in consultation with CDFW whether modifications to the project design are possible to avoid removal of occupied habitat while still achieving project objectives, or if avoidance is not feasible.

The project was referred to the California Department of Fish & Wildlife (CDFW) on August 18th, 2021, and no comments were received. The applicant submitted a Notification of Lake or Streambed Alteration with CDFW in 2020. There are no stream crossings nor culverts onsite. Due to the pond onsite, the project will need to comply with the protocols addressed in the CDFW Bullfrog Management Plan.

Noise

Performance Standards required in the CCLUO, per section 55.4.12.6, states that noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of site. Because the power is sourced from PG&E, the greenhouses fans are quiet, and the electric pumps between the catchment tanks and the greenhouses are silent, the project is not expected to raise noise levels. A Noise Study was prepared for the project, showing that the average daytime ambient noise levels at the property lines are between approximately 35 dbA and 43 dbA. Due to its proximity to the road, the sound levels at the west property

line are notably higher on average than the other property lines. Excluding the west property line, ambient noise levels are up to 39 dbA on average.

Energy Plan

The project's power source is PG&E and an existing solar panel array. Power supplied by PG&E will be from 100% renewable sources. There are no generators onsite.

Tribal Cultural Resource Coordination

The project is located within the ancestral aboriginal territories of the Sinkyone Intertribal Wilderness Council and the Bear River Band of Rohnerville Rancheria. The project was referred to the Sinkyone and Bear River Band tribes on August 18th, 2021. A cultural resources study which covered approximately 100% of the proposed project area had been completed in January 2020 and found no cultural resources in the proposed project area. No additional survey is required. NWIC also identified a building in the proposed project area from the US Geological Survey Myers Flat 7.5' quad map from 1969. This is likely the residence, which is not proposed to be used by the cultivation project, nor is it proposed for demolition. Inadvertent discovery protocols are in place for the project. In the event that cultural resources are encountered during project activities onsite, the applicant shall adhere to inadvertent discovery protocols, halt operations, and contact a qualified archaeologist.

Access

Access to the site is via a driveway off of Dyerville Loop Road, a paved County-maintained road. The applicant submitted a road evaluation report for Dyerville Loop Road with PLN-2019-16057 certifying that it is developed to the Category 4 road standard or better along the segment between the driveway and Elk Creek Road. The new project was referred to Public Works and comment was received September 2nd, 2021, indicating that previous comments for PLN-2019-16057 from May 4th, 2020 are still applicable. The department had recommended conditions of approval for the project, including: the applicant is advised that the County-maintained roads may generate dust and other impacts to farms and the applicant shall hold the County harmless from these impacts, all fences and gates shall be relocated out of the County right-of-way with appropriate setbacks, no materials shall be stored or placed in the County right-of-way, any existing or proposed driveways accessing the project shall be improved to current standards and will require an encroachment permit from the Department of Public Works, and all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility). The recommended conditions have been included in the Conditions of Approval for the project that must be met before commencing project activities onsite.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate impacts of cultivation activities. These include sourcing all power from 100% renewable energy source or purchasing carbon offset credits, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not exceed 3 decibels above ambient noise levels at the property line.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified 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 previous 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 EIR; B) significant effect previously examined will be substantially more severe than shown in the previous 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 previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original EIR recommended mitigations. The proposal to authorize the 10,000 square feet of outdoor cannabis cultivation is consistent with the impacts identified and adequately mitigated in the original EIR. The project, as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the EIR. Compliance with the CCLUO ensures consistency with the adopted EIR and provides for mitigation of all project-related impacts to a less than significant level.

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

- Cultivation and Operations Plan received January 18, 2022.
- Site Plan received August 4, 2021.
- Site Management Plan received August 4, 2021
- Noise Study received August 4, 2021
- A Road Evaluation Report form received December 19, 2019.
- A Biological Resources Assessment prepared by Hohman & Associates, dated May 24th, 2022.

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 current proposed project does not contain substantial changes requiring major revisions to the previous EIR due to involvement of new significant environmental effects nor a substantial increase in the severity of previously identified significant effects.
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 certified 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.

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On-file)
3. Site Plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (**Attached** with Maps)
4. A Cultivation & Operations Plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not Applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan, item 4. above)
7. Copy of Notice of Applicability letter or Notice of Receipt letter for proof of enrollment under in the State Water Resources Control Board (SWRCB) under the General Order WQ 2019-0001-DWQ. (On-file)
8. A Site Management Plan to show compliance with the State Water Resource Control Board Order No. WQ 2019-0001-DWQ. (On-file)
9. If any onsite or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Not Applicable)
10. If the source of water is a well, a copy of the County well permit and well completion report, if available. (Not Applicable)
11. If the parcel is zoned FR, U, or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior

unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not Applicable)

12. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)
13. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
14. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On-file)
15. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
16. A Biological Resources Assessment prepared by Hohman & Associates dated May 24th, 2022. **(Attached)**
17. An Invasive Species Control Plan received December 19, 2019. **(Attached)**
18. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
19. A Road Evaluation Report for Landergen Road and for Smith-Etter Road, received in 2018. **(Attached)**
20. A Noise Study for ambient noise. **(Attached)**
21. A Cultural Resource Investigation Report. (On-file and confidential)

Modification of ZCC**Cultivation/Operation Plan****Project Description**

Fruitland Family Farms, LLC is seeking a **Modification** of an existing Zoning Clearance Certificate (ZCC) under the Humboldt County CMMLUO for an additional 5,000 Sq Ft of new Outdoor Commercial Cannabis Cultivation.

During Covid Restrictions, Fruitland Family Farms LLC, voluntarily reduced their Sq Footage to meet the requirements of a ZCC in order to allow the County Planning staff to expedite processing of 5,000 Sq Ft.. County staff and Fruitland Family Farms LLC, agreed to proceed with a Special Permit for the additional 5,000 sq ft. which will give a total Sq footage of 10,000.

Cultivation will occur in a series of 5-20'x100' automatic light deprivation greenhouses and two growing cycles will be harvested each year.

Cultivation irrigation water is supplied by a rain catchment system from a roof of existing building. No School, Place of Worship, Public Park, Tribal Resources or any other sensitive receptor is within 600 feet of the cultivation area.

One neighboring residence is within the 300' setback requirements and a waiver of that setback is included in this application.

Water is sourced from rainwater catchment and a permitted well provides domestic water for the parcel. PGE provides electrical power.

Cultivation Plan

Cultivation will take place in a series of 5- 20'x120' greenhouses that are equipped with automatic light deprivation black out tarps. These tarps completely eliminate any light from escaping the greenhouse. This meets the requirements for the International Dark Sky Guidelines. The greenhouses have natural soil floors. The sides roll up to allow passive ventilation.

Cannabis plants are sourced from the Proposed 20'x50' nursery on the parcel.

The plants are placed directly in wood framed garden beds. Drip irrigation as well as planting directly in a high quality soil, greatly reduces the water usage for this project. The soil is tested each season and if needed, natural and organic nutrients are tilled into the soil for optimum plant health.

Planting takes place in early spring using natural sunlight. As the days get longer, light deprivation techniques reduce the light available to the plants to less than 12 hours allowing them to flower. These plants are then harvested in mid July. At that time the greenhouses are replanted with the second crop which then will be harvested in the fall.

Drying of the cannabis will be done in a proposed ag exempt building of 26'x40'.

Processing

Drying of cannabis will take place in a proposed 26'x40' metal framed ag exempt building. Further processing occurs at a licensed processing facility. 2-8'x20' shipping containers will be used for cannabis storage areas.

Employee Plan

Fruitland Family Farms, LLC will be a family operation with no employees needed.

Water Source, Storage and Usage

Cannabis irrigation water will be sourced from an existing rain catchment system which utilizes the roof of an existing building and domestic water is provided by a permitted well. The roof of the building serves as the catchment area of 3,200 sq ft. The water flows into rain gutters and then to a series of 12 existing interconnected rigid plastic 5,000 gallon water tanks giving 60,000 gallons of water storage for cannabis cultivation. An additional 3-5,000 gallon water tanks will be added when this permit is approved, giving a total of 75,000 gallons of rain water catchment water storage. Water from a permitted well provides domestic water and one 5,000 gallon water tank is used for storage of domestic water.

Irrigation Plan

Fruitland Family Farms LLC will utilize metered drip irrigation for consistent and appropriate quantity of water for the cultivation. A water use plan is enclosed to show monthly water usage as well as expected annual use.

Security

Security is provided by an existing fence which surrounds the parcel. A large electronically operated gate secures the driveway entrance. Security cameras are in place in strategic locations throughout the property. All buildings used to dry or store cannabis are locked. During times of harvest or processing, other security measures are in place as well.

Noise Source and Mitigation

This cultivation area produces minimal noise. PGE grid power provides electrical power for this project. All greenhouse fans are super quiet and do not emit over 50 db. Electric water pumps are used to distribute water to the greenhouses. These pumps make no noise. Small dehumidifiers used in drying of the cannabis emit less than 50db at the source.

Parking and Roads

This cultivation site is located off the Dyerville Loop Road which is a county maintained road. The driveway is paved and is well maintained with no watercourse crossings or culverts. The driveway has an approved paved apron and the entrance gate to the site from the county road. Once in the gate there is ample parking and turn around areas for 10 vehicles including emergency vehicles. The driveway and parking areas are flat with no slope.

Light pollution and Control

Fruitland Family Farms LLC will utilize natural sunlight and light deprivation techniques for their cultivation activities. Specially designed black out tarps eliminate light causing plants to flower. No supplemental lighting is used in the greenhouses therefore this project meets the International Dark Sky Guidelines.

Hazardous Materials Statement

No Hazardous Materials are used on this cultivation site. Only natural and organic nutrients and fertilizers are used when needed. Only approved pesticides are used when needed. No rodenticides or any other illegal products are used on this project. No other hazardous materials are used or stored on the parcel in any reportable quantities.

Sewage Disposal

An ADA portable porta-potti is available. This porta-potti is serviced by a local vendor.

Fertilizer and Ag Chemical Use and Storage

Fertilizers and other Ag Chemicals are stored in an existing 8'x10' shed. Secondary containment is in place. Only organic or natural fertilizers and pesticides are used. There are no rodenticides or any other illegal or controlled products used on this parcel. See SDS attached to DEH forms.

Soil Management Planning

Fruitland Family Farms LLC will utilize the existing ag soils along with a high quality commercial ag soil in garden beds inside the greenhouses. Soil will be tested each season and will be reused each growing cycle by adding appropriate organic amendments if needed. Soil is contained in the garden beds and will not allow for runoff or exposure to cause contamination of surrounding soil or water courses.

Storm Water Management Plan

Fruitland Family Farms LLC will maintain driveways and access roads to eliminate erosion or runoff during storms. All the driveways and access roads are either paved or well maintained gravel. No culverts or water crossings are on the access to the cultivation area. During storm events the operator will monitor roads and driveway for possible runoff issues and address them as needed. This will include proper ditching and vegetated buffers to prevent erosion. If needed straw, seed wattles and other erosion control products will be used to prevent sediment discharge. A site management plan will be provided with additional information to ensure proper measures will be taken for appropriate storm water management.

Summary of Compliance with SWRCB

Fruitland Family Farms LLC is enrolled in the SWRCB General Order WQ-2019-001-DWQ. As a part of the enrollment, a Site Management Plan was prepared for this parcel. The SMP addressed current as well as historical water quality issues for the parcel. The applicant will follow the guidelines known as BPTC, Best Practical Treatment or Control. This will include all ag chemicals to be stored properly with secondary containment.

Proper setbacks from water courses and wetlands will be adhered to.
A winterization plan is prepared and included in the SMP.

Table 1: Fruitland Family Farms, LLC				
Month	Commercial Propagation Activities	Cultivation Schedule	Processing Activities	Water Usage from Storage
January	N/A	N/A	N/A	0 gallons
February	N/A	N/A	N/A	0 gallons
March	Start seeds in nursery	Prepare garden beds	N/A	500 gallons
April	Up-pot starts	Add nutrients to soil	N/A	15,000 gallons
May	Maintain mothers	Plant and Cultivate.	N/A	5,000 gallons
June	Maintain mothers, cut clones	Cultivate	N/A	7,000 gallons
July	Up-pot starts	Cultivation. Harvest.	Drying	10,000 gallons
August	N/A	Cultivation.	Drying & bucking	10,000 gallons
September	N/A	Cultivate	N/A	10,000 gallons
October	N/A	Cultivation. Harvest	Drying	10,000 gallons
November	N/A	Finish Harvest	Drying	5,000 gallons
December	N/A	N/A	N/A	0 gallons
			Total Water Use (up to)	72,500 gallons

Biological Resource Assessment

Fruitland Family Farms LLC
APN: 211-331-021
CEQA Compliance

Prepared by
Corrina Kamoroff
5/24/22

For
Hohman and Associates
Hydesville, CA

Signature: 

Date: 5/24/22

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1. Summary

This Biological Resource Assessment was prepared on behalf of Fruitland Family Farms LLC who is seeking permits for commercial cannabis cultivation under the Humboldt County Commercial Cannabis Land Use Ordinance (CCLUO, a.k.a. Ordinance 2.0) for Assessor's Parcel Number 221-331-021. This document assesses habitats and potentially occurring special-status animals and identifies potential impacts of cultivation-related activities on biological resources.

The property in question is located to the southeast of the community of Myers Flat, CA in Humboldt County. The property has the potential to support numerous special status animal species (details are provided in Section 4.3 Special Status Animals). Additional mitigation measures have been recommended to address potential impacts to biological resources. A table summarizing all mitigation measures recommended to reduce biological impacts to less-than-significant levels can be found in Section 5.2.

2. Introduction

2.1 Project Description

Fruitland Family Farms LLC is seeking permits for Commercial Cannabis Cultivation on Assessor's Parcel Number (APN) 221-331-021. The parcel is approximately 6 acres. Fruitland Family Farms LLC is proposing cannabis cultivation within 5 existing green-houses (10,000 sq ft) in a barren open flat area with slopes less than 5%. The project includes cannabis cultivation within the five greenhouses (20' x 100'), one drying shed (26' x 40'), one immature plant shipping container (20' x 50'), one fertilizer shed (8' x 10'), ten 5,000 gallon water storage containers (for cannabis cultivation), one residential structure, and one fire suppression pond (350 sqft). No supplemental lighting for cannabis cultivation is proposed at this time. Water will be supplied by permitted rain water catchment system contained in storage water tanks. Power will be supplied by PG&E.

2.2 Setting

The proposed project is located in Sections 14 & 16, Township 2 South, Range 3 East, HB&M; Humboldt County, on the Myers Flat USGS 7.5' quadrangle. The biogeographic region can be described using a three-tiered hierarchy of province, region and sub-region. This site lies within the California Floristic Province, Northwestern California region, and North Coast sub-region. The elevation ranges from approximately 1,000 ft. to 1,200 ft. Slopes on the property are approximate 5% grade and the aspect is primarily northeast-facing. The majority of the parcel contains open grassland/barren, with forested habitat along the parcel boundary.

2.3 Zoning

The parcel is zoned as Unclassified (U).

2.4 Purpose

The primary purpose of this Biological Resource Assessment is to evaluate the potential effects of the applicant's cannabis cultivation operations on biological resources. The applicant is seeking permitting for commercial cultivation of cannabis in Humboldt County, and this is a discretionary project subject to the California Environmental Quality Act (CEQA). This assessment provides the following information for the permitting process:

- An evaluation of biological resources on the site.
- Determinations of whether the project has the potential to significantly impact biological resources.
- Recommendations of additional surveys needed to adequately assess potential impacts.
- Recommended mitigations to avoid, minimize, or compensate for any potentially significant impacts.

2.5 Qualifications

The Biological Resource Assessment for this project was conducted by Corrina Kamoroff. Corrina Kamoroff is a Wildlife Biologist for Hohman and Associates Forestry Consultants. Corrina received her B.S. in Evolution, Ecology and Biodiversity from University of California, Davis. Corrina is currently pursuing her M.S. in Natural Resources with a concentration in Wildlife from Humboldt State University. Corrina has over 8 years of wildlife experience in Northern California, including over two years conducting biological surveys and evaluating potential impacts in fulfillment of CEQA requirements.

2.6 Terms

Biological Assessment Area (BAA): The area evaluated for potential impacts to biological resources, defined in this document as the property area surrounded by a 1.3 mile buffer.

Biological Resource Assessment: Referring to this document, a review of potential impacts to biological resources that informs agency review of discretionary projects subject to CEQA.

California Department of Fire (CDF) Sensitive: Species that warrant protection during timber harvest operations, listed in California Forest Practice Rules.

California Environmental Quality Act (CEQA): A state environmental law that applies to discretionary projects subject to state agency review. The purposes of CEQA include disclosing environmental impacts, minimizing environmental damage, and involving the public.

California Endangered Species Act (CESA): A state law that prohibits “take” of species protected by CDFW, including Threatened, Endangered, and Candidate Species.

California Department of Fish and Wildlife (CDFW): A trustee agency that protects California’s fish and wildlife resources.

California Native Plant Society (CNPS): A non-profit organization dedicated to preserving and protecting native plants and their habitats. CNPS provides protocols and information relevant to plant conservation, including rankings of rare plants recognized by CDFW.

Commercial Medical Marijuana Land Use Ordinance (CMMLUO): “Ordinance 1.0,” a Humboldt County ordinance that regulates commercial cultivation, processing, manufacturing and distribution of cannabis for medical use.

Commercial Cannabis Land Use Ordinance (CCLUO): “Ordinance 2.0,” a Humboldt County ordinance regulating commercial cannabis cultivation for adult use.

Endangered: Taxa in immediate jeopardy of extinction in all or part of their range.

Federal Endangered Species Act (FESA): A federal law enacted in 1973 that protects species listed as Threatened or Endangered by the U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS).

Fully Protected (FP): Take of species is strictly prohibited by CDFW.

NatureServe: A non-profit dedicated to providing scientific information to support informed decisions. NatureServe provides information on species and rankings of rare species (see Attachment D).

Special Animals: All animals tracked by CDFW, including threatened, endangered, rare, sensitive, and otherwise vulnerable species.

Species of Special Concern (SSC): Species considered by CDFW to be vulnerable because of declining populations, limited range, or other threats.

State Water Resources Control Board Order WQ 2019-0001-DWQ: The order sets requirements for waste discharge related to cannabis cultivation. The State Water Resources Control Board Cannabis Cultivation Regulatory Program will replace the regional program, which is no longer accepting enrollment. The state program has set similar standards to minimize impacts to water quality. Information is available on the website:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/

Streamside Management Area (SMA): Protective buffers around permanent or intermittent streams. The Humboldt County General Plan (2017) defines Streamside Management Areas as follows:

- 1. 100 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of perennial streams.*
- 2. 50 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of intermittent streams.*
- 3. The width of Streamside Management Areas shall not exceed 200 feet measured as a horizontal distance from the top of bank.*

Threatened: Taxa likely to become endangered in the foreseeable future.

3. Methods

3.1 Biological Assessment Area

The Biological Assessment Area (BAA) for this project includes a 1.3-mile buffer area around the property. The assessment considers off-site impacts to habitats and species that may be in the BAA buffer area. Consideration of offsite impacts in the BAA is potentially relevant to sensitive species and habitats downslope or downstream of operations (e.g. riparian habitat or salmonids), and to species that require a large range and may be sensitive to disturbance (e.g. the northern spotted owl).

3.2 Database Search

A list of special-status animal species was downloaded from CNDDDB for the Myers Flat 9-quad area. Potential habitats on the parcel and within the BAA for species occurring in the 9-quad areas were evaluated. The potential for the project to impact each species was evaluated based on the potential for the species to occur in the area of impact and sensitivity of the species to potential loss of habitat, disturbance, or other effects of operations. Attachment A contains a vegetation map showing the CALVEG (Classification and Assessment with LANDSAT of Visible Ecological Groupings) dominant vegetation alliances for the parcel and surrounding area (U.S. Forest Service 2000), which was used to assess habitat in the surrounding area. Attachment B shows nearby occurrences of special status taxa as mapped in CNDDDB. Attachment C shows Northern Spotted Owl occurrences and activity centers within the BAA.

3.3 Field Surveys

The site was evaluated for potential habitat value to protected, endangered, threatened, rare, and sensitive species by walking around the project area to observe species, habitat types, and quality. Habitat and potential impacts were evaluated during a visit to the proposed cultivation site on May 10, 2022 by Biologist, Corrina Kamoroff. Table 5.2 provides a list of surveys and mitigation measures needed to reduce the potential impact of the project on biological resources to less than significant. Attachments A, B and C provide maps with data from USFS CALVEG and CNDDDB used in initial scoping for the project. Photos taken of the project footprint and surrounding habitat can be found in Attachment D. Attachment E provides an explanation of NatureServe rankings. Attachment F provides an aerial photo of the project area. Attachment G provides Northern Spotted Owl data collected in 2022 from an adjacent NTMP.

3.4 Trustee and Other Agency Consultation

No Trustee or other agency consultation is known of at this time.

4. Results

4.1 Existing Conditions

The proposed cannabis cultivation area is located at an existing site on a graded flat located in the center of the parcel. Aerial imagery shows that the site footprint has had some level of development since 2004. Imagery from 1993 shows open grassland habitat surrounded by forested habitat on the majority of the parcel. The next available from 2004 shows grading and the construction of residential structure. Aerial imagery suggests that 2-5 trees were removed sometime between 2015 and 2019. Aerial imagery suggests that grading occurred and greenhouses were constructed on the site sometime between 2012 and 2014.

Existing conditions include cannabis cultivation within the five greenhouses (20' x 100'), one drying shed (26' x 40'), one immature plant shipping container (20' x 50'), one fertilizer shed (8' x 10'), ten 5,000 gallon water storage containers (for cannabis cultivation), three 5,000 gallon water storage containers (for domestic use), one residential structure, and one fire suppression pond (350 sqft). The proposed cannabis cultivation is occurring on a graded barren flat on open grassland habitat. The surrounding area contains an abundance of non-native species, an Invasive Species Report is recommended to mitigate the impact of the invasive species present (BIO-1).

Mitigation measures have been proposed for each potentially significant biological impact of current and planned operations on the property. Relevant mitigation measures for the impacts discussed in this report are listed in parentheses (e.g. BIO-1, BIO-2, etc.), and these mitigation measures can be found in the table of Section 5.2 Mitigation for Potentially Significant Impacts.

4.2 Habitats

4.2.1 Upland Communities

Upland areas of the property contain barren ground, mixed coniferous forest with Douglas fir (*Pseudotsuga mensiesii*) and Coastal Redwood (*Sequoia sempervirens*).

4.2.2 Wetland and Riparian Communities

No wetland or riparian communities are located within the planned footprint of the proposed cultivation site. A class III drainage goes through the parcel. All sites are more than 50 ft from the nearest Class III. A 21,000-gallon pond is on site and will be used for fire suppression if needed.

4.3 Special Status Animals

Special status animals evaluated in this report include animal taxa listed or proposed for listing under Federal and State Endangered Species Acts, CDFW Fully Protected, CDFW Watch List, CDFW Species of Special Concern, California Department of Forestry and Fire Protection Sensitive Species, and other special species and other taxa tracked by CDFW. Impacts to special status animals are evaluated in this section based on their likelihood of occurrence in the area, habitat and life-history needs, and sensitivity to operations. Likelihood of inhabiting the area was based on documented occurrences in the Myers Flat 9-quadrant area (See Section 4.3.1, Tables 1-5), and availability of potential habitat. Details on potentially occurring taxa, potential impacts, and

surveys and mitigations needed for these animals can be found in Section 4.3.2 Potential Impacts to Special Status Animals.

4.3.1 Special Status Animals Documented by CNDDDB in the Myers Flat 9-Quad Areas

Table 1. Birds

Scientific Name	Common Name	FESA	CESA	CDFW	GRank	SRank	Potential in BAA
<i>Accipiter cooperii</i>	Cooper's hawk	None	None	WL	G5	S4	Yes
<i>Accipiter gentilis</i>	Northern goshawk	None	None	SSC	G5	S3	Yes
<i>Accipiter striatus</i>	Sharp-shinned hawk	None	None	WL	G5	S4	Yes
<i>Aquila chrysaetos</i>	Golden eagle	None	None	FP, WL	G5	S3	Yes
<i>Ardea herodias</i>	Great blue heron	None	None	-	G5	S4	Yes
<i>Brachyramphus marmoratus</i>	Marbled murrelet	Threatened	Endangered	-	G3	S2	Unlikely
<i>Empidonax traillii brewsteri</i>	Little willow flycatcher	None	Endangered	-	G5T3T4	S1S2	Yes
<i>Falco peregrinus anatum</i>	American peregrine falcon	Delisted	Delisted	FP	G4T4	S3S4	Yes
<i>Haliaeetus leucocephalus</i>	bald eagle	Delisted	Endangered	FP	G5	S3	Yes
<i>Icteria virens</i>	Yellow-breasted chat	None	None	SSC	G5	S3	Yes
<i>Pandion haliaetus</i>	Osprey	None	None	WL	G5	S4	Yes
<i>Psiloscops flammeolus</i>	Flammulated owl	None	None	-	G4	S2S4	Yes
<i>Riparia riparia</i>	Bank swallow	None	Threatened	-	G5	S2	Yes
<i>Setophaga petechia</i>	Yellow warbler	None	None	SSC	G5	S3S4	Yes
<i>Sirix occidentalis caurina</i>	Northern spotted owl	Threatened	Threatened	SSC	G3G4T2T 3	S2	Yes

Table 2. Mammals

Scientific Name	Common Name	FESA	CESA	CDFW	GRank	SRank	Potential in BAA
<i>Arborimus pomo</i>	Sonoma tree vole	None	None	SSC	G3	S3	Yes
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	None	None	SSC	G4	S2	Yes
<i>Erethizon dorsatum</i>	North American porcupine	None	None	-	G5	S3	Yes
<i>Lasionycteris noctivagans</i>	Silver-haired bat	None	None	-	G3G4	S3S4	Yes
<i>Lasiurus blossevilli</i>	Western Red bat	None	None	SSC	G4	S3	Yes
<i>Lasiurus cinereus</i>	Hoary bat	None	None	-	G3G4	S4	Yes
<i>Martes caurina humboldtensis</i>	Humboldt marten	Threatened	Endangered	SSC	G4G5T1	S1	Yes
<i>Myotis Volans</i>	Long-legged myotis	None	None	-	G4G5	S3	Yes
<i>Myotis yumanensis</i>	Yuma myotis	None	None	-	G5	S4	Yes
<i>Pekania pennanti</i>	Fisher	None	None	SSC	G5	S2S3	Yes
<i>Taxidea taxus</i>	American badger	None	None	SSC	G5	S3	Yes

Table 3. Amphibians and Reptiles

Scientific Name	Common Name	FESA	CESA	CDFW	GRank	SRank	Potential in BAA
<i>Ascaphus truei</i>	Pacific tailed frog	None	None	SSC	G4	S3S4	Yes
<i>Emys marmorata</i>	Western pond turtle	None	None	SSC	G3G4	S3	Yes
<i>Rana aurora</i>	Northern red-legged frog	None	None	SSC	G4	S3	Yes
<i>Rana boylei</i> *	foothill yellow-legged frog	None	Endangered	SSC	G3	S3	Yes
<i>Rhyacotriton variegatus</i>	Southern torrent salamander	None	None	SSC	G3G4	S2S3	Yes
<i>Taricha rivularis</i>	Red-bellied newt	None	None	SSC	G2	S2	Yes

* CESA listing of the Foothill yellow-legged frog varies by clade as follows: Southwest/South Coast, West/Central Coast, and East/Southern Sierra clades are endangered; northeast/Northern Sierra and Feather River clades are threatened; listing of the Northwest/North Coast clade is not warranted.

Table 4. Fish

Scientific Name	Common Name	FESA	CESA	CDFW	GRank	SRank	Potential in BAA
<i>Entosphenus tridentatus</i>	Pacific lamprey	None	None	SSC	G4	S4	Unlikely
<i>Oncorhynchus clarkii</i>	Coast cutthroat trout	None	None	SSC	G5T4	S3	Yes
<i>Oncorhynchus kisutch</i> pop. 2	coho salmon - southern Oregon / northern California ESU	Threatened	Threatened	-	G5T2Q	S2	Yes
<i>Oncorhynchus mykiss</i> <i>irideus</i> pop. 16	steelhead - northern California DPS	Threatened	None	-	G5T2T3Q	S2S3	Yes
<i>Oncorhynchus mykiss</i> <i>irideus</i> pop. 36	summer-run steelhead trout	None	Candidate Endangered	SSC	G5T4Q	S2	Yes
<i>Oncorhynchus</i> <i>tshawytscha</i> pop. 17	chinook salmon - California coastal ESU	Threatened	None	-	G5T2Q	S1	Yes

Table 5. Invertebrates

Scientific Name	Common Name	FESA	CESA	CDFW	GRank	SRank	Potential in BAA
<i>Bombus caliginosus</i>	obscure bumble bee	None	None	-	G4?	S1S2	Yes
<i>Bombus occidentalis</i>	western bumble bee	None	Candidate Endangered	-	G2G3	S1	Yes

4.3.2 Potential Impacts to Special Status Animals

BIRDS

Birds

1. Cooper's hawk (*Accipiter cooperii*)

Special Status: CDFW Watch List; Protected under Migratory Bird Treaty Act; NatureServe Ranks: G5, S4.

Family: Accipitridae

Habitat/Life-history Requirements: Cooper's hawks are common year-round residents in wooded areas of California, and they can be found in urban and suburban areas as well (Cornell Lab). The raptor commonly nests in riparian and lowland habitats throughout much of Humboldt County (Hunter et al. 2005). The medium-sized hawk builds nests made of piles of sticks over two feet wide in tall trees, typically 25-50 feet off the ground (Cornell Lab). Nesting trees include pines, oaks and Douglas firs (Cornell Lab). Dense stands are typically used for nesting and patchy open areas are commonly used for hunting (Zeiner et al. 1988).

Potential Impact: The BAA could provide habitat for the Cooper's hawk. No tree removal or removal of riparian brush is proposed on the parcel, which limits the potential impact for many nesting birds. However, the surrounding area provides high quality nesting habitat for raptors and other birds that may be sensitive to disturbance. Pre-construction raptor scan surveys are recommended prior to any additional construction or ground disturbance during the breeding season (Feb 1-Aug 31) (**BIO-4**). Additionally, the project should incorporate measures to reduce disturbance from noise and lights to birds and other sensitive wildlife.

2. Northern goshawk (*Accipiter gentilis*)

Special Status: CDFW Species of Special Concern; Protected under Migratory Bird Treaty Act; NatureServe Ranks: G5, S3.

Family: Accipitridae

Habitat/Life-history Requirements: The northern goshawk inhabits mature coniferous and mixed-coniferous forests that provide suitable nesting structures and adequate prey for this large hawk (Shuford and Gardali 2008). The northern goshawk builds nests that are 3-4 feet long (Cornell Lab) in stands of large trees with high canopy closure and an open understory (Shuford and Gardali 2008). Northern goshawks are known to breed in the Klamath and Inner North Coast Ranges (Hunter et al. 2005). They have also been spotted in the southwestern area of the county (Hunter et al. 2005). The northern goshawk is sensitive to disturbance, and aggressive toward intruders near their nest. They typically nest in wild forested areas, away from human-caused disturbances (Cornell Lab).

Potential Impact: The BAA could provide habitat for the Northern goshawk. The raptor is on the CDFW Species of Special Concern and protected under the Migratory Bird Treaty Act (MBTA). Pre-construction raptor scans are needed prior to any further vegetation removal or construction (**BIO-4**). Additionally, the project should incorporate measures to reduce disturbance from noise and lights to birds and other sensitive wildlife.

3. Sharp-shinned hawk (*Accipiter striatus*)

Special Status: CDFW Watch List; Protected under Migratory Bird Treaty Act; NatureServe Ranks: G5, S4

Family: Accipitridae

Habitat/Life-history Requirements: The sharp-shinned hawk is an uncommon breeder in California, and is more commonly a migrant or winter resident (Zeiner et al. 1988). The small hawk

is typically found in mature mixed forests. Breeding habitats include mixed coniferous forest and riparian habitat, especially areas characterized by ponderosa pine, Jeffrey pine, or black oak (Zeiner et al. 1988). Nests are typically placed high in dense stands of trees, and they are less conspicuous than the nests of most other raptors (Zeiner et al. 1988).

Potential Impact: The area could provide habitat for the sharp-shinned hawk. The raptor is on the CDFW Watch List and is protected under the Migratory Bird Treaty Act (MBTA). Pre-construction raptor scans are needed prior to any further vegetation removal or construction (**BIO-4**). The project should incorporate measures to reduce disturbance from noise and lights to birds and other sensitive wildlife.

4. Golden eagle (*Aquila chrysaetos*)

Special Status: CDFW Fully Protected and Watch List; Protected under Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act; NatureServe Ranks: G5, S3

Family: Accipitridae

Habitat/Life-history Requirements: The golden eagle is an uncommon migrant and year-round resident (Zeiner et al. 1988). The golden eagle typically utilizes open habitats away from human environments (Sibley 2003). Small mammals are the primary prey for the golden eagle (Sibley 2003). One of the largest raptors in North America, the golden eagle builds massive nests, about 6 feet across (Cornell Lab). Nests are typically located on cliffs, but may also be found on trees, man-made structures, or on the ground (Cornell Lab).

Potential Impact: No large open areas for foraging occur within the BAA, and it is not likely breeding habitat. Pre-construction raptor scans are needed prior to any further vegetation removal or construction (**BIO-4**). The project should incorporate measures to reduce disturbance from noise and lights to birds and other sensitive wildlife.

5. Great blue heron (*Ardea herodias*)

Special Status: California Department of Forestry and Fire Protection classified as *Sensitive* to timber operations; protected under the California Forest Practice Rules; Protected under Migratory Bird Treaty Act; NatureServe Ranks: G5, S4.

Family: Ardeidae

Habitat/Life-history Requirements: Great blue herons are fairly common in estuaries and emergent wetlands throughout California, and are occasionally observed in a variety of other habitats as well (Zeiner et al. 1988). These water birds are highly sensitive to disturbance of nesting colonies, which may cause desertion (Zeiner et al. 1988). Great blue herons typically nest in conspicuous colonies known as rookeries, but may build solitary nests as well (Zeiner et al. 1988). Although they prefer to nest in large trees adjacent to wetland feeding areas, nests may be up to 10 miles from feeding grounds (Zeiner et al. 1988). In Humboldt County, breeding areas are typically limited to the coastal slope and waterways in more inland areas (Hunter et al. 2005).

Potential Impact: The BAA could provide habitat for the Great blue heron. Pre-construction raptor scans are needed prior to any further vegetation removal or construction (**BIO-4**). Additionally, the project should incorporate measures to reduce disturbance from noise and lights to birds and other sensitive wildlife.

6. Marbled murrelet (*Brachyramphus marmoratus*)

Special Status: Federally Threatened; California Endangered; Protected under Migratory Bird Treaty Act; NatureServe Ranks: G3, S2

Family: Alcidae

Habitat/Life History Requirements: The federally Threatened and state Endangered marbled murrelet nests in large trees in mature coastal forests along the Pacific coast, especially old-growth

redwood and Douglas-fir forests (Zeiner et al. 1988). Fish are the primary source of food for the unique alcid, which travels daily between nesting areas in mature forests and feeding grounds offshore during the breeding season (Cornell Lab). U.S. Fish and Wildlife Service has designated areas of mature coastal forest in Northern California as critical habitat based on the presence of individual trees with potential nesting platforms, and forested areas within 0.5 miles of individual trees with potential nesting platforms that had a canopy height of at least one-half the average maximum potential height for trees given local growing conditions (USFWS 2011). The presence of trees with potential nesting platforms (flat areas at least 4 inches wide, 33 feet high in the canopy of coniferous forests) is the most important predictor of marbled murrelet presence (Evans Mack et al. 2003). Audio-visual surveys should be conducted in areas that contain mature coniferous forest or trees with suitable platforms (Evans Mack et al. 2003).

Potential Impact: Marbled murrelets have been observed nesting in the Bull Creek area of Humboldt Redwoods State Park. Some potential habitat might exist along the South Fork Eel River on the edge outside of the BAA. Operations are not likely to directly impact marbled murrelets. The project will incorporate measures to reduce disturbance from noise and lights to sensitive wildlife, including marbled murrelets.

7. Little willow flycatcher (*Empidonax traillii brewsteri*)

Special Status: California Endangered, Protected under Migratory Bird Treaty Act; NatureServe Ranks: G5T3T4, S1S2

Family: Tyrannidae

Habitat/Life-history Requirements: The little willow flycatcher is a rare to locally uncommon summer resident that breeds in the Cascades and the Sierra Nevada (Craig and Williams 1998). The little willow flycatcher breeds in wet meadows and montane riparian habitats at 2,000-8,000 feet elevation (Craig and Williams 1998). The riparian songbird requires dense willow thickets for nesting and roosting (Bombay et al. 2003, Zeiner et al. 1988). Destruction of riparian vegetation, modification of hydrology, and nest parasitism by brown headed cowbirds are the main threats to this species (Bombay et al. 2003).

Potential Impact: Riparian habitat does not occur on the parcel but does occur in the surrounding BAA. The project is not expected to impact the little willow flycatcher.

8. American peregrine falcon (*Falco peregrinus anatum*)

Special Status: Federally Delisted, State Delisted, CDFW Fully Protected; Protected under Migratory Bird Treaty Act; NatureServe Ranks: G4T4, S3S4

Family: Falconidae

Habitat/Life-history Requirements: The formerly federally endangered American peregrine falcon was delisted in 1999 due to recovery (USFWS ECOS). The American peregrine falcon is an uncommon year-round resident and migrant in California (Zeiner et al. 1988). Peregrine falcons typically use cliffs and ledges near bodies of water for cover and nesting areas, but they may also nest on buildings or bridges in the city (Sibley 2003, Cornell Lab). Peregrine falcons may breed in woodland, forest, or coastal habitat (Zeiner et al. 1988). Riparian and wetland areas are important habitat yearlong (Zeiner et al. 1988).

Potential Impact: Peregrine falcons may breed in a wide variety of habitats, and they have the potential to nest in the area on suitable ledges or other structures. No likely nesting cliffs or ledges were observed in aerial photos, but they have the potential to exist in the area. The project should incorporate measures to reduce disturbance from noise and lights to birds and other sensitive wildlife.

9. Bald eagle (*Haliaeetus leucocephalus*)

Special Status: Federally Delisted, California Endangered, CDFW Fully Protected; Protected under Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act; NatureServe Ranks: G5, S3.

Family: Accipitridae

Habitat/Life-history Requirements: Federally delisted, but still considered Endangered in California, bald eagles occur along rivers, large creeks, and coastlines throughout Northwestern California (Harris 2005). Fish are a primary source of prey, and bald eagles are typically found in forested areas near large fish-bearing waters (Cornell Lab). Bald eagles build large nests about 6 feet wide. Nests are typically found in large trees, but may be built on other available vegetation or structures (Cornell Lab).

Potential Impact: The bald eagle may occur in the BAA. The project should incorporate measures to reduce disturbance from noise and lights to birds and other sensitive wildlife. Pre-construction raptor scan surveys are recommended prior to any construction or ground disturbance during the breeding season (Feb 1 - Aug 31) (**BIO-4**). Additionally, the project should incorporate measures to reduce disturbance from noise and lights to birds and other sensitive wildlife.

10. Yellow-breasted chat (*Icteria virens*)

Special Status: CDFW Species of Special Concern; Protected under Migratory Bird Treaty Act; NatureServe Ranks: G5, S3.

Family: Parulidae

Habitat/Life-history Requirements: The yellow-breasted chat is a CDFW Species of Special Concern. This songbird nests in dense riparian brush. The distribution of the yellow-breasted chat in Humboldt County largely follows the riparian habitat surrounding the major rivers, especially the Eel, Trinity, Klamath, and Mad Rivers (Hunter et al. 2005). The yellow breasted chat is relatively numerous in Humboldt County, whereas much of California has seen a decline in population (Shuford and Gardali 2008). Protecting riparian areas, including shrub layers, is important for the conservation of this species.

Potential Impact: The BAA may provide habitat for the Yellow-breasted chat. The project should incorporate measures to reduce disturbance from noise and lights to birds and other sensitive wildlife.

11. Osprey (*Pandion haliaetus*)

Special Status: CDFW Watch List; Protected under Migratory Bird Treaty Act; NatureServe Ranks: G5, S4.

Family: Accipitridae

Habitat/Life-history Requirements: Ospreys primarily prey on fish and they require large fish-bearing waters for hunting (Zeiner et al. 1988). Ospreys are widespread along the Trinity, Klamath, Van Duzen, Eel, and South Fork Eel Rivers in Humboldt County (Harris 2005). Ospreys typically make large nests in tall snags or trees high off the ground in open forest habitats (Zeiner et al. 1988).

Potential Impact: The Osprey may occur in the BAA. Osprey have been documented along the South Fork Eel River. The project should incorporate measures to reduce disturbance from noise and lights to birds and other sensitive wildlife. Pre-construction raptor scan surveys are recommended prior to any construction or ground disturbance during the breeding season (Feb 1 - Aug 31) (**BIO-4**).

12. Flammulated owl (*Psiloscopus flammeolus*)

Special Status: NatureServe Rankings: G4, S2S4

Family: Strigidae

Habitat/Life-history Requirements: The flammulated owl nests in montane regions at 6000-10,000 feet with low to moderate canopy cover (Zeiner et al. 1988). This small owl nests in cavities or woodpecker holes in snags or trees, and it is frequently found on the edges of ponderosa pine forest (Zeiner et al. 1988).

Potential Impact: The BAA and parcel may provide habitat for the Flammulated owl. The project should incorporate measures to reduce disturbance from noise and lights to birds and other sensitive wildlife.

13. Bank Swallow (*Riparia riparia*)

Special Status: California Threatened; Protected under Migratory Bird Treaty Act; NatureServe Ranks: G5, S2

Family: Hirundinidae

Habitat/Life-history Requirements: Bank swallows' nest in vertical sand banks and eroding bluffs, and they forage over nearby meadows and water.

Potential Impact: The bank swallow could occur on the banks of the South Fork Eel River and in the surrounding BAA, but no potential habitat occurs in or near the project area. No impacts are expected.

14. Yellow Warbler (*Setophaga petechial*)

Special Status: CDFW Species of Special Concern; Protected under Migratory Bird Treaty Act; NatureServe Ranks: G5, S3S4

Family: Parulidae

Habitat/Life-history Requirements: The yellow warbler primarily nests in deciduous riparian forest with a thick brush understory (Zeiner et al. 1988, Lowther et al. 1999). Yellow warblers are often associated with riparian willow thickets, but may also be found in thick brushy understories of coniferous forests (Zeiner et al. 1988), or hedgerows in human-influenced environments (Lowther et al. 1999). The yellow warbler primarily feeds on insects and other arthropods (Lowther et al. 1999). The songbird is threatened by removal of riparian habitat and brood parasitism by the brown-headed cowbird (Lowther et al. 1999).

Potential Impact: The yellow warbler could occur in dense riparian brush in the surrounding BAA, but is unlikely to breed in the project area. The project should incorporate measures to reduce disturbance from noise and lights to birds and other sensitive wildlife.

15. Northern spotted owl (*Strix occidentalis caurina*)

Special Status: Federally Threatened, California Threatened, CDFW Species of Special Concern, Protected under Migratory Bird Treaty Act; NatureServe Ranks: G3G4T2T3, S2.

Family: Strigidae

Habitat/Life-history Requirements: Northern spotted owls typically nest or roost in multi-layered, mature coniferous forest with high canopy closure, large over story trees, and broken-topped trees or other nesting platforms (USFWS 2012). Confirmed breeding areas are widespread throughout Humboldt County (Hunter et al. 2005). Northern spotted owls may use a broad range of habitats for foraging. Their favored prey, the dusky-footed woodrat (*Neotoma fuscipes*), typically inhabits the

forest edge (Harris 2005). USFWS protocol surveys are needed for any activity that may modify nesting, roosting, or foraging habitats for northern spotted owls (USFWS 2012).

Potential Impact: USFWS protocol surveys are needed for any activity that may modify nesting, roosting, or foraging habitats for northern spotted owls (NSO) (USFWS 2012). There are four known activity centers (HUM0761, HUM0774, HUM093 and HUM0941) documented within the 1.3 mi BAA. There is potential NSO habitat within the BAA and on the parcel. Northern Spotted Owl surveys are recommended until appropriate permits are acquired for the proposed project (**BIO-2**). Northern Spotted Owl Surveys were conducted in 2022 for an adjacent NTMP. No NSO were documented within 0.75 mile of the project site. The project is not expected to significantly impact the NSO (Attachment F).

Mammals

1. Sonoma tree vole (*Arborimus pomo*)

Special Status: CDFW Species of Special Concern, NatureServe Ranks: G3, S3

Family: Muridae

Habitat/Life-history Requirements: The Sonoma tree vole occurs along the North Coast in old-growth and other forests, mainly Douglas-fir, redwood, and montane hardwood-conifer habitats (Zeiner et al. 1988). The small rodent specializes in feeding on Douglas-fir and grand fir needles, and typically constructs nests in Douglas-fir trees (Zeiner et al. 1988).

Potential Impact: The arboreal rodent has the potential to occur within the BAA. No expansion into forested areas is planned and no impacts are expected. The project should also incorporate measures to reduce disturbance from noise and lights to sensitive wildlife (**BIO-5**).

2. Townsend's big-eared bat (*Corynorhinus townsendii*)

Special Status: CDFW Species of Special Concern, NatureServe Ranks: G4, S2

Family: Vespertilionidae

Habitat/Life-history Requirements: Although it can be found in a wide range of habitats, the bat requires caves, mines, tunnels, buildings, or other human-made structures for roosting (Zeiner et al. 1988). Townsend's big-eared bat is highly sensitive to disturbance of roosting sites (Zeiner et al. 1988).

Potential Impact: The species may occur in the BAA. If there is any modification to any cave, tunnels or structures, bat surveys should be conducted. The current proposed operations are not expected to impact the Townsend's big-eared bat. However, the project should incorporate measures to reduce disturbance from noise and lights to sensitive wildlife (**BIO-5**).

3. North American porcupine (*Erethizon dorsatum*)

Special Status: CDFW Special Animals List; NatureServe Ranks: G5, S3

Family: Erethizontidae

Habitat/Life-history Requirements: The American porcupine is most commonly found in montane conifer, Douglas-fir, alpine dwarf-shrub, and wet meadow habitats (Zeiner et al. 1988). The herbivore feeds on a wide variety of aquatic and terrestrial herbs, shrubs, fruits, leaves, and buds in the summer (Zeiner et al. 1988). During the winter, the porcupine diet includes evergreen leaves, twigs, bark, and cambium of trees, particularly conifers (Zeiner et al. 1988).

Potential Impact: Although widely distributed throughout North America and occurring in many habitats, the North American porcupine is considered vulnerable in California. The area should be considered potential habitat for the mammal. The property and the surrounding BAA has potential habitat for the North American porcupine. However, no expansion into forested area are planned and no impacts to the species are expected.

4. **Silver-haired bat (*Lasionycteris noctivagans*)**

Special Status: CDFW Special Animals List (2020); NatureServe Ranks: G3G4, S3S4

Family: Vespertilionidae

Habitat/Life-history Requirements: The silver-haired bat is primarily a forest-dweller. The insectivore roosts in a wide variety of locations including hollow trees, snags, rock crevices, caves, under bark, and in man-made structures (Zeiner et al. 1988).

Potential Impact: The Silver-haired bat has the potential to occur in the project area. The project should incorporate measures to reduce disturbance from noise and lights to bats and other sensitive wildlife (**BIO-5**). Adhering to restrictions and regulations of pesticide use in cannabis cultivation areas, including preventing drift to native vegetation, is expected to minimize the potential impact of cultivation (**BIO-6**).

5. **Western red bat (*Lasiurus blossevillii*)**

Special Status: CDFW Species of Special Concern; NatureServe Ranks: G4, S3

Family: Vespertilionidae

Habitat/Life-history Requirements: The Western red bat may occupy a wide range of low-elevation habitats, and roost in a wide variety of structures (Zeiner et al. 1988). The western red bat prefers to roost in forests and woodlands area up through mixed conifer forests. The red bat feeds over a wide variety of habitats including grasslands, shrublands, open woodland and forests, and croplands (Grinnell, 1918).

Potential Impact/Mitigation: The western red bat has the potential to occur in the project area. The project should incorporate measures to reduce disturbance from noise and lights to bats and other sensitive wildlife (**BIO-5**). Adhering to restrictions and regulations of pesticide use in cannabis cultivation areas, including preventing drift to native vegetation, is expected to minimize the potential impact of cultivation mammals (**BIO-6**).

6. **Hoary bat (*Lasiurus cinereus*)**

Special Status: CDFW Special Animals List; NatureServe Ranks: G3G4, S4

Family: Vespertilionidae

Habitat/Life-history Requirements: The most widespread North American bat, the hoary bat can be found in a wide variety of habitats throughout California (Zeiner et al. 1988). The insectivore typically roosts in medium to large trees with nearby openings for foraging (Zeiner et al. 1988).

Potential Impact: The Hoary bat has the potential to occur in the project area. The project should incorporate measures to reduce disturbance from noise and lights to bats and other sensitive wildlife (**BIO-5**). Adhering to restrictions and regulations of pesticide use in cannabis cultivation areas, including preventing drift to native vegetation, is expected to minimize the potential impact of cultivation (**BIO-6**).

7. **Humboldt marten (*Martes caurina humboldtensis*)**

Special Status: Federally Threatened; California Endangered; CDFW Species of Special Concern; NatureServe Ranks: G4G5T1, S1

Family: Mustelidae

Habitat/Life-history Requirements: Martens use structurally complex conifer forest with large trees and low human disturbance (Zeiner et al. 1988). Martens require old-growth conifers and snags with cavities for denning and nesting (Zeiner et al. 1988). Martens are currently known to inhabit the northern part of Humboldt County near Prairie Creek Redwood State Park and the Klamath

Mountains. Historically, martens occupied a great deal of Humboldt and Mendocino Counties (Hamlin et al. 2010).

Potential Impact: The property and the surrounding BAA has potential habitat for the Humboldt marten. However, no expansion into forested area are planned and no impacts to the species are expected.

8. Long-legged myotis (*Myotis volans*)

Special Status: CDFW Special Animals List ; NatureServe Ranks: G4G5, S3

Family: Vespertilionidae

Habitat/Life-history Requirements: Although most commonly found in high elevation woodland and forest habitats, this small bat can be found in a wide variety of habitats (Zeiner et al. 1988). The long-legged myotis uses denser woodlands and forests for cover and reproduction, and feeds over water or open habitats (Zeiner et al. 1988). The species may roost in rock crevices, buildings, snags, mines, caves, or under tree bark (Zeiner et al. 1988).

Potential Impact: The parcel could provide potential habitat for the species. The project should incorporate measures to reduce disturbance from noise and lights to potential bat roosting habitat in the area (**BIO-5**). Adhering to restrictions and regulations of pesticide use in cannabis cultivation areas, including preventing drift to native vegetation, is expected to minimize the potential impact of cultivation (**BIO-6**).

9. Yuma myotis (*Myotis yumanensis*)

Special Status: CDFW Special Animals List; NatureServe Ranks: G5, S4

Family: Vespertilionidae

Habitat/Life-history Requirements: The Yuma myotis is common and widespread in low-elevation habitats of California (Zeiner et al. 1988). The bat requires water for drinking and foraging habitat, and roosting structures such as buildings, mines, caves, or crevices (Zeiner et al. 1988). Open woodlands and forests provide optimal habitat (Zeiner et al. 1988).

Potential Impact: The parcel could provide potential habitat for the species. The project should incorporate measures to reduce disturbance from noise and lights to potential bat roosting habitat in the area (**BIO-5**). Adhering to restrictions and regulations of pesticide use in cannabis cultivation areas, including preventing drift to native vegetation, is expected to minimize the potential impact of cultivation (**BIO-6**).

10. Fisher - West Coast DPS (*Pekania pennanti*)

Special Status: CDFW Species of Special Concern; NatureServe Ranks: G5, S2S3

Family: Mustelidae

Habitat/Life-history Requirements: The fisher uses large expanses of forest with moderate to high canopy closure, and will avoid open forest, grasslands, and wetlands (USFWS 2014). Fishers use cavities in live trees, snags and down logs for reproductive dens (USFWS 2014). Structural complexity is a critical element of fisher habitat, necessary to provide cover for resting and denning, and habitat for prey (USFWS 2014).

Potential Impact/Mitigation: The property and the surrounding BAA has potential habitat for the Fisher. However, no expansion into forested area are planned and no impacts to the species are expected. The project should incorporate measures to reduce disturbance from noise and lights to the species (**BIO-5**).

11. American badger (*Taxidea taxus*)

Special Status: CDFW Species of Special Concern; NatureServe Ranks: G5, S3.

Family: Mustelidae

Habitat/Life-history Requirements: The American badger is an uncommon resident that can be found in open habitats with friable soil throughout the majority of California (Zeiner et al. 1988). The badger digs burrows for cover and reproductive dens (Zeiner et al. 1988). The carnivore preys on a wide variety of rodents as well as reptiles, insects, birds, and any other available prey (Zeiner et al. 1988). Although they are fairly tolerant of humans, they can be affected by the use of poison and indiscriminate trapping (Zeiner et al. 1988).

Potential Impact: The project is in unlikely badger habitat. The nearest occurrence in CNDDDB is unmapped in the Big Bar quad. Project operations are not expected to significantly impact the badger habitat.

Amphibians and Reptiles

1. Pacific tailed frog (*Ascaphus truei*)

Special Status: CDFW Species of Special Concern; NatureServe Ranks: G4, S3S4

Family: Ascaphidae

Habitat/Life-history Requirements: The Pacific tailed frog requires permanent, cool streams in conifer-dominated habitats including redwood, Douglas fir, mixed-conifer, and ponderosa pine habitats (Zeiner et al. 1988). They prefer turbulent waters with rocky substrates in steep-walled valleys with dense vegetation, where the water temperature remains low (Zeiner et al. 1988). Increased water temperature and siltation from logging pose threats to the amphibian (Zeiner et al. 1988). Additionally, invasive American bullfrogs may pose a threat to native amphibians through competition, predation, and spread of disease.

Potential Impact: The project will not likely impact the Pacific tailed frog, but the project should avoid impacts to amphibians by minimizing runoff.

2. Western pond turtle (*Emys marmorata*)

Special Status: CDFW Species of Special Concern; NatureServe Ranks: G3G4, S3

Family: Emydidae

Habitat/Life-history Requirements: The western pond turtle is associated with permanent or nearly permanent water in ponds, lakes, streams, irrigation ditches or permanent pools along intermittent streams (Zeiner et al. 1988). Invasive American bullfrogs prey upon hatchlings and juveniles (Zeiner et al. 1988).

Potential Impact: The BAA provides habitat for the western pond turtle. The project should avoid impacts to the western pond turtle by minimizing runoff.

3. Northern red-legged frog (*Rana aurora*)

Special Status: CDFW Species of Special Concern; NatureServe Ranks: G4, S3

Family: Ranidae

Habitat/Life-history Requirements: The northern red-legged frog inhabits low-elevation wetlands of the North Coast Ranges from Del Norte to Mendocino Counties (Zeiner et al. 1988). The northern red-legged frog requires permanent or nearly permanent pools in streams, marshes, or ponds (Zeiner et al. 1988).

Potential Impact: Areas of permanent or near-permanent water in the surrounding area could provide habitat for the northern red-legged frog. The project should avoid impacts to amphibians by minimizing runoff.

4. Foothill yellow-legged frog (*Rana boylei*)

Special Status: State Endangered; CDFW Species of Special Concern; NatureServe Ranks: G3, S3

Family: Ranidae

Habitat/Life-history Requirements: The foothill yellow legged frog inhabits rocky streams with permanent water in many habitats, including valley-foothill hardwood, valley-foothill hardwood-conifer, valley-foothill riparian, ponderosa pine, mixed conifer, coastal scrub, mixed chaparral, and wet meadows (Zeiner et al. 1988). The invasive American bullfrog and introduced fish species contribute to the reduction of foothill yellow legged frog populations (Zeiner et al. 1988). CESA listing of the Foothill-yellow legged frog varies by clade as follows: Southwest/South Coast, West/Central Coast, and East/Southern Sierra clades are endangered; northeast/Northern Sierra and Feather River clades are threatened; Listing of the Northwest/North Coast clade is not warranted. **Potential Impact:** Riparian areas in the BAA are likely to provide habitat for the foothill yellow-legged frog. The project should avoid impacts to amphibians by minimizing runoff.

5. Southern torrent salamander (*Rhyacotriton variegatus*)

Special Status: CDFW Species of Special Concern; NatureServe Ranks: G3G4, S2S3

Family: Rhyacotritonidae

Habitat/Life-history Requirements: The southern torrent salamander primarily occupies cold, shaded permanent streams and seeps in redwood, Douglas fir, mixed conifer, montane riparian and montane hardwood-conifer habitats in Sonoma, Mendocino, Humboldt and Lake Counties (Zeiner et al. 1988). The salamander requires rapid, permanent streams with rocky substrate for breeding and larval development (Zeiner et al. 1988).

Potential Impact: There are no documented occurrences of the Southern torrent salamander within the BAA. Permanent, rocky streams in the surrounding area could provide habitat for the southern torrent salamander. The project should avoid impacts to amphibians by minimizing runoff.

6. Red-bellied newt (*Taricha rivularis*)

Special Status: CDFW Species of Special Concern; NatureServe Ranks: G2, S2

Family: Salamandridae

Habitat/Life-history Requirements: The red-bellied newt primarily occupies redwood forest, but is also found within mixed conifer, valley-foothill woodland, montane hardwood and hardwood-conifer habitats (Zeiner et al. 1988). Although adults are terrestrial, the poisonous newt requires rapid, rocky permanent streams for breeding and larval development (Zeiner et al. 1988). During terrestrial stages, the newt may be found in coastal woodlands and forests. The newt will seek cover in moist habitats, such as under woody debris, rocks, or in animal burrows (Nafis 2019).

Potential Impact/Mitigation: Permanent, rocky streams within the BAA could provide habitat for the red-bellied newt. The Red-bellied newt may be impacted by any work in wetland or riparian environments, removal of vegetation cover within SMAs, or development that may inhibit dispersal through upland environments. The project should avoid impacts to amphibians by minimizing runoff.

Fish

1. Coast cutthroat trout (*Oncorhynchus clarkii clarkii*)

Special Status: CDFW Species of Special Concern; NatureServe Ranks: G5T4, S3

Family: Salmonidae

Habitat/Life-history Requirements: The coastal cutthroat trout is a small salmonid that may be anadromous or resident to watersheds of the Pacific coast from the Eel River of Humboldt County north to Alaska (Moyle et al. 2008). Much like steelhead and other salmonids, coastal cutthroat require cool streams with deep pools and cover (Moyle et al. 2008). Coastal cutthroat prefer small, low gradient coastal streams, and they may be outcompeted by steelhead in larger streams and rivers

where they co-occur (Moyle et al. 2008). Spawning occurs in gravel-bottom riffles and pools (Moyle et al. 2008). The Smith and Klamath River drainages support nearly half of the coastal cutthroat populations in California (Gerstung 1997 cited in Moyle et al. 2008).

Potential Impact: The South Fork Eel River and its tributaries provide habitat for the anadromous salmonid. The project should avoid impacts to fish and other aquatic species by minimizing runoff and observing SMA buffers.

2. Coho salmon - southern Oregon / northern California ESU (*Oncorhynchus kisutch* pop 2.)

Special Status: Federally Threatened, California Threatened; NatureServe Ranks: G5T2Q, S2

Family: Salmonidae

Habitat/Life-history Requirements: Coho salmon are a federally and state-listed anadromous fish that occupy low gradient rivers and coastal streams (CDFW). The anadromous salmonids return to these watersheds in the fall and early winter to spawn in gravel substrate, after the first major rains (Moyle et al. 2008). Coho require cool, clear perennial streams and rivers with structural complexity for cover and low suspended sediment (Moyle et al. 2008). Juveniles are most abundant in well-shaded, deep pools with many structural elements that provide cover (Moyle et al. 2008). Sedimentation is a major threat to salmonids in their early life stages.

Potential Impact: The South Fork Eel River and its tributaries provide habitat for the anadromous salmonid. The project should avoid impacts to fish and other aquatic species by minimizing runoff and observing SMA buffers.

3. Steelhead – northern California DPS (*Oncorhynchus mykiss irideus* pop. 16)

Special Status: Federally Threatened; NatureServe Ranks: G5T2T3Q, S2S3

Family: Salmonidae

Habitat/Life-history Requirements: Steelhead are anadromous rainbow trout that migrate to the ocean as juveniles and return to freshwater habitats to spawn. The Northern California Distinct Population Segment (DPS) ranges from Redwood Creek to just south of the Gualala River, and includes the Eel River watershed (Moyle et al. 2008). Salmonids, including steelhead, require cool, clear perennial streams and rivers with structural complexity for cover and low suspended sediment. Steelhead may swim upstream during the winter to spawn in stream segments that are not accessible to other salmonids during low flows (Moyle et al. 2008). Sedimentation is a major threat to salmonids in their early life stages.

Potential Impact/Mitigation: The South Fork Eel River and its tributaries may provide habitat for the steelhead. All infrastructure within a streamside management area (SMA) should be removed, and future cultivation should not follow restrictions within SMAs.

4. Summer-run steelhead trout (*Oncorhynchus mykiss irideus* pop 36.)

Special Status: State Candidate Endangered; CDFW Species of Special Concern; NatureServe Ranks: G5T4Q, S2

Family: Salmonidae

Habitat/Life-history Requirements: Summer-run steelhead trout remain in freshwater habitats until they reach maturity (Moyle et al. 2008). These steelhead have similar requirements during their juvenile stages, with an additional need for freshwater habitats to remain suitable throughout the summer (Moyle et al. 2008). Summer steelhead are sensitive to human disturbance and typically are only found in the most remote areas of the watersheds (Moyle et al. 2008). Sedimentation is a major threat to salmonids in their early life stages.

Potential Impact: The South Fork Eel River and its tributaries provide habitat for the anadromous salmonid. The project should avoid impacts to fish and other aquatic species by minimizing runoff and observing SMA buffers.

5. **Chinook salmon - California coastal ESU (*Oncorhynchus tshawytscha* pop 17.)**

Special Status: Federally Threatened; NatureServe Ranks: G5, S1

Family: Salmonidae

Habitat/Life-history Requirements: The Federally Threatened Chinook salmon is the largest Pacific salmonid (Moyle et al. 2008). The California Coast Evolutionary Significant Unit (ESU) is composed of Chinook spawning in watersheds ranging from Redwood Creek south to the Russian River (Moyle et al. 2008). The anadromous salmonids return to these watersheds in the fall to spawn, after the first major rains (Moyle et al. 2008). Chinook, like other salmonids, require cool, clear perennial streams and rivers with structural complexity for cover and low suspended sediment (Moyle et al. 2008). Juvenile chinook may inhabit estuaries for an extended period (Moyle et al. 2008). Chinook are particularly sensitive to temperature and water quality, and require larger cobble and coarse gravel substrate for spawning compared to other salmonids (Moyle et al. 2008). Sedimentation is a major threat to salmonids in their early life stages.

Potential Impact: The South Fork Eel River and its tributaries provide habitat for the anadromous salmonid. The project should avoid impacts to fish and other aquatic species by minimizing runoff and observing SMA buffers.

Invertebrates

1. **Obscure bumble bee (*Bombus caliginosus*)**

Special Status: CDFW Special Animals List; NatureServe Ranks: G4?, S1S2

Family: Apidae

Habitat/Life-history Requirements: The obscure bumble bee occupies open grassy coastal prairies and Coast Range meadows (IUCN). This long-tongued species may pollinate flowers with elongated corollas, such as *Keckiella* spp. (IUCN). The obscure bumblebee does not fare well in agricultural or urban/suburban environments, where it is often outcompeted by more common bumblebees (NatureServe 2017). The obscure bumblebee has declined in the San Francisco Bay area, and may be threatened by habitat loss from development (NatureServe 2017).

Potential Impact: The property has the potential to support many native pollinators. Adhering to restrictions and regulations of pesticide use in cannabis cultivation areas, including preventing drift to native vegetation, is expected to minimize the potential impact of agricultural activities.

2. **Western bumble bee (*Bombus occidentalis*)**

Special Status: State Candidate Endangered; CDFW Special Animals List; NatureServe Ranks: G2G3, S1

Family: Apidae

Habitat/Life-history Requirements: The western bumble bee is a generalist short-tongued forager that may be found in open habitats such as grassy areas, urban parks and gardens, chaparral and shrub areas, and mountain meadows (IUCN). Like many bumble bees, the western bumble bee nests underground in abandoned rodent holes (IUCN). The western bumble bee is threatened by disease, habitat loss and degradation, and insecticides.

Potential Impact: The property has the potential to support many native pollinators. Adhering to restrictions and regulations of pesticide use in cannabis cultivation areas, including preventing drift to native vegetation, is expected to minimize the potential impact of agricultural activities.

4.4 Wildlife Movement and Connectivity

Riparian areas may serve as corridors for wildlife movement, and upland forested areas have increased value to wildlife. It is important to maintain native vegetation communities around riparian areas that may provide cover, forage, and other value to wildlife.

5. Conclusions

5.1 Summary of Potential Impacts and Mitigations

Mitigation measures have been recommended to reduce potential impacts to sensitive species and wildlife movement to less-than-significant levels. The proposed project site has the potential to support numerous special status animal species. Invasive plant species including Himalayan blackberry (*Rubus armeniacus*) were observed in the vicinity of the cultivation area, mitigation and monitoring of non-native species is recommended (**BIO-1**). The BAA may provide the high canopy-closure forest habitat that supports Northern Spotted Owls (NSO), and surveys for northern spotted owls were completed in the area in 2022 for adjacent timber operations, no NSO were detected within 0.75 miles of the project area. The proposed project is not expected to significantly impact the species (**BIO-2**). Pre-construction bird surveys are recommended prior to additional construction or vegetation removal during the breeding season (**BIO-3**). Pre-construction raptor and nesting bird surveys are also recommended prior to any additional ground-breaking construction (**BIO-4**). The applicant may avoid indirect impacts to special-status fish, amphibians, and reptiles by adhering to state and regional water board guidelines to minimize runoff from cultivation and observing SMA buffer distances. Minimizing light pollution and adhering to International Dark Sky Association standards will minimize potential impacts on birds, bats and other light-sensitive species (**BIO-5**). Minimizing noise pollution from generators is also important for sensitive birds, bats, and other wildlife (**BIO-6**).

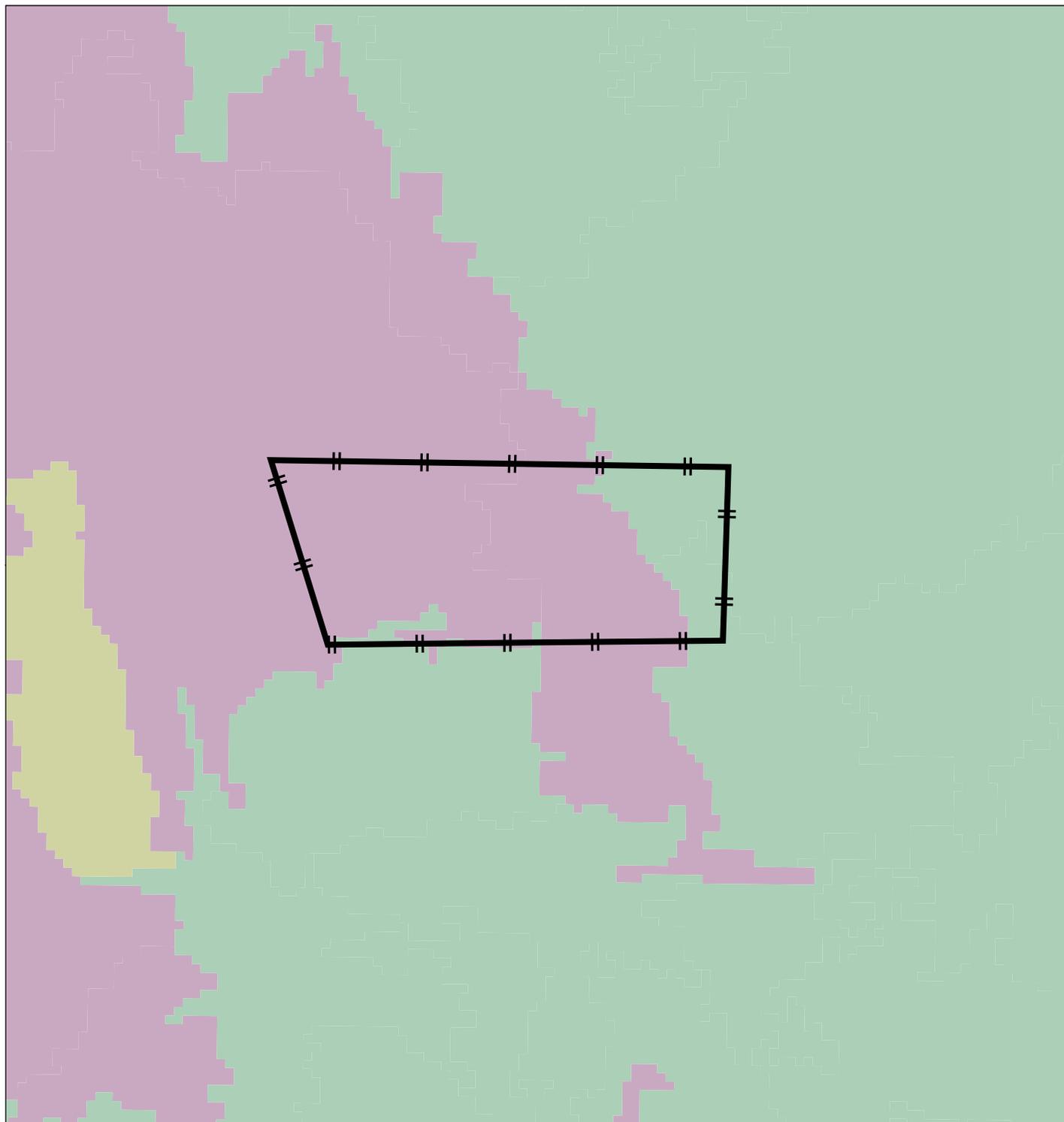
5.2 Recommended Surveys and Mitigation Measures for Potentially Significant Impacts

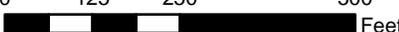
Name	Impact	Mitigation Description
BIO-1	Invasive Species Survey	Complete an Invasive Species Survey based on the Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018). The report should include recommendations on how to mitigate for the invasive species present on the parcel.
BIO-2	Northern Spotted Owl (NSO) Surveys	USFWS Northern Spotted Owl Protocol surveys (2012). See Attached NSO Maps and 2022 Data in Attachment G.
BIO-3	Pre-Construction Bird Surveys	If natural vegetation will be removed during the nesting season for construction, pre-construction surveys for nesting birds are recommended.
BIO-4	Raptor survey	If natural vegetation will be removed, the area will be surveyed for nesting/roosting raptors by scanning the property and surrounding area from a prominent location.
BIO-5	Disturbance to wildlife from noise pollution or light pollution	<p>It is recommended that the applicant follow guidelines for reducing light and noise pollution, which may impact sensitive species including bats, NSO, and other birds. Generator use will follow Humboldt County Performance Standards for Generator Noise. Additionally, the following measures are recommended:</p> <ul style="list-style-type: none"> - The generator should be contained in an insulated structure to muffle noise, and it should be kept away from SMAs. - The measured generator noise at the forest edge should not exceed ambient levels (<50dB or equivalent to levels at the property edge without the generator). - Temporary noise disturbances (such as running power tools) should occur during daylight hours to minimize disturbance to foraging bats or NSO. - Noise levels from the project should not exceed 75dB at the forest edge during the bird breeding season (Feb. 1-Aug 31)
BIO-6	Potential impacts of pesticides on pollinators	Pesticides that may be used for cannabis cultivation are limited to low-risk exempt substances and those that are broadly labeled by the Department of Pesticide Regulation. The potential impact of insecticide use on pollinators shall be reduced by not spraying in the presence of pollinators and not allowing drift to flowering plants in the surrounding area.

References

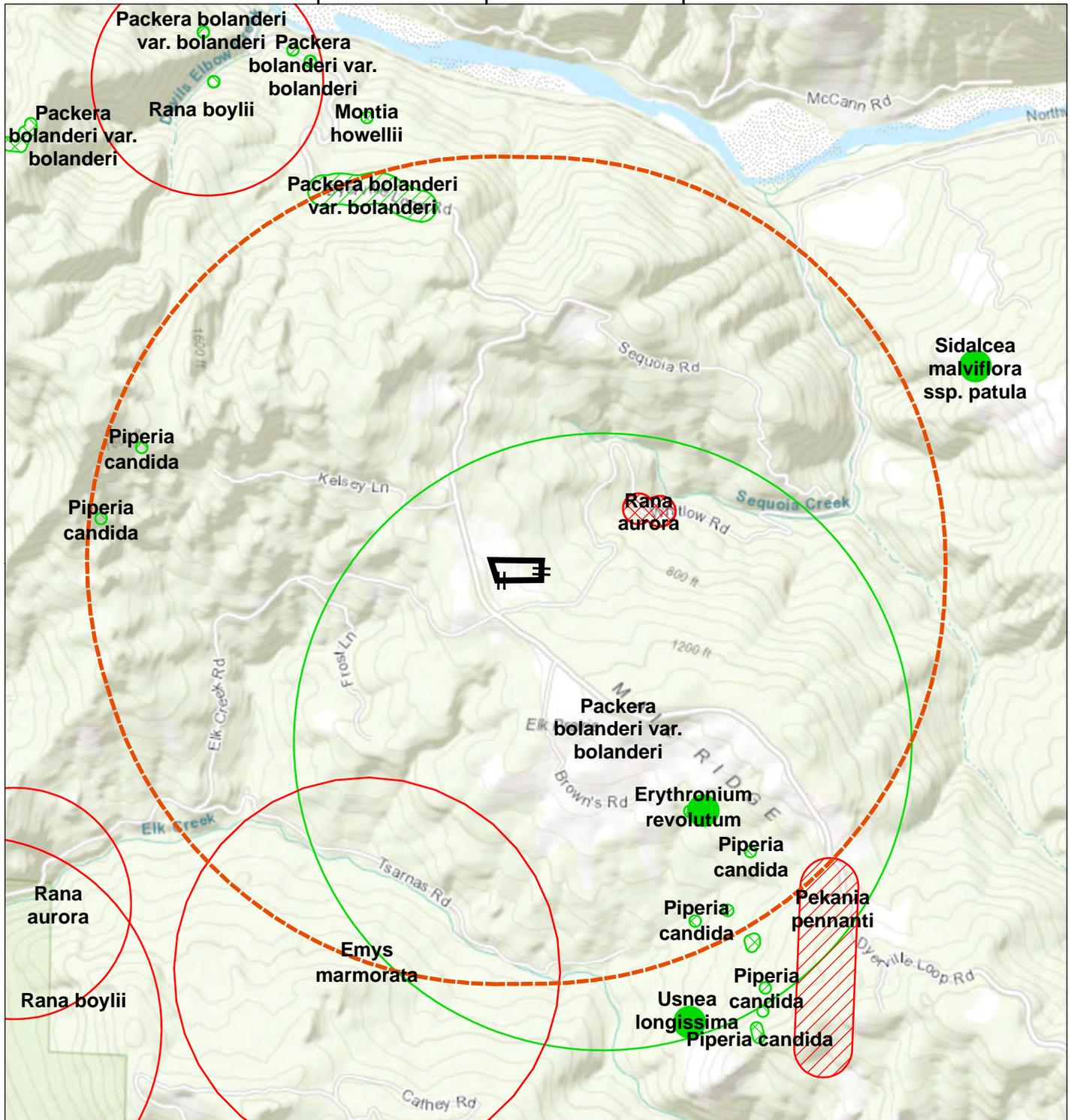
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Attachment A. CALVEG Vegetation Alliance Map of Surrounding Area



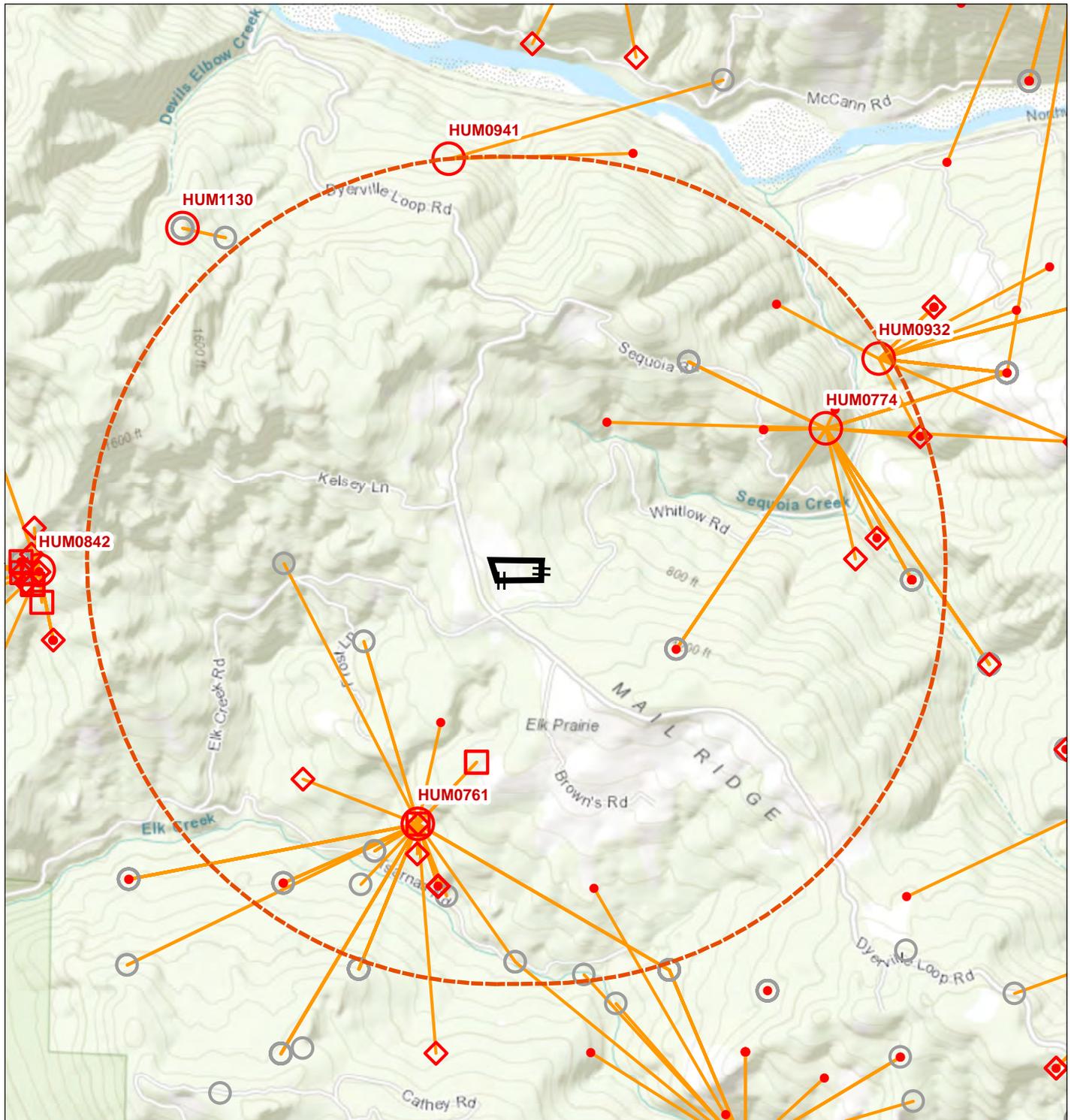
<p>Fruitland Family Farms</p> <p>APN: 211-331-021</p> <p><i>Section 14 & 16; T2S; R3E; Located on the Myers Flat 7.5' USGS Quadrangle</i></p>	<ul style="list-style-type: none">  Parcel Boundary  Annual Grasses and Forbs  Redwood - Douglas-Fir  Tanoak (Madrone) 	
<p>0 125 250 500</p>  <p>Feet</p>	<p>Contour Interval: 40'</p> <p>1 inch = 273 feet</p>	<p><i>Hohman And Associates Forestry Consultants</i></p> <p>Date: 5/24/2022</p>

Attachment B. CNDDDB Special-Status Species Search Map



<p>Fruitland Family Farms APN: 211-331-021</p> <p><i>Section 14 & 16; T2S; R3E; Located on the Myers Flat 7.5' USGS Quadrangle</i></p>	<p> Parcel Boundary</p> <p> 1.3 mi BAA</p> <p> Plant (80m)</p> <p> Plant (specific)</p> <p> Plant (non-specific)</p> <p> Plant (circular)</p> <p> Animal (specific)</p>	<p> Animal (non-specific)</p> <p> Animal (circular)</p>	
<p>0 1,125 2,250 4,500 Feet 1 inch = 2,440 feet</p>		<p>Contour Interval: 40'</p> <p>Hohman And Associates Forestry Consultants Date: 5/24/2022</p>	

Attachment C. Northern Spotted Owl Database Check Map



<p>Fruitland Family Farms APN: 211-331-021</p> <p><i>Section 14 & 16; T2S; R3E; Located on the Myers Flat 7.5' USGS Quadrangle</i></p>	<ul style="list-style-type: none"> Parcel Boundary 1.3 mi BAA Nest Young Pair Other Positive Observation 	<ul style="list-style-type: none"> Negative Observation Activity Center Spotted Owl Spider Diagram 	
<p>0 1,125 2,250 4,500 Feet 1 inch = 2,440 feet</p>	<p>Contour Interval: 40'</p>		<p><i>Hohman And Associates Forestry Consultants</i> Date: 5/24/2022</p>

Attachment D. Rank Definitions

Global Conservation Status Definition

Listed below are definitions for interpreting NatureServe global (range-wide) conservation status ranks. These ranks are assigned by NatureServe scientists or by a designated lead office in the NatureServe network.

- G1 Critically Imperiled** – At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
- G2 Imperiled** – At high risk of extinction or elimination due to very restricted range, very few populations, steep declines, or other factors.
- G3 Vulnerable** – At moderate risk of extinction or elimination due to a restricted range, relatively few populations, recent and widespread declines, or other factors.
- G4 Apparently Secure** – Uncommon but not rare; some cause for long-term concern due to declines or other factors.
- G5 Secure** – Common; widespread and abundant.
- G#G# Range Rank** – A numeric range rank (e.g. G2G3, G1G3) is used to indicate the range of uncertainty about the exact status of a taxon or ecosystem type. Ranges cannot skip more than two ranks (e.g., GU should be used rather than G1G4).

Intraspecific Taxon Conservation Status Ranks

- T# Intraspecific Taxon** (trinominal) – The status of intraspecific taxa (subspecies or varieties) are indicated by a “T-rank” following the species global rank. Rules for assigning T-ranks follow the same principles outlined above. For example, the global rank of a critically imperiled subspecies of an otherwise widespread and common species would be G5T1. A T subrank cannot imply the subspecies or variety is more abundant than the species. For example, a G1T2 subrank should not occur. A vertebrate animal population, (e.g., listed under the U.S. Endangered Species Act or assigned candidate status) may be tracked as an intraspecific taxon and given a T-rank; in such cases a Q is used after the T-rank to denote the taxon’s informal taxonomic status.

Subnational (S) Conservation Status Ranks

- S1 Critically Imperiled** – Critically imperiled in the jurisdiction because of extreme rarity or because of some factor(s) such as very steep declines making it especially vulnerable to extirpation from the jurisdiction.
- S2 Imperiled** – Imperiled in the jurisdiction because of rarity due to very restricted range, very few populations, steep declines, or other factors making it very vulnerable to extirpation from jurisdiction.
- S3 Vulnerable** – Vulnerable in the jurisdiction due to a restricted range, relatively few populations, recent and widespread declines, or other factors making it vulnerable to extirpation.
- S4 Apparently Secure** – Uncommon but not rare; some cause for long-term concern due to declines or other factors.
- S5 Secure** – Common, widespread, and abundant in the jurisdiction.
- S#S# Range Rank** – A numeric range rank (e.g., S2S3 or S1S3) is used to indicate any range of uncertainty about the status of the species or ecosystem. Ranges cannot skip more than two ranks (e.g., SU is used rather than S1S4).

Rank Qualifiers

- ? Inexact Numeric Rank** – Denotes inexact numeric rank; this should not be used with any of the Variant Global Conservation Status
- Q Questionable taxonomy that may reduce conservation priority** – Distinctiveness of this entity as a taxon or ecosystem type at the current level is questionable; resolution of this uncertainty may result in change from a species to a subspecies or hybrid, or inclusion of this taxon or type in another taxon or type, with the resulting taxon having a lower-priority (numerically higher) conservation status rank. The “Q” modifier is only used at a global level and not at a national or subnational level.

Attachment F. Imagery Map



Fruitland Family Farms

APN: 211-331-021

*Section 14 & 16; T2S; R3E;
Located on the Myers Flat 7.5' USGS
Quadrangle*

 Parcel Boundary



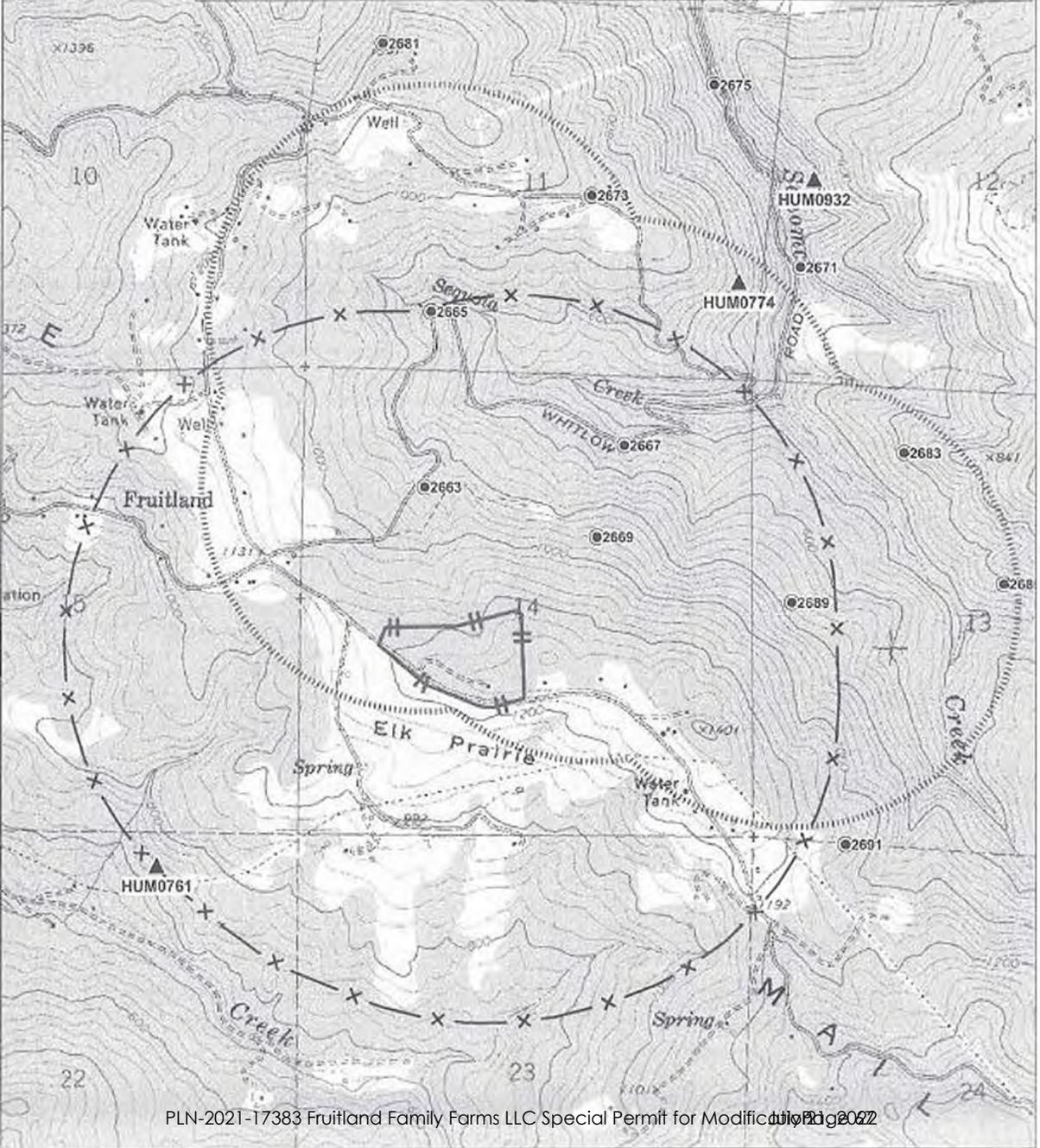
0 125 250 500
 Feet Contour Interval: 40'
 1 inch = 273 feet

Hohman And Associates Forestry Consultants
 Date: 5/24/2022

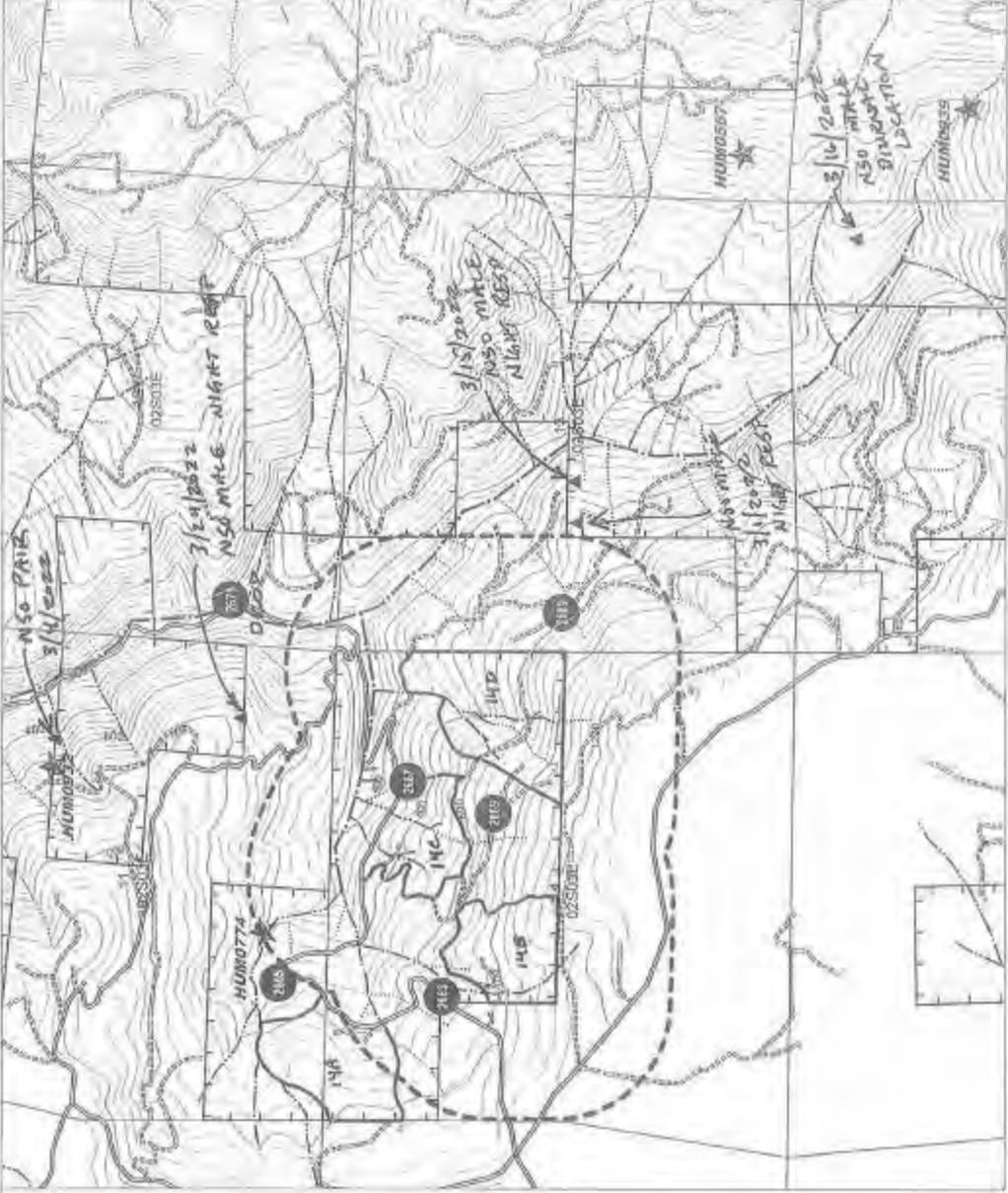
-  NTMP Boundary
-  0.7 Mile NSO Assessment Area
-  NSO Activity Center
ONDB 4-1-2022

-  2022 NSO Survey Stations -
(THP 1-21-00071 HUM, Amendment 8)
-  2022 NSO Survey Area - 3 Visits -
(0.5 Mile Surrounding Stations)

Section 14, T2S-R3E, H.B.M.



Date	Site ID	Pass Number	Start Time	End Time	NSO Response	Comments	Wind	Precipitation
3/1/2022	2663	1	22:17:18	22:27:21	F		Light	None
3/1/2022	2665	1	22:30:15	22:40:17	F		Light	None
3/1/2022	2669	1	22:47:47	22:57:59	F		Light	None
3/1/2022	2667	1	23:05:29	23:15:30	F		Light	None
3/1/2022	2689	1	23:22:40	23:34:44	T	NSO made - see attached map	Calm	None
3/1/2022	2671	1	23:56:23	0:06:24	F		Calm	None
3/2/2022	2689	1 - follow up	12:51:11	1534:24	F		Calm	None
4/2022	2689	1 - follow up	8:41:27	9:16:46	F		Light	None
4/2022	HUM0932	ACS	9:55:27	11:00:17	T	NSO pair - see attached map	Light	None
4/2022	2689	1 - follow up	12:22:00	13:13:00	F	Drove around to east side of Sonoma Creek to expand follow up area: ACS for HUM0567	Light	None
5/2/2022	HUM0774	ACS	17:38:05	19:18:23	F		Light	None
5/2/2022	2671	2	NA	NA	NA	DROP Station due to NSO pair at HUM0932		
5/2/2022	2667	2	19:42:27	19:52:56	F		Calm	None
5/2/2022	2668	2	20:17:14	20:27:56	F		Calm	None
5/2/2022	2665	2	20:45:55	20:56:03	F		Calm	None
5/2/2022	2663	2	20:59:47	21:09:58	F		Calm	None
5/2022	2689	2	23:04:26	23:11:50	T	NSO made - see attached map	Calm	None
6/2/2022	2689	2 - follow up	14:41:13	17:57:59	F		Calm	None
6/2/2022	HUM0567	ACS Follow up	18:02:00	18:53:00	T	NSO made - see attached map	Calm	None
6/24/2022	2689	3 - additional search	17:03:18	19:28:27	F	Additional search around response location from 3/1/22 & 3/15/22	Calm	None
6/4/2022	2689	4/2022	19:34:47	19:46:59	F		Calm	None
6/4/2022	2663	4/2022	22:26:14	22:39:22	F		Calm	None
6/4/2022	2665	4/2022	22:45:54	22:56:59	F		Calm	None
6/4/2022	2669	4/2022	23:18:31	23:31:26	T	attributed to HUM0932 - see attached map	Calm	None
6/4/2022	2667	4/2022	23:41:06	23:50:54	T	should skip due to resp at 2669; called in attempt to triangulate NSO resp from 2669	Calm	None
6/5/2022	2669	Follow up	16:41:37	19:15:01	F	right resp within 0.5-mile of NSO pair at HUM0932; resp attributed to NSO at HUM0932	Light	None



- Check Point Station
- NSO Spw Check Station
- NSO AC
- NSO Insectes Location
- 1600 Feet Check Point
- 1600 Spw Check Station
- NSO AC
- NSO Insectes Location
- 1600 Feet Check Point
- 1600 Spw Check Station
- NSO AC
- NSO Insectes Location



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**Pinot THP
NSO Survey Map**





Invasive Species Control and Management Plan



This document provides an outline for an Invasive Species Control/Management Plan (ISCP) for the clients of Clearwater Ag Services. The ISCP will be implemented as an integral part of the applicant's Commercial Cannabis Cultivation project.

Listed below are the steps to ensure the goals of this plan are met.

1. Identify the Project Area

The project area is confined to the commercial cannabis project parcel as stated in the CCLUO 55.4.12.16. Invasive Plant Species will be removed from the cultivation site and related infrastructure using techniques described in this document.

2. Identify the Target Species

The staff of Clearwater Ag Services will work with the applicant to identify potential invasive plant species on their parcel using the CAL-IPC inventory, research documentation as well as color identifying photos. Many non-native plant species are not necessarily invasive species as these plants do not interrupt the natural ecosystem and coexist with native plant species. Invasive species negatively threaten the environment and often displace native plant species. As part of the ISCP, all available resources will be utilized and local knowledge, informational attachments, as well as online access to color identification photos will aid the applicant in continuing the identification of potentially invasive species.

3. Establish a Baseline for Management

This will require a physical survey of the parcel to determine the scope of the invasive species present as well as the abundance of the invasive species identified. A simple mapping of the parcel with detailed locations of (each) potential invasive species will create a comprehensive starting point for management techniques.

4. Determine Control Options for Each Invasive Species Identified

Several control options exist for eradication of invasive species; including Biological, Mechanical and Chemical. At times, it may be necessary to utilize a combination of control techniques to ensure control over a long period of time.

- Biological Eradication could be used as a first line of defense for control of invasive species. The use of competitive planting and creating an environment for native species to thrive will increase the chances of long-term control. In some cases, the reintroduction of native species plants create a host for insects and microorganisms which will feed on the invasive species and/or create an

environment which will discourage new growth of the invasive plant. Many Invasive species invade an area of recent disturbance such as soil displacement, by using native grasses and plants as well as natural and weed-free erosion control products, the Invasive species will be unable to entrench the exposed soil.

- Mechanical Eradication is the most common short-term option for the eradication of invasive plant species. The removal of many of these Invasive plants can be done by hand, such as Scotch Broom; which can be removed most efficiently in the Spring time, as the entire root system can be pulled easily from the soil. Hand pulling can be an ongoing process as Invasive plant species, as well as their most common areas, are identified; the growth as well as the population can be more effectively managed when the plants are small. The use of mechanical tools such as weed whackers, tractors and cutting tools may be required to eradicate some species such as the Himalayan Blackberry, which is common in our area and cannot be effectively or completely removed by hand.
- Chemical Eradication will be considered a last resort, if it will be considered at all, as most of our applicant's commercial cannabis projects use organic and natural growing techniques that never include the use of chemicals.

5. Disposal Methods

As the Invasive species are eradicated, they will be completely secured within black plastic garbage bags, this will effectively prevent any chance of seed or propagation of new Invasive growth. The Invasive species will begin rapid decomposition within the bags and will be taken to a proper disposal site such as the Redway Transfer Station or the Humboldt Waste Management Facility in Eureka.

6. Preventative Control Techniques

Applicant will implement preventative measures to ensure the Invasive plant species will not enter the project site. Applicant will use caution when bringing any type of cultivation products to the site to ensure that possible contamination of seed or plant materials that can propagate will not enter the parcel. Vehicles will be maintained, inspected, and cleaned before entering and/or exiting the parcel to eliminate the presence of possible Invasive plants species and/or Invasive plant materials. If erosion control is necessary on the cultivation site, only native species and certified weed-free products will be used. Cover crops and compost will be inspected for any type of Invasive plant species and will be properly disposed of if found to contain any type of Invasive plant species seed or the possibility of propagation.

7. Ongoing Assessment

The parcel will be regularly monitored for invasive species which will help ensure that invasive species in any stage of growth will be identified, controlled and, if possible, removed before its spread.

8. Awareness of Updates and/or Changes

Clearwater Ag Services staff will work with applicant to stay up-to-date on regulations for the removal and eradication of invasive plant species, including but not limited to, updates on new invasive species, changes in the severity of the scope of invasion, as well as new eradication techniques in the industry.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: *Part A may be completed by the applicant*

Applicant Name: Fruitland Family Farms LLC APN: 211-331-021

Planning & Building Department Case/File No.: _____

Road Name: Dyerville Loop Road *(complete a separate form for each road)*

From Road (Cross street): Elk Creek Road

To Road (Cross street): private driveway

Length of road segment: 0.13 miles Date Inspected: 12/18/2019

Road is maintained by: County Other _____
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature

12/18/2019
Date

Diana Totten
Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.



PART B: Only complete Part B if Box 3 is checked in Part A. Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.

Road Name: _____ Date Inspected: _____ APN: _____
 From Road: _____ (Post Mile _____) Planning & Building
 To Road: _____ (Post Mile _____) Department Case/File No.: _____

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?
 Number of other known cannabis projects included in ADT calculations:
 (Contact the Planning & Building Department for information on other nearby projects.) _____

ADT: _____ Date(s) measured: _____
 Method used to measure ADT: Counters Estimated using ITE *Trip Generation Book*

Is the ADT of the road less than 400? Yes No

If **YES**, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)*. Complete sections 2 and 3 below.

If **NO**, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO *A Policy on Geometric Design of Highways and Streets*, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)* for guidance.)
- A. Pattern of curve related crashes.
 Check one: No. Yes, see attached sheet for Post Mile (PM) locations.
 - B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles
 Check one: No. Yes, see attached sheet for PM locations.
 - C. Substantial edge rutting or encroachment.
 Check one: No. Yes, see attached sheet for PM locations.
 - D. History of complaints from residents or law enforcement.
 Check one: No. Yes (check if written documentation is attached)
 - E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)
 Check one: No. Yes.
 - F. Need for turn-outs.
 Check one: No. Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:
- The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.
 - The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (check if a *Neighborhood Traffic Management Plan* is also required and is attached.)
 - The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

A map showing the location and limits of the road being evaluated in PART B is attached. The statements in PART B are true and correct and have been made by me after personally evaluating the road.

Signature of Civil Engineer _____ Date _____

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.



Photo 1: Driveway Entrance from Dyerville Loop Road

24 Hour Noise Assessment
 APN: 211-331-021-000
 By: Clearwater Ag Services

Field Date: 06/24/2021 to 06/25/2021

Ambient noise data loggers were set along the north, west, south and east property lines for 24 hours. SLM-25 data logger recorded ambient noise every 3 seconds.

Typical noise levels recorded generated an average of 36 across all sites.

See table below for a relative comparison of ambient noise decibel readings:

Noise Sources and Their Effects

Noise Source	Decibel Level	comment
Jet take-off (at 25 meters)	150	Eardrum rupture
Aircraft carrier deck	140	
Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB).	130	
Thunderclap, chain saw. Oxygen torch (121 dB).	120	Painful. 32 times as loud as 70 dB.
Steel mill, auto horn at 1 meter. Turbo-fan aircraft at takeoff power at 200 ft (118 dB). Riveting machine (110 dB); live rock music (108 - 114 dB).	110	Average human pain threshold. 16 times as loud as 70 dB.
Jet take-off (at 305 meters), use of outboard motor, power lawn mower, motorcycle, farm tractor, jackhammer, garbage truck. Boeing 707 or DC-8 aircraft at one nautical mile (6080 ft) before landing (106 dB); jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB).	100	8 times as loud as 70 dB. Serious damage possible in 8 hr exposure
Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing (97 dB); power mower (96 dB); motorcycle at 25 ft (90 dB). Newspaper press (97 dB).	90	4 times as loud as 70 dB. Likely damage 8 hr exp

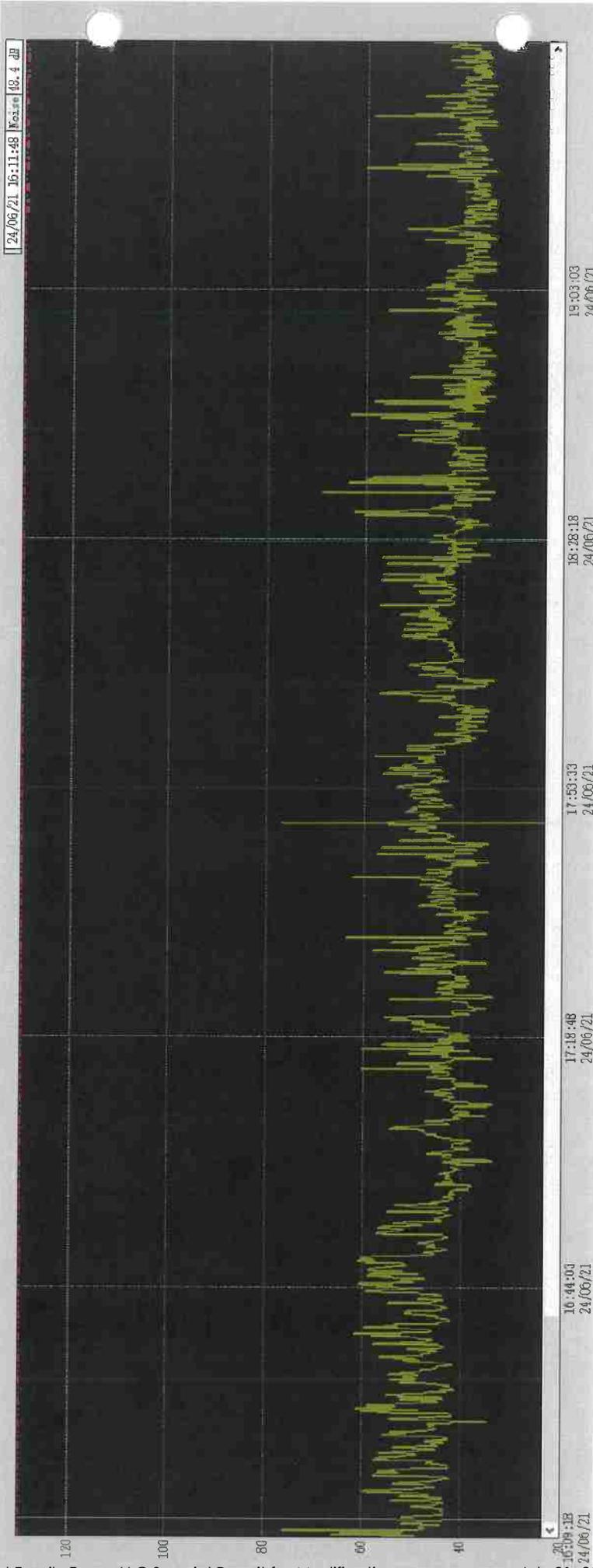
Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 h exposure.
Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Arbitrary base of comparison. Upper 70s are annoyingly loud to some people.
Conversation in restaurant, office, background music, Air conditioning unit at 100 ft	60	Half as loud as 70 dB. Fairly quiet
Quiet suburb, conversation at home. Large electrical transformers at 100 ft	50	One-fourth as loud as 70 dB.
Library, bird calls (44 dB); lowest limit of urban ambient sound	40	One-eighth as loud as 70 dB.
Quiet rural area	30	One-sixteenth as loud as 70 dB. Very Quiet
Whisper, rustling leaves	20	
Breathing	10	Barely audible

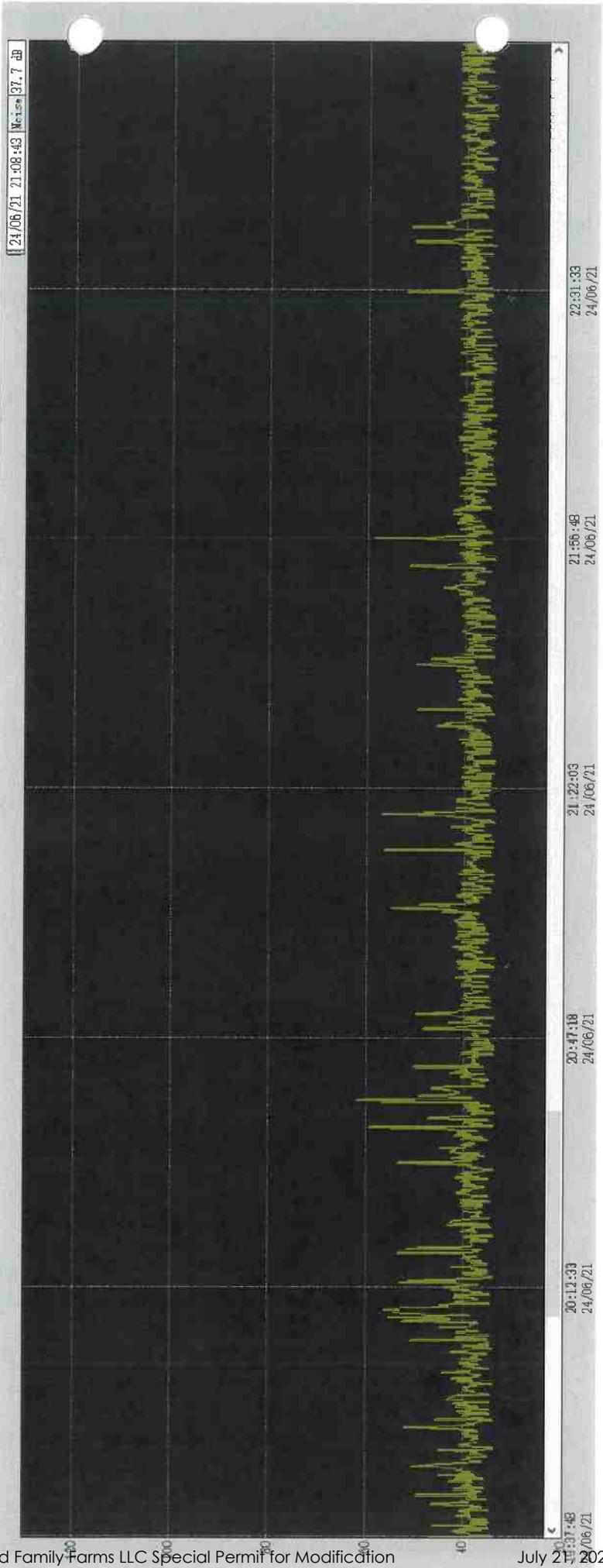
[modified from <http://www.wenet.net/~hpb/dblevels.html>] on 2/2000. SOURCES: Temple University Department of Civil/Environmental Engineering (www.temple.edu/departments/CETP/environ10.html), and *Federal Agency Review of Selected Airport Noise Analysis Issues*, Federal Interagency Committee on Noise (August 1992). Source of the information is attributed to *Outdoor Noise and the Metropolitan Environment*, M.C. Branch et al., Department of City Planning, City of Los Angeles, 1970.

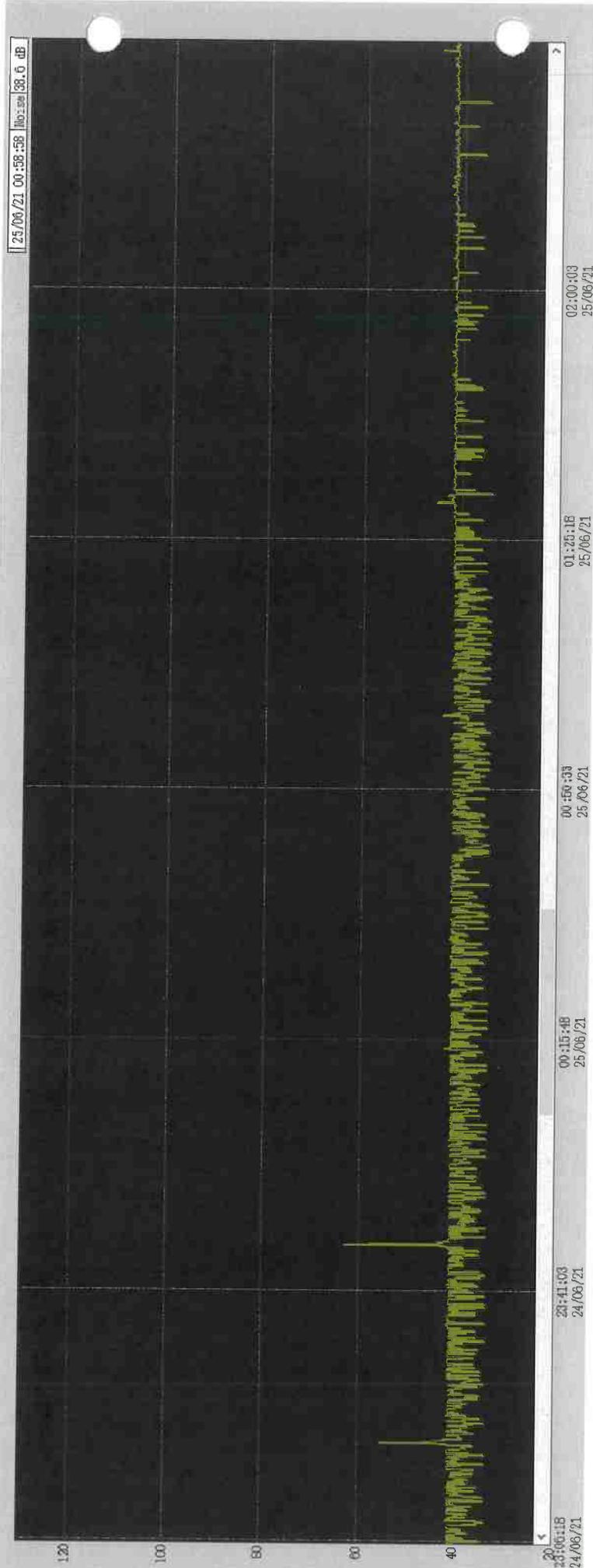


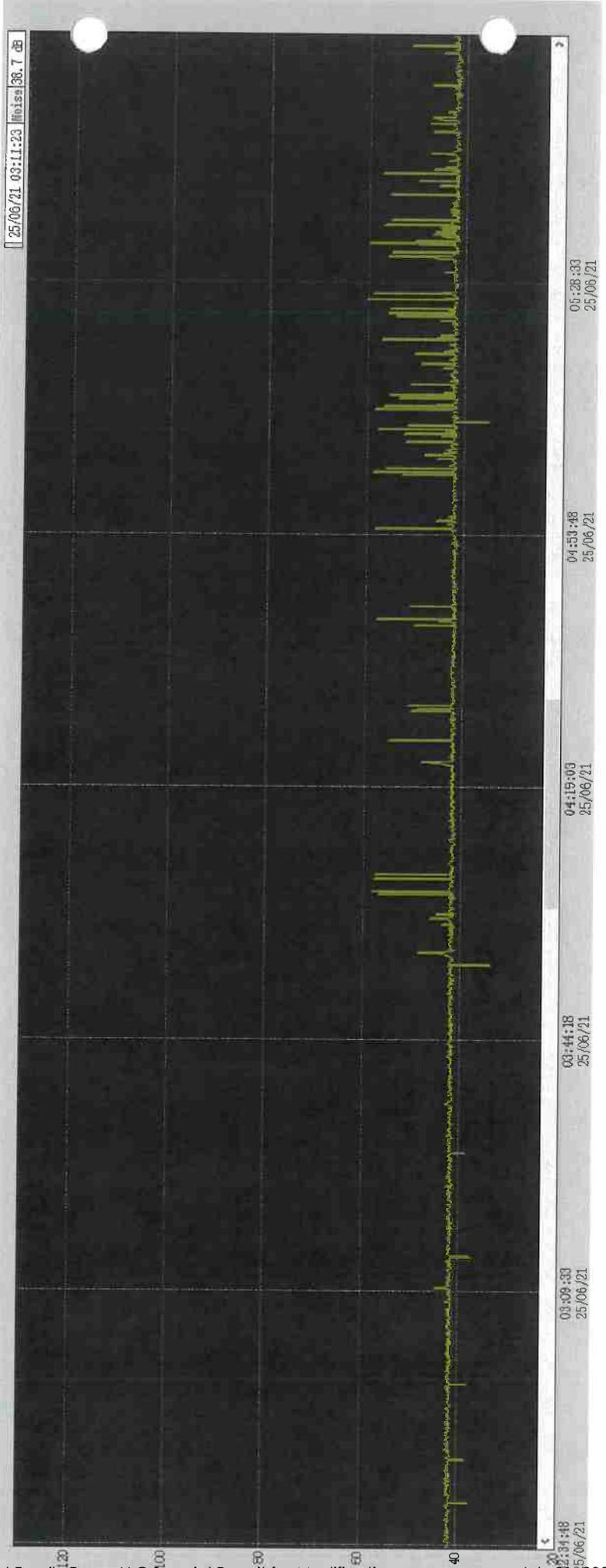
Log 1 – West Property Line Forest 40.1747,-123.4914
Observed ambient noise: Passing Cars

Average ambient noise in the range of 40-43 decibels.

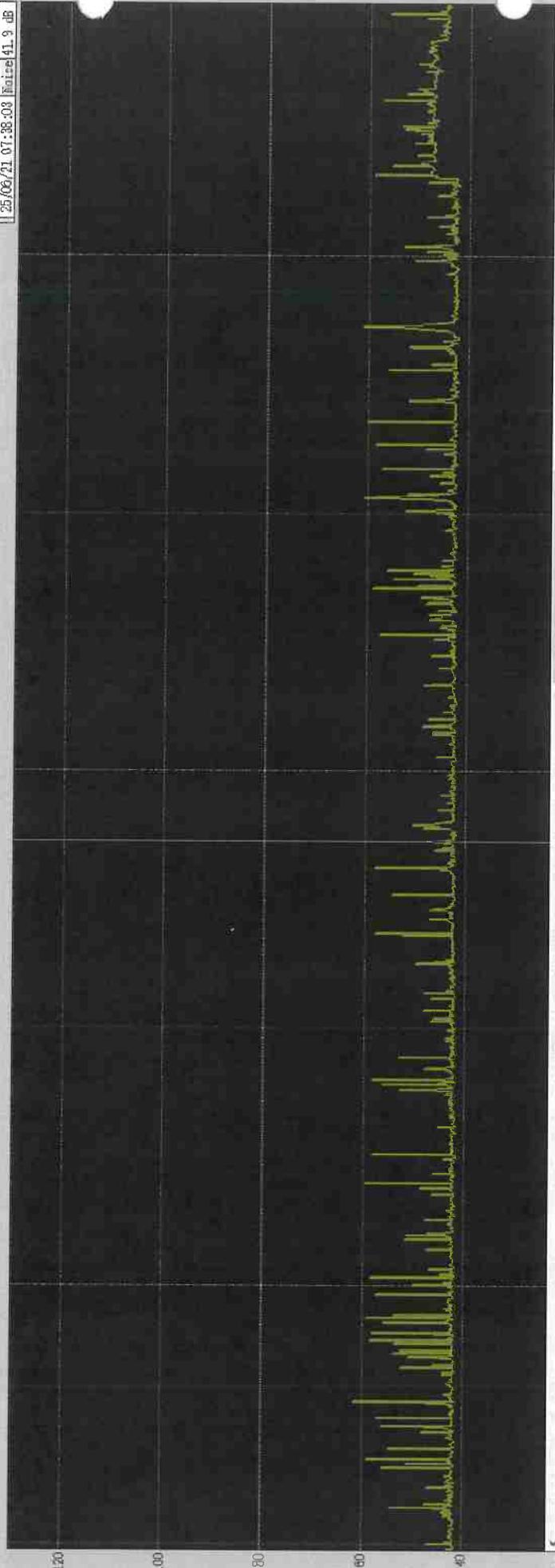








25/06/21 07:36:03 Noise 41.9 dB



08:57:03
25/06/21

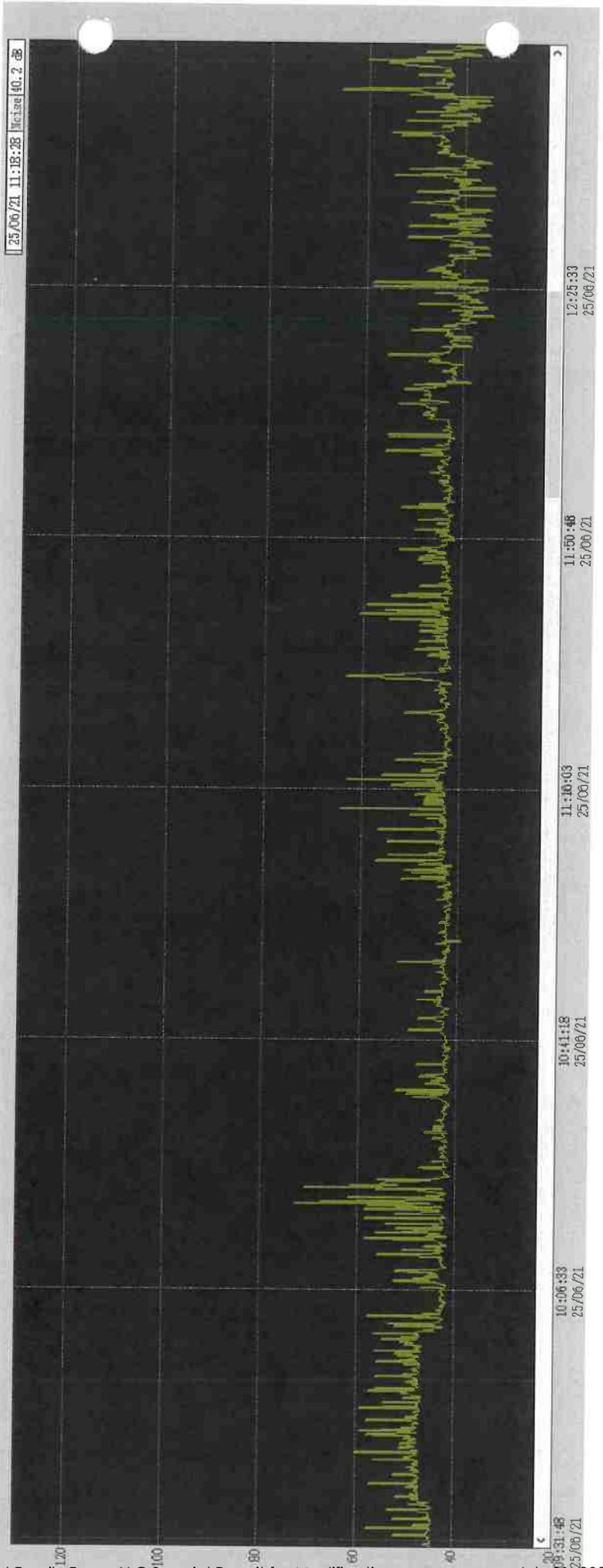
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25/06/21

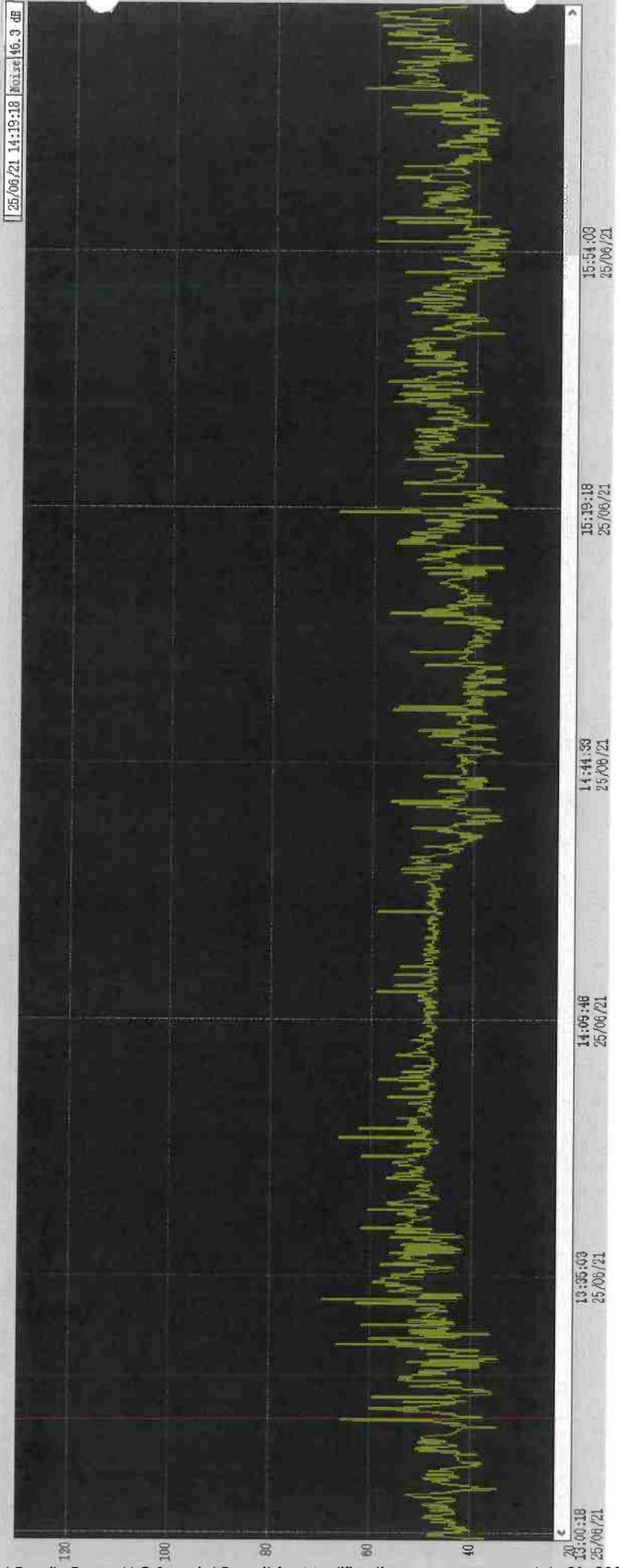
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25/06/21

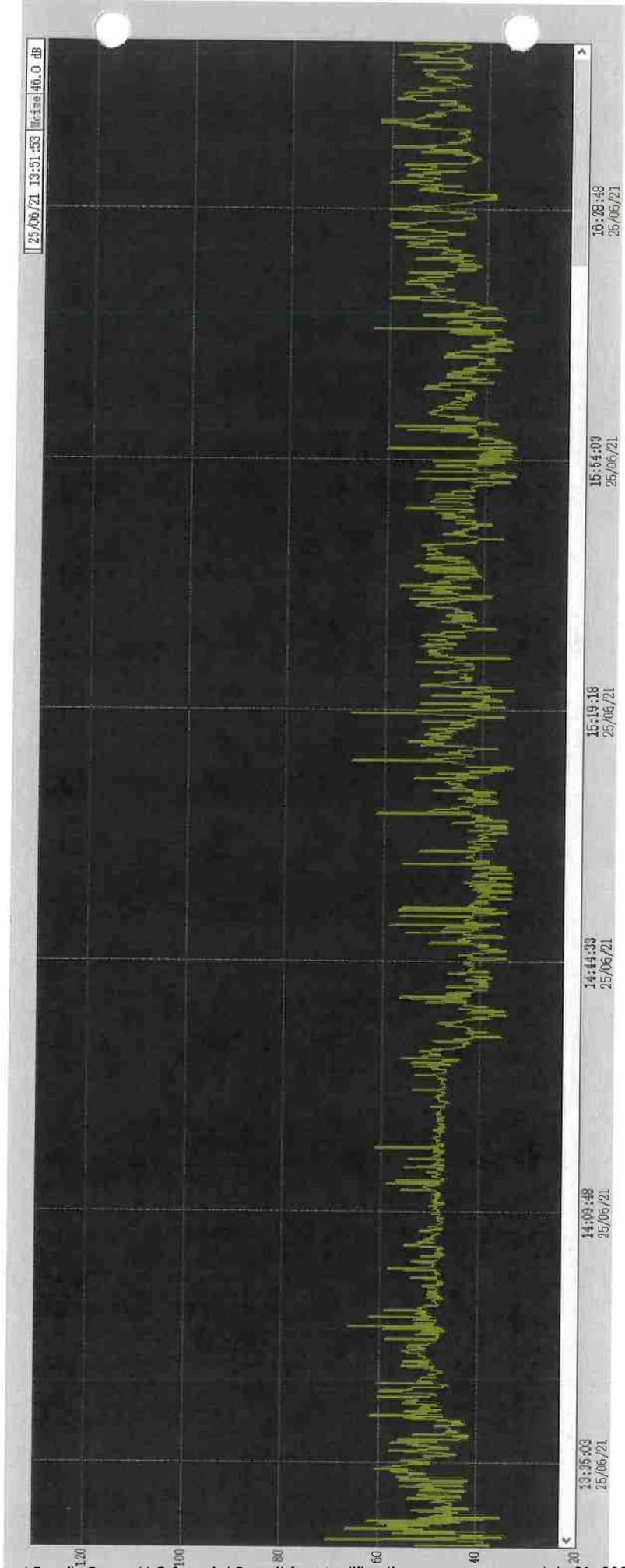
07:12:46
25/06/21

06:38:03
25/06/21

06:03:18
25/06/21



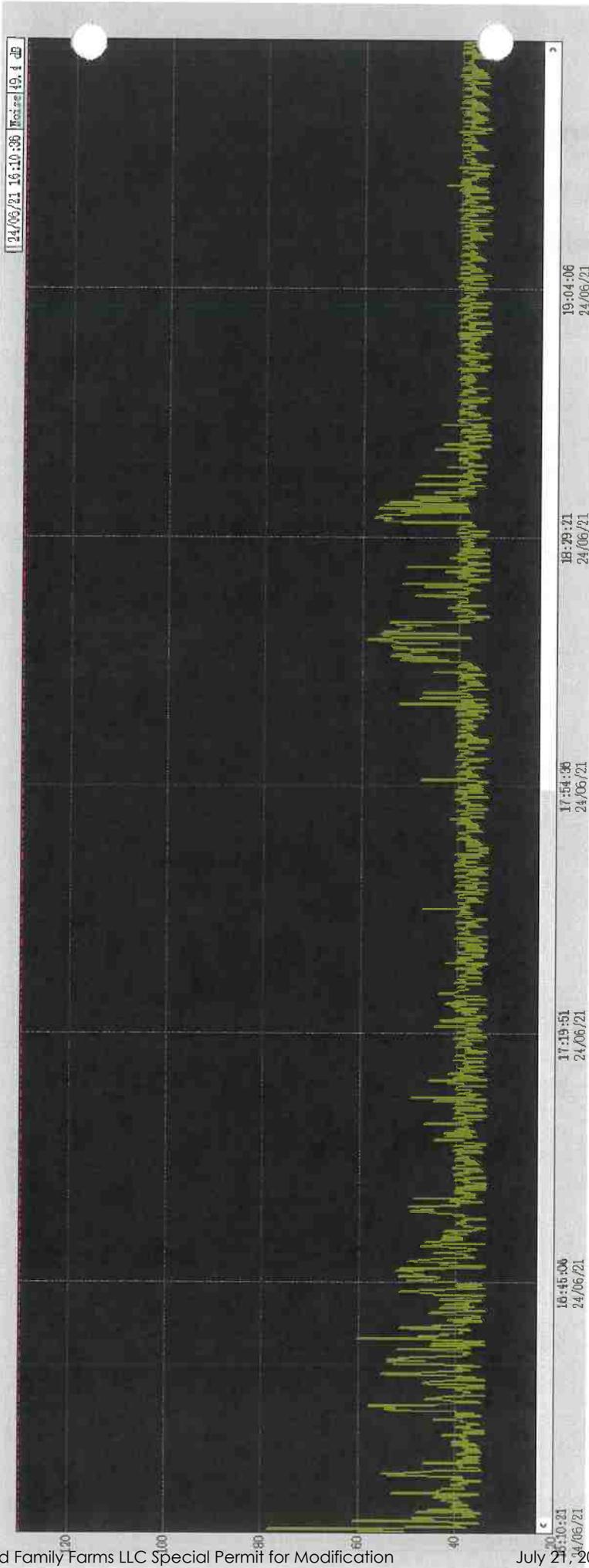


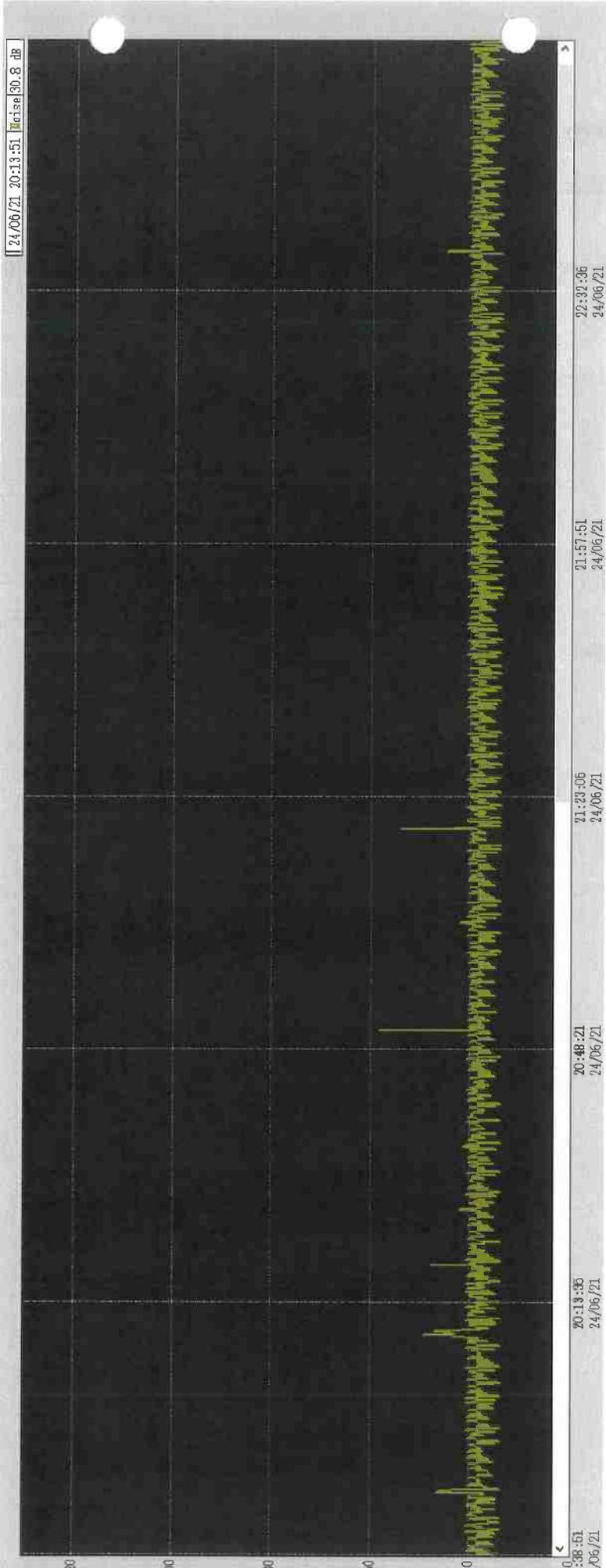


Log 2 – South Property Line Forest 40.1745,-123.4911

Notes: South Property line batteries died

Notes: Average decibel reading of **34-36**

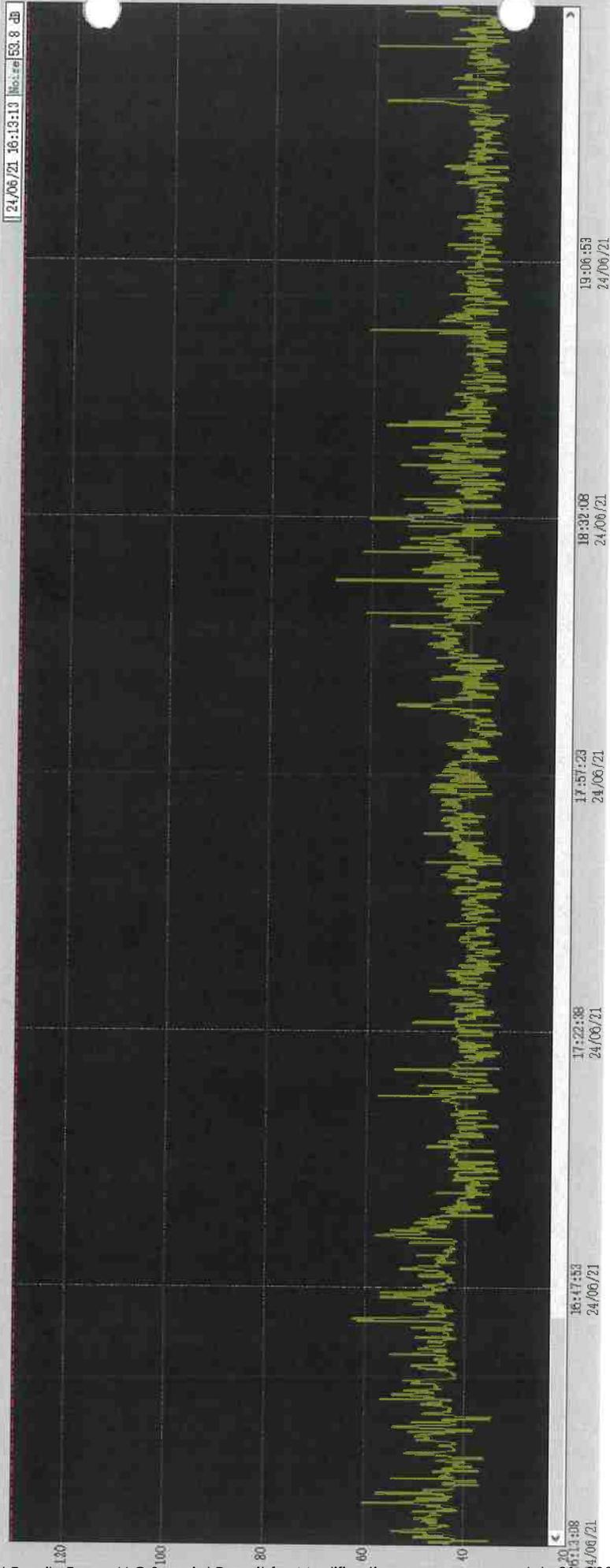


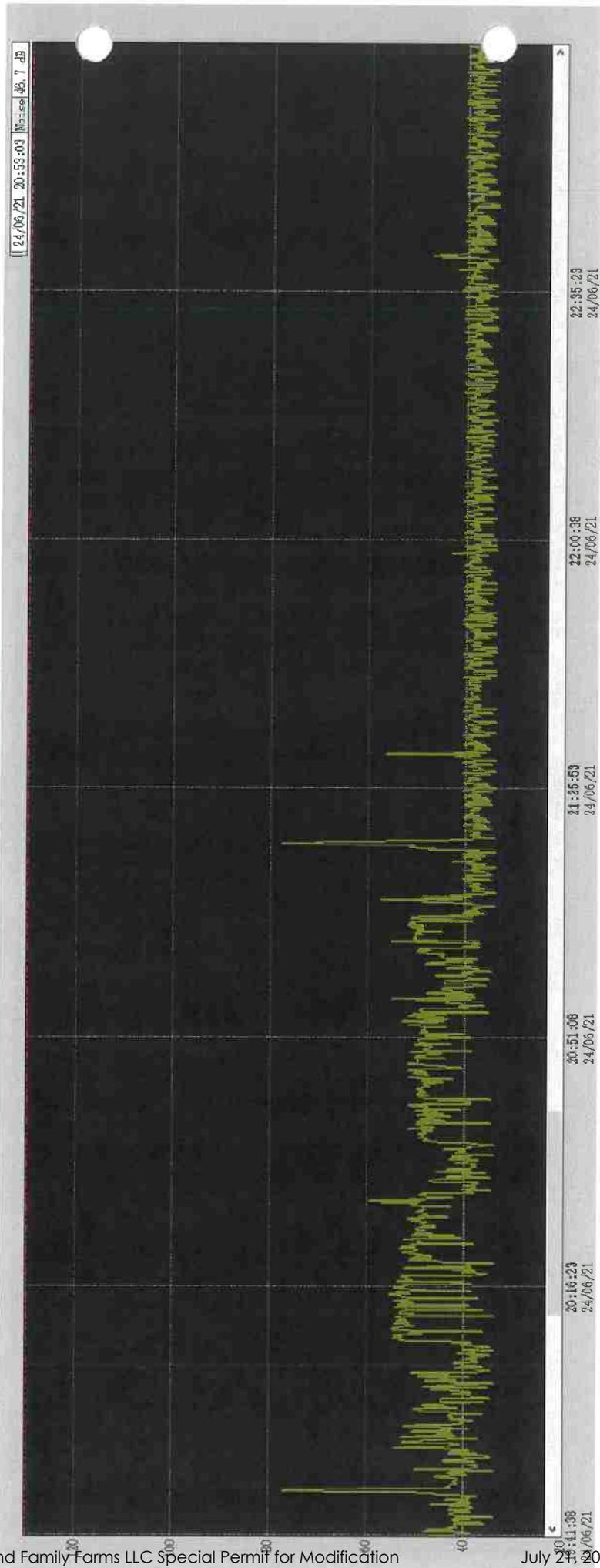


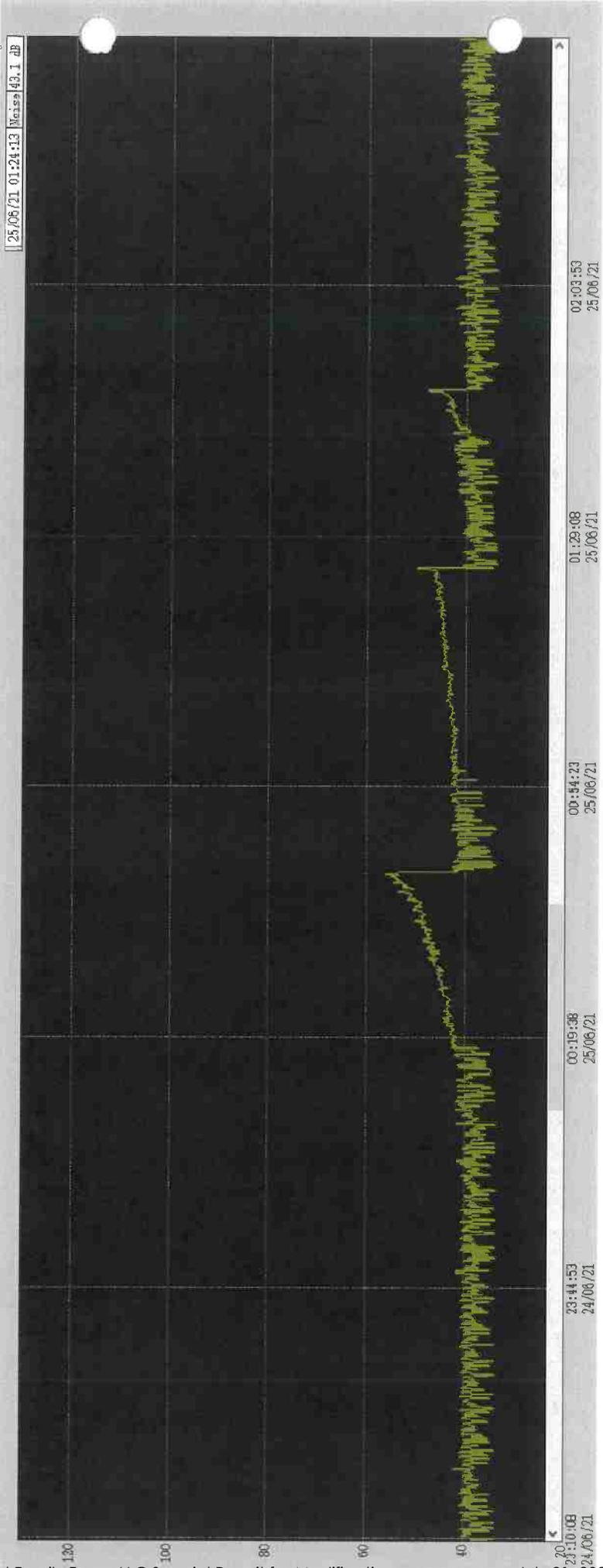
Log 3 – North Property Line 40.1748, -123.4908

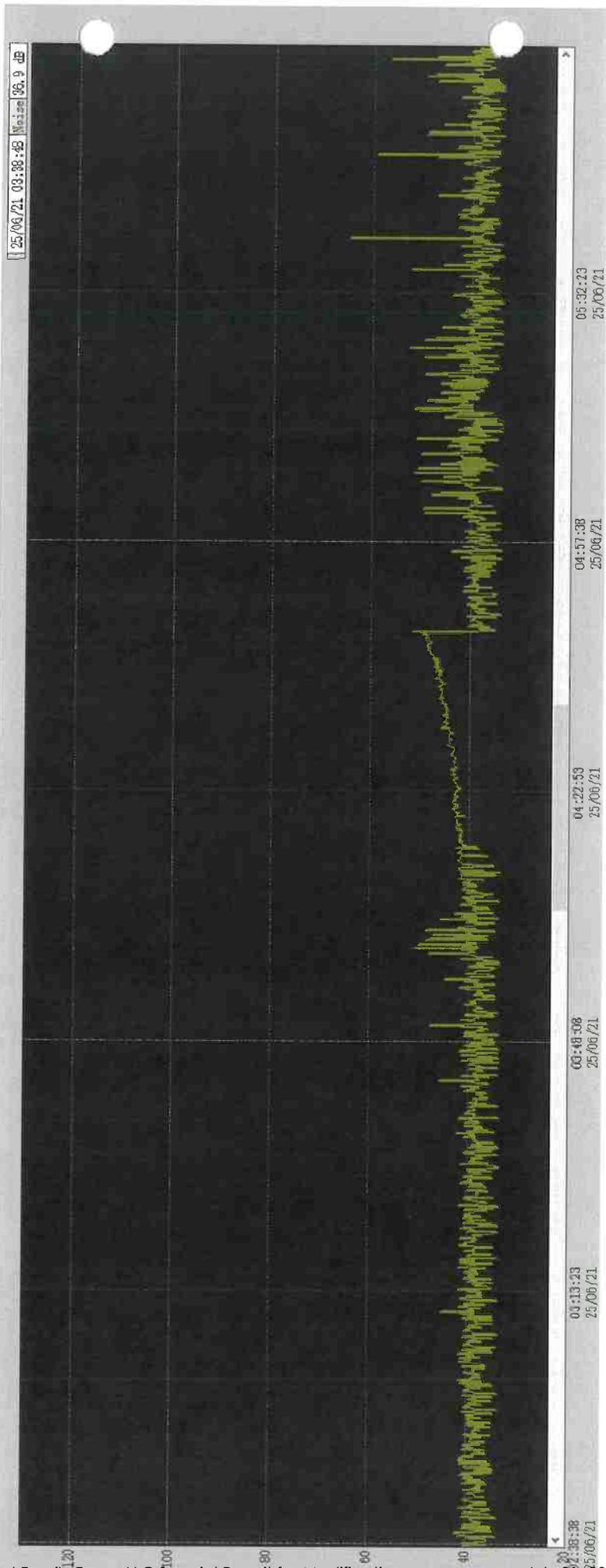
Observed ambient noise: Greenhouse fans from next door

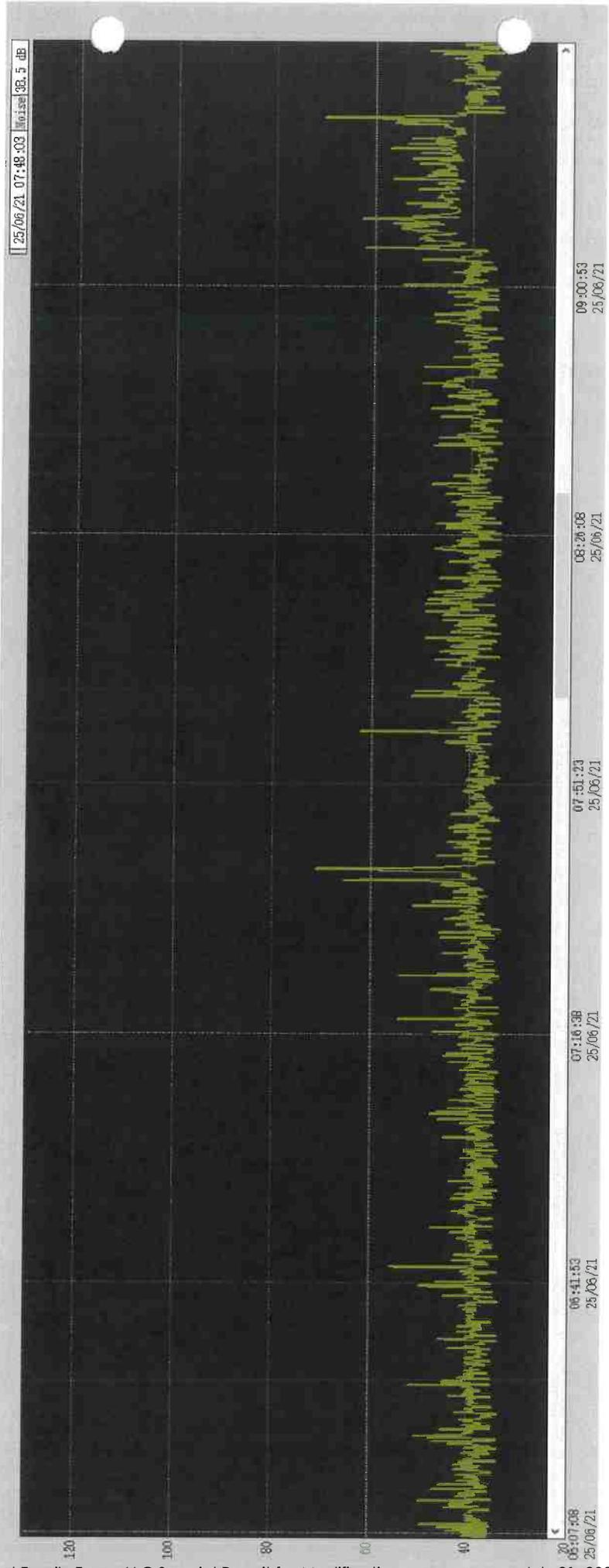
Notes: Average decibel reading of **37-39** decibels depending on wind and other ambient noise.



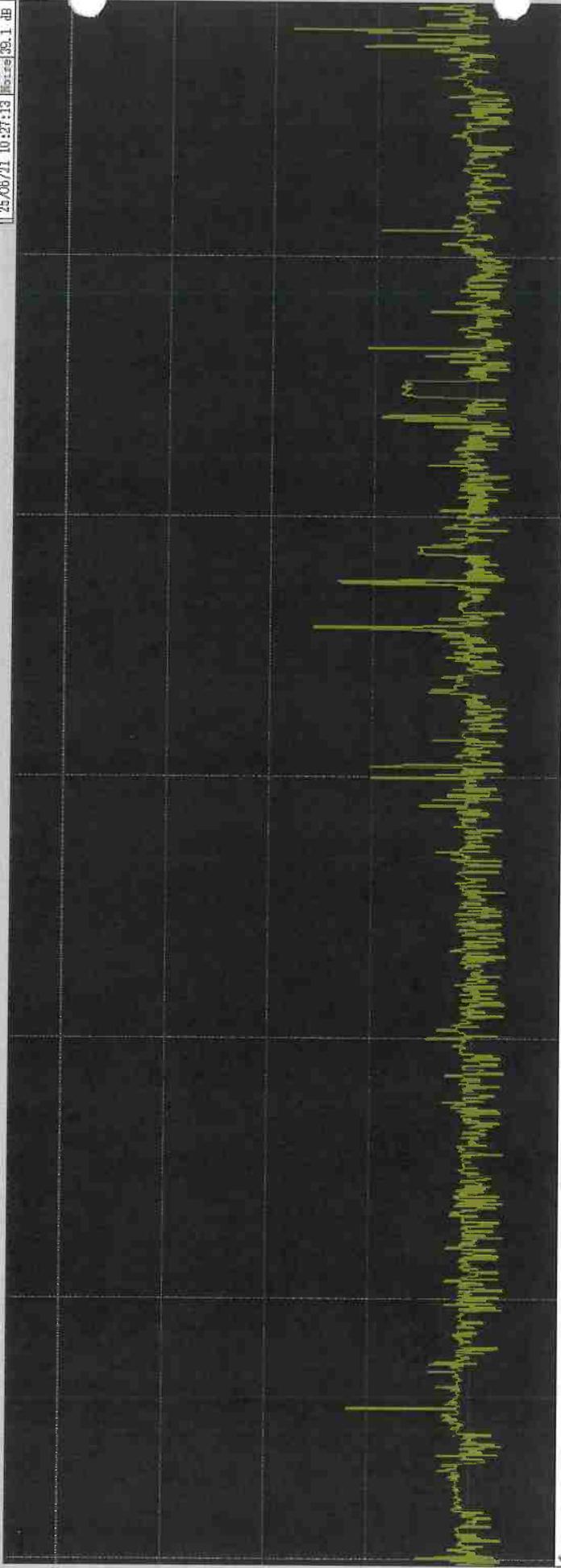








25/06/21 10:27:13 39.1 dB



12:29:23
25/06/21

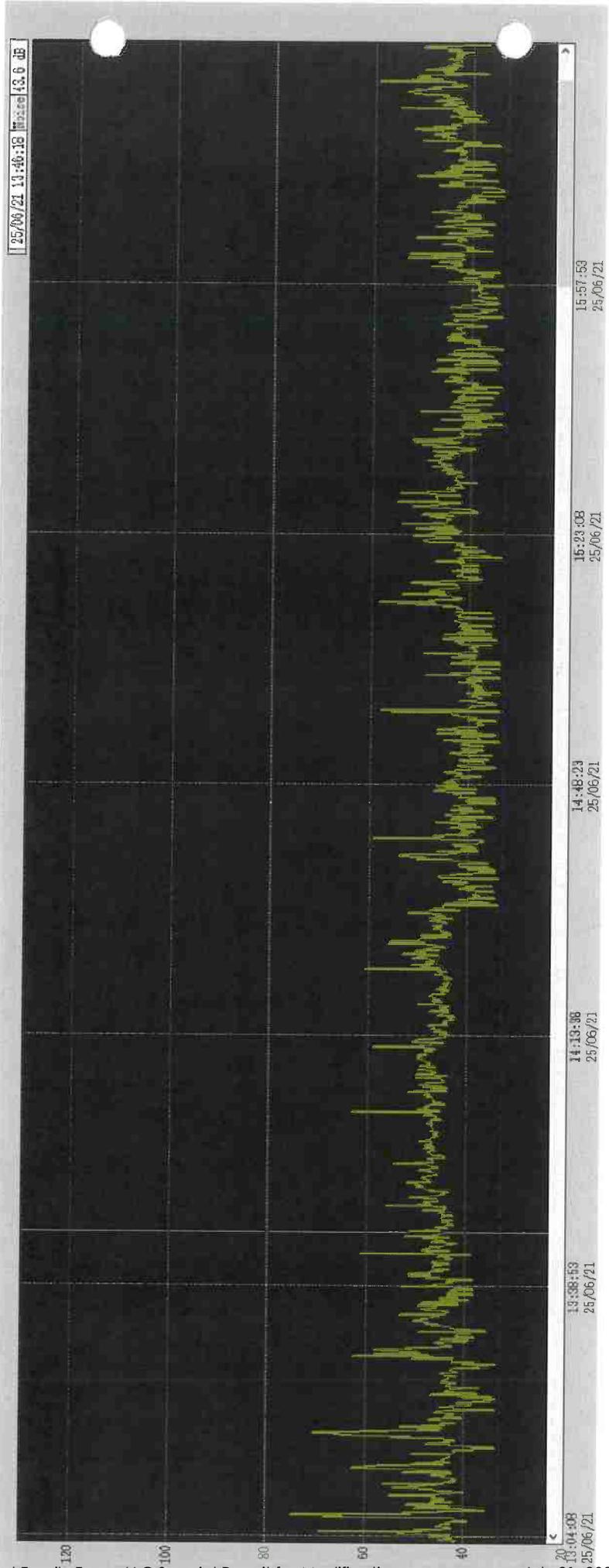
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25/06/21

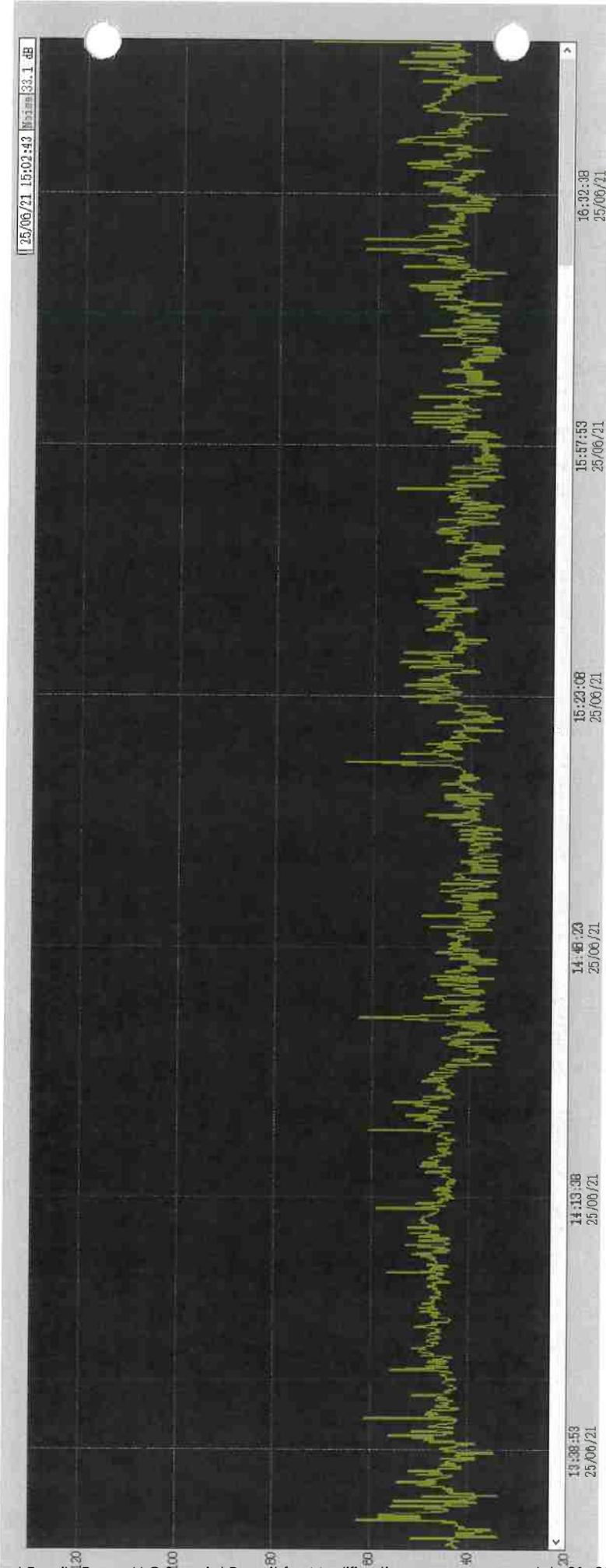
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25/06/21

10:45:08
25/06/21

10:10:23
25/06/21

09:35:38
25/06/21

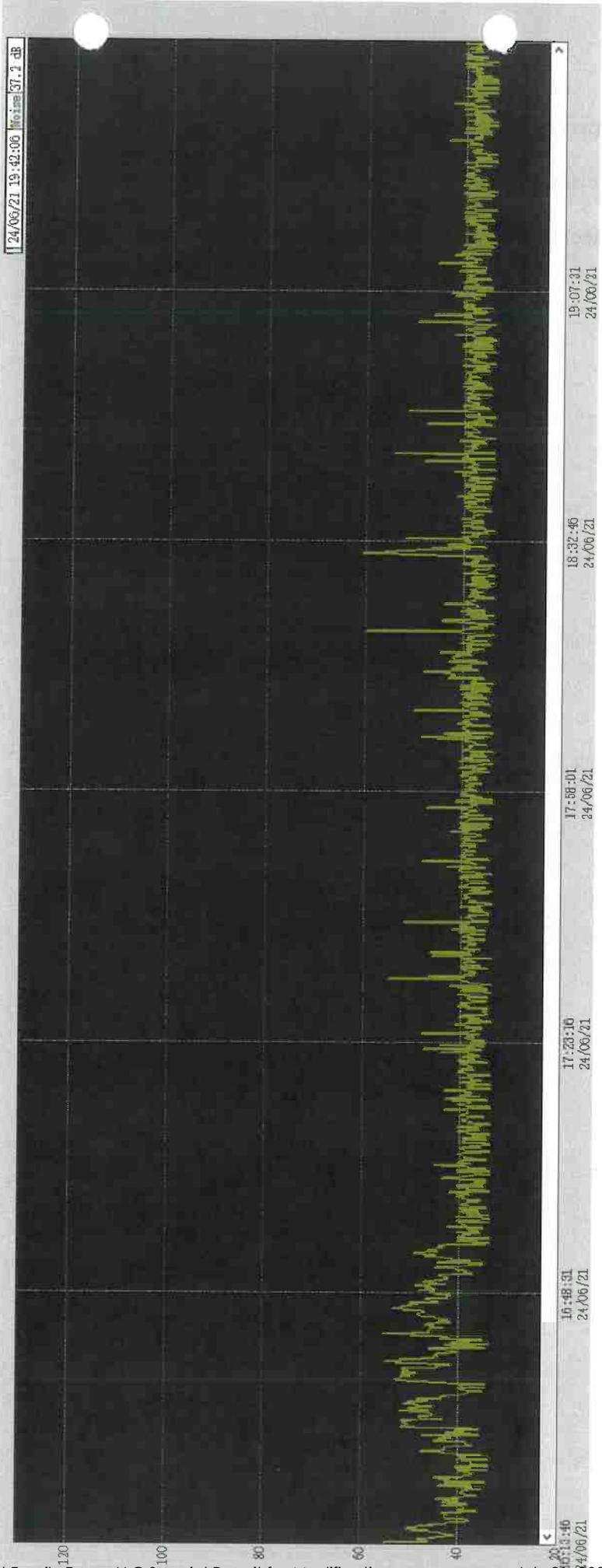


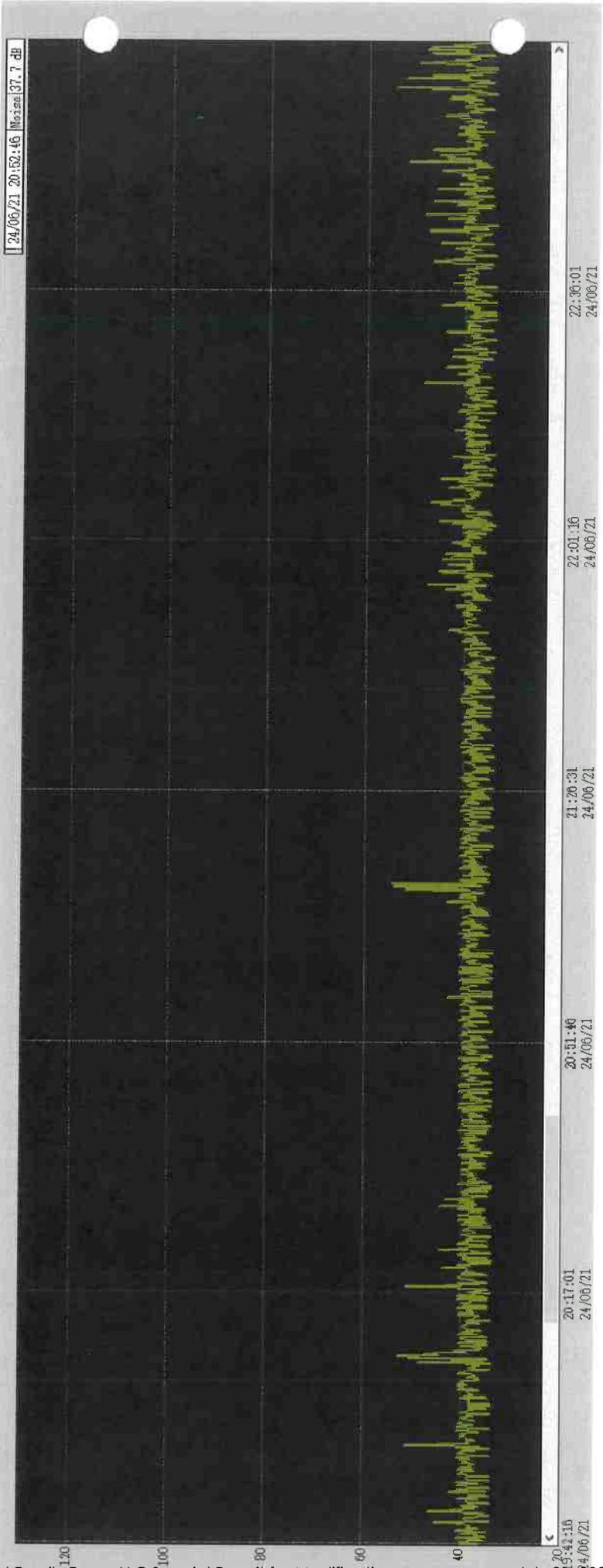


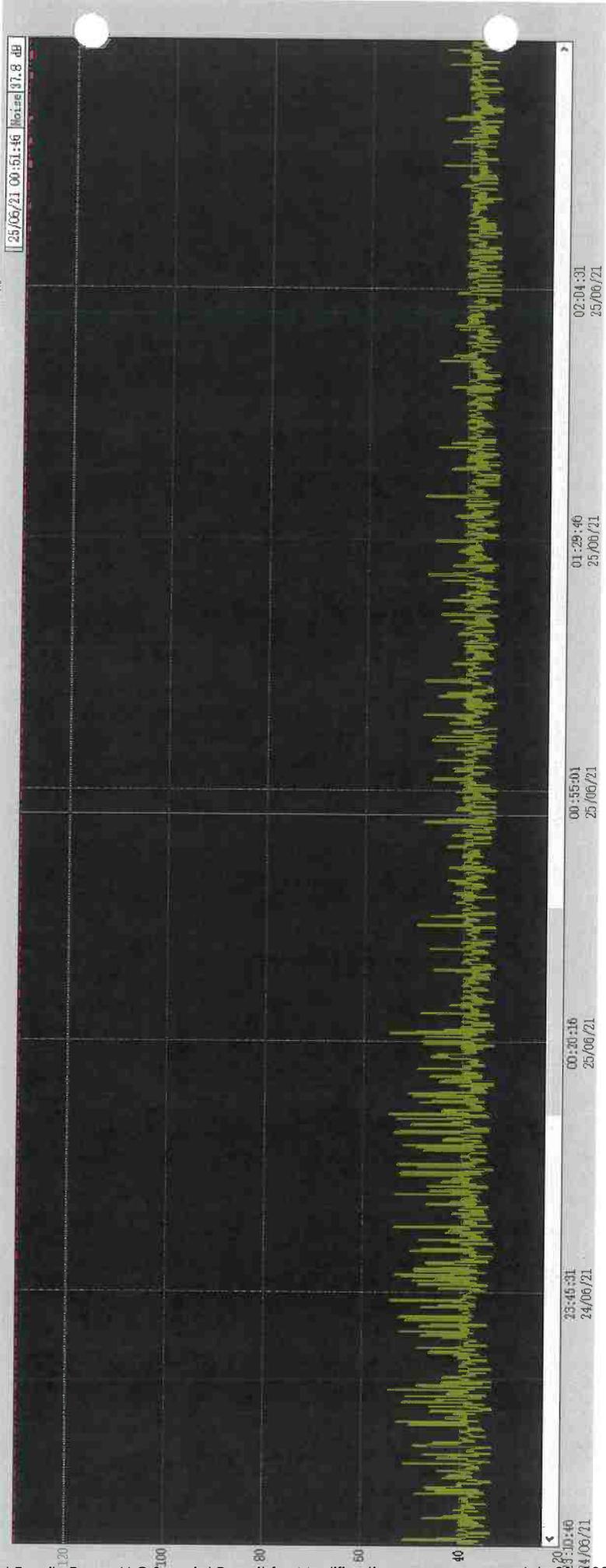
Log 4 – South Property Line 40.1746, -123.4904

Observed ambient noise: Winds

Notes: Average decibel reading of **35-37** decibels depending on wind and other ambient noise.







25/06/21 02:39:16 | Noise = 37.8 dB



05:33:01
25/06/21

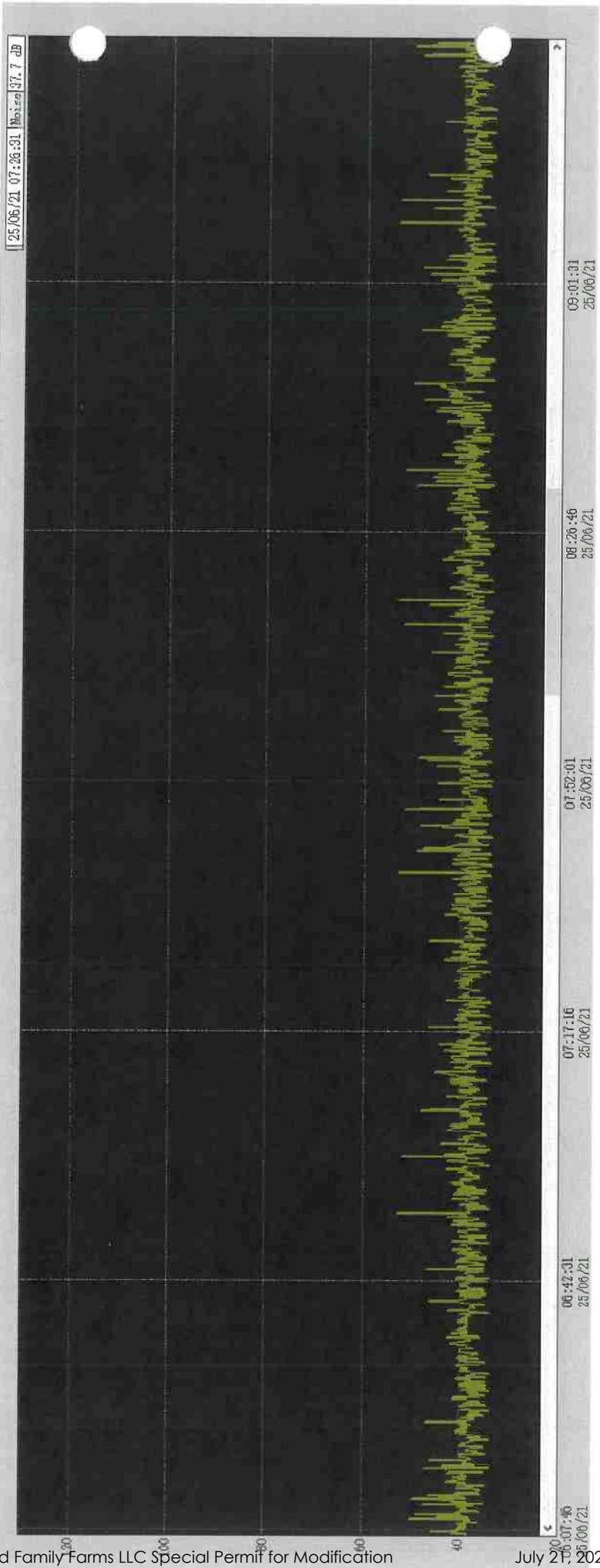
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25/06/21

04:23:31
25/06/21

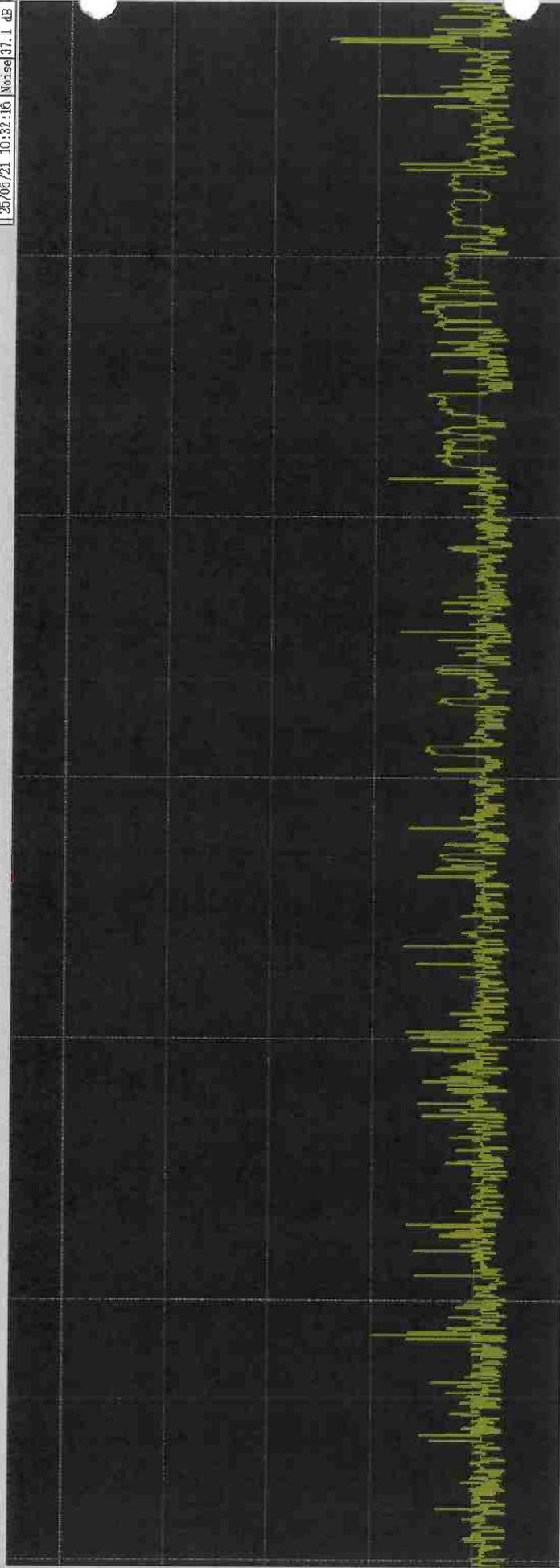
03:46:16
25/06/21

03:14:01
25/06/21

02:35:10
25/06/21



25/06/21 10:32:16 Noise 37.1 dB



12:30:01
25/06/21

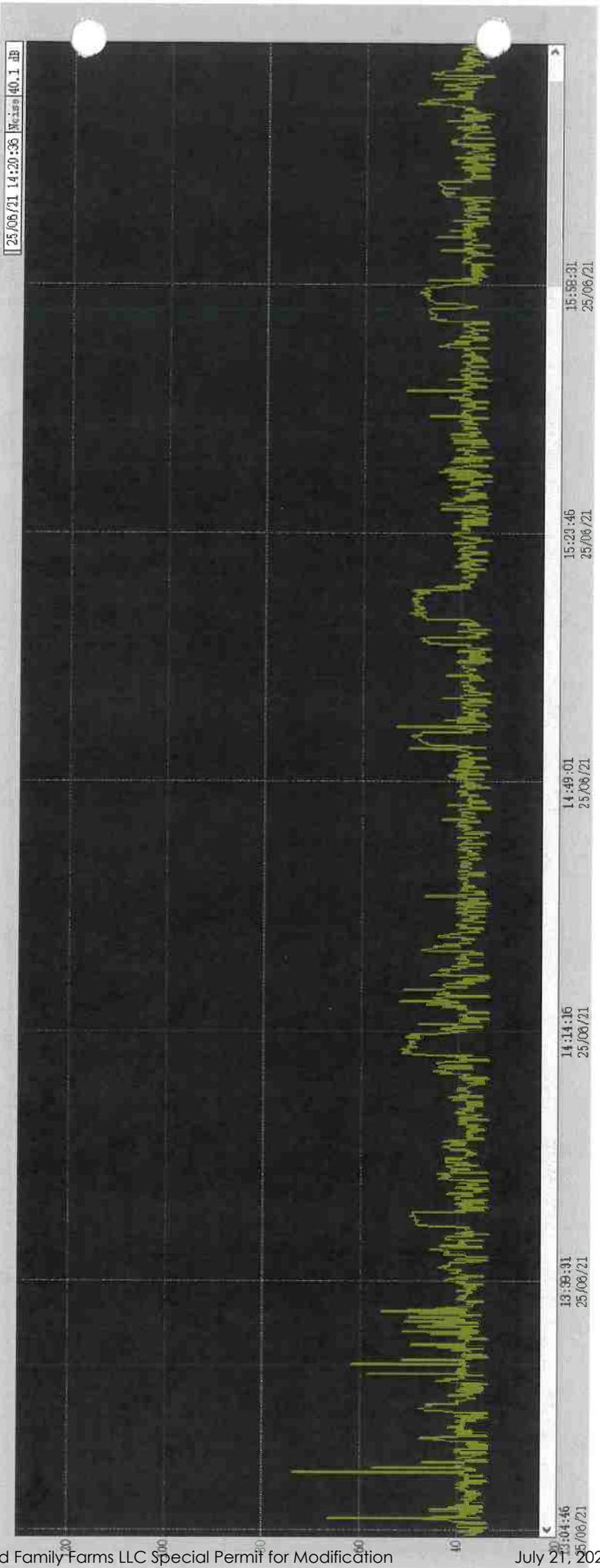
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25/06/21

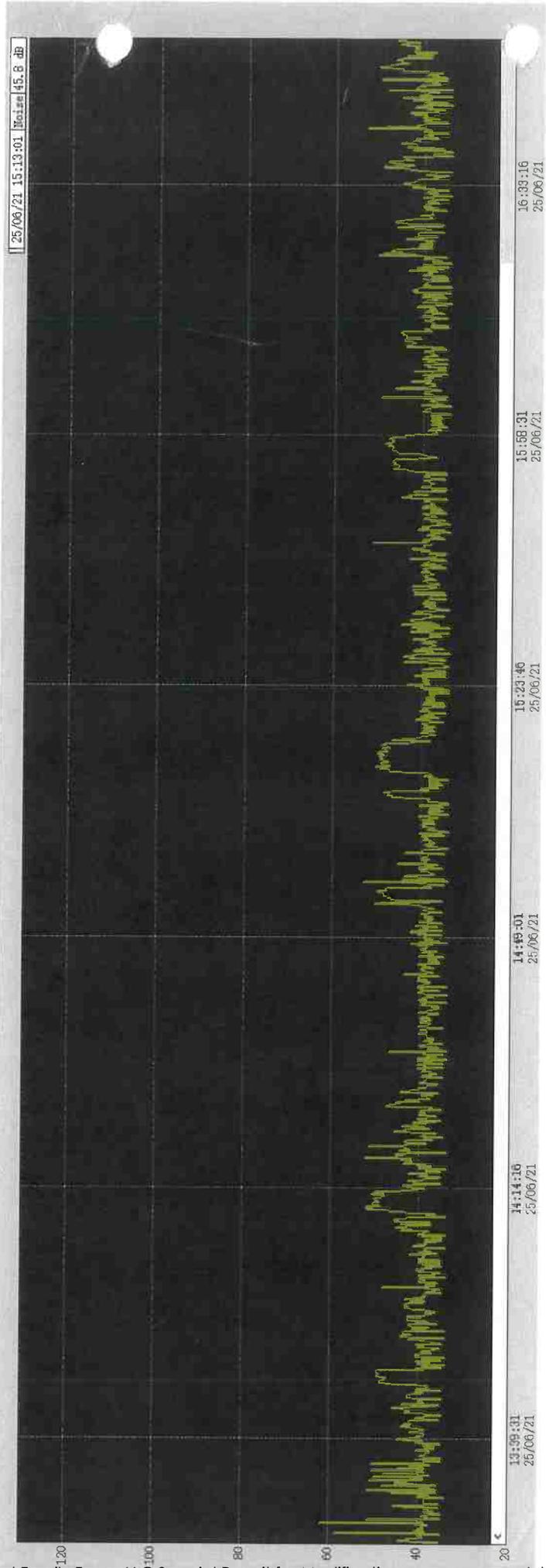
11:20:31
25/06/21

10:45:45
25/06/21

10:11:01
25/06/21

09:36:35
25/06/21





ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
Humboldt County Sheriff	✓	Rejected with Comments	On file and Confidential
Building Inspection Division	✓	Approval	Attached
CalFire	✓	Approval	Attached
Fruitland Ridge Fire Protection District	✓	Approval	Attached
Bear River Band THPO	✓	Conditional Approval	On file and Confidential
Northwest Information Center	✓	Comments	On file and Confidential
Intertribal Sinkiyone Wilderness Council		No Response	
Southern Humboldt Joint Unified School District		No Response	
California Department of Fish & Wildlife		No Response	
Humboldt County Counsel		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
Pacific Gas & Electric		No Response	
North Coast Regional Water Quality Control Board		No Response	
North Coast Unified Air Quality Management District		No Response	

Applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system, or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impaling groundwater or surface water resources.

[check spelling](#)

Approved with Conditions

JWHITTLESEY



08/20/2021



08/18/2021



Environmental Health

See previous Public Works memo dated 05/04/2020 for PLN-2019-16057.

[check spelling](#)

Approved with Conditions ▼

KFREED



09/02/2021



08/18/2021



PW Land Use



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: Chris Alberts, Planner, Planning & Building Department
 FROM: Kenneth M. Freed, Assistant Engineer 
 DATE: 05/04/2020

RE:	Applicant Name	FRUITLAND FAMILY FARMS LLC
	APN	211-331-021
	APPS#	PLN-2019-16057

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, stamped received by the Humboldt County Cannabis Services on December 19, 2019, with Part A –Box 1, certifying that the roadway is developed to Category 4 standards.

Dyerville Loop Road is a paved roadway with a painted centerline strip fronting the project parcel.

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS #16057

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.

// END //



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



8/18/2021

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, FPD: Fruitland Ridge Fire Protection District, RWQCB, NCUAQMD, School District: Southern Humboldt Joint Unified School District, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC, PGE

Applicant Name Fruitland Family Farms LLC **Key Parcel Number** 211-331-021-000

Application (APPS#) PLN-2021-17383 **Assigned Planner** Chris Alberts 707-268-3771

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

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

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

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

Return Response No Later Than: 9/2/2021

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:

site map appears accurate at this time. Inspection done using GIS.

DATE:

9/22/21

PRINT NAME:

Dear Brock

17383

Application Number

211-301-021

Key APN

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:



Forester Comments: Date: Name:

CAL FIRE RM has no comments on this project.

Battalion Chief Comments: Date: Name:

Summary:



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



8/18/2021

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, FPD: Fruitland Ridge Fire Protection District, RWQCB, NCUAQMD, School District: Southern Humboldt Joint Unified School District, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC, PGE

Applicant Name Fruitland Family Farms LLC **Key Parcel Number** 211-331-021-000

Application (APPS#) PLN-2021-17383 **Assigned Planner** Chris Alberts 707-268-3771

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

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

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

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

Return Response No Later Than: 9/2/2021

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: _____

DATE:

8/27/2021

PRINT NAME:

Jim Hensley Chief 6200

Fruitland Fire Protection District Commercial Property Requirements

Subject Name: Fruitland Family Farms LLC

APN/Parcel#: 211-331-021-000

Date: 8/26/2021

Address: 10356 Dyerville Ln Rd
Myers Flat CA 95554

Mailing Address SAME

Contact: Wade Smith

Phone: 672-6057

Address

- Address visible from road
- Numbers at least 4" tall in contrasting color.

Gate-Road Ingress/egress

- Gate --- Min 102" (8' 6")
- Road Base—Min 102" (8'6")
- Clear all vegetation 15' from ground and 10' from sides of all driveways and turnarounds.
- Adequate turn around every ¼ mile if on private road NA
- Incline/descent no more than ~~20~~ % unless paved.

Building/Gas/Electric

- Remove all branches within 10' of any stovepipe or chimney.
- Equip any chimney or stovepipe openings with a metal screen having openings between 3/8" to 1/2".
- Clear all flammable vegetation, trash and other combustible materials 10' around/above propane tanks.
- Remove or separate live flammable ground cover and shrubs.
- Remove dead or dying grass, leaves, needles or other vegetation on or near roofs, gutters, decks, porches and stairways etc.
- Prune lower branches of trees to a height of 6' to 15' (or 1/3 tree height for trees under 18')
- Electric, gas and septic adequately marked

2021 Edition 1.1

Fruitland Fire Protection District Commercial Property Requirements

WATER

- Marked FIRE USE
- 2500 gallons per ¼ acre of canopy FOR FIRE USE ONLY
- 2500 gallons per 1000 sq ft of residence or facility FOR FIRE USE ONLY
- Stand Pipe 36" high (subjective)
- 2 ½" Gate valve/Ball valve – National Hose Thread
- Pipe within reasonable proximity of the road. *NA*
- 50' or more from any structure.
- Marked with yellow reflective bollards.
- Bridge engineered and load rating POSTED. *NA*

Applicable to all new and modifications to existing commercial use properties.

For Official Use Only

Chief Signature: *[Signature]*

Print Name: *Limi Hensley*

DATE: *8/27/2021*

Comments: _____

