



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: May 5, 2022
To: Humboldt County Zoning Administrator
From: Cliff Johnson, Supervising Planner
Subject: **Cedar Farm West, LLC, Special Permits**
Record Number PLN-13340-SP
Assessor's Parcel Number (APN) 317-055-001
Korbel Area

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Please contact Megan Acevedo, Planner, at 707-441-2634 or by email at macevedo@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date May 5, 2022	Subject Special Permits	Contact Megan Acevedo
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Project Description: Cedar Farm West, LLC seeks a Special Permit for 9,000 sq. ft. of pre-existing outdoor cannabis cultivation and 900 sq. ft. of ancillary propagation area. The applicant is proposing greenhouses for light-deprivation methods without the use of supplemental lights. Historic cultivation areas will be relocated to a central location on the parcel with environmental superiority. Water will be sourced primarily from a stream diversion under Water Right Certificate H100570, and supplemental water will be sourced from an on-site well. A Special Permit is being requested in order to allow the use of the stream diversion for cannabis irrigation. Total annual water usage is estimated at 117,000 gallons per year (11.8 gal/sq. ft./yr.). There is currently a total of 105,000 gallons of water storage on-site, and the applicant is proposing to add a 150,000-gallon rainwater catchment pond. A maximum of five (5) employees will be utilized for cultivation activities. Portable toilets and hand washing stations will be available on-site. Trimming will occur off-site at a licensed processing facility. Power will be sourced from an on-site generator.

Project Location: The project is located in the Korbel area, on the North side of State Highway 36, approximately 4 miles North from the intersection of State Highway 36 and Cobb Road, and approximately 14 miles North from the intersection of River Road and a US Forest Service Road on the property known to be in Section 11 of Township 03 North, Range 05 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Timber Production (TPZ); 2017 General Plan; Density: 40-160 acres per unit; Slope Stability: Moderate Instability (2)

Present Zoning: Timberland Production Zone (TPZ)

Record Number: PLN-13340-SP

Assessor's Parcel Number: 317-055-001

Applicant	Owner	Agents
Cedar Farm West, LLC PO Box 682 Arcata, CA 95518	Black Fox Conservation Project, LLC PO Box 682 Arcata, CA 95518	N/A

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

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

Major Issues: None

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 Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits and adopt the Resolution approving the Cedar Farm West, LLC Special Permits as recommended by staff subject to the recommended conditions.

Executive Summary: Cedar Farm West, LLC seeks a Special Permit for 9,000 sq. ft. of pre-existing outdoor cannabis cultivation and 900 sq. ft. of ancillary propagation area. The applicant is not currently cultivating, and does not currently have a State License for commercial cannabis cultivation, and shall obtain a State License prior to commencing cultivation activities on-site (**Condition A.1**). The applicant is proposing greenhouses for light-deprivation methods without the use of supplemental lights, and up to two harvests are anticipated per cultivation season. Cultivation areas will be relocated to a central location on the parcel with environmental superiority. Water will be sourced primarily from a stream diversion under Water Right Certificate H100570, and supplemental water will be sourced from an on-site well. A Special Permit is being requested in order to allow the use of the stream diversion for cannabis irrigation. Total annual water usage is estimated at 117,000 gallons per year (11.8 gal/sq. ft./yr.). There is currently a total of 105,000 gallons of water storage on-site, and the applicant is proposing to add a 150,000-gallon rainwater catchment pond. Power will be sourced from one on-site generator.

A maximum of five (5) employees will be utilized for cultivation activities. Portable toilets and hand washing stations will be available at the cultivation area on-site. Trimming will occur off-site at a licensed processing facility. The project was referred to the Department of Environmental Health (DEH) on April 14, 2021, and comments were received on April 14, 2021. Comments from DEH stated that seasonal cultivation without processing may use portable toilets to serve the operation, and that the permittee shall provide portable toilets to cultivation areas. The applicant shall provide receipts, or other equivalent documentation, annually to the Planning Division for proof of portable toilet service, unless a permitted onsite wastewater treatment system has been obtained (**Ongoing Condition B.1**).

The applicant is proposing to have six (6) 5' x 60' light-deprivation greenhouses, eighteen (18) 5' x 80' light deprivation greenhouses, and one (1) 20' x 40' ancillary propagation greenhouse. The project was referred to the Building Division on April 9, 2021, and a building inspection was conducted on April 23, 2021. Comments from the Building Division included a recommendation of approval based on the condition that all required permits are obtained. There are a total of twenty-four (24) light-deprivation greenhouses proposed, one (1) ancillary propagation greenhouse proposed, and one (1) proposed generator shed. Drying will occur within temporary carport structures that will be removed during the winter season. The applicant shall submit an updated Site Plan to the Planning Division to show the location for any temporary drying structures (**Condition A.5**). Trimming will occur off-site at a licensed processing facility, and the applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility to be furnished during an annual inspection (**Ongoing Condition B.2**). The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, including but not limited to: twenty-four (24) light-deprivation greenhouses proposed, one (1) ancillary propagation greenhouse proposed, and one (1) proposed generator shed (**Condition A.7**). Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams. (**Condition A.8**). Grading occurred on the site between 2016 and 2018 in association with the

proposed cultivation area. The applicant is conditioned to permit the historic grading that occurred on-site with the Building Division (**Condition A.9**).

Water Resources

The project will source water primarily from the stream diversion under Water Right Certificate H100570, and supplemental water is proposed from an on-site permitted well. Water Right Certificate H100570 allows for the diversion of up to 0.69 acre-feet per year (224,837 gallons), and storage designated for diverted water shall not exceed 0.77 acre-feet (250,900 gallons). The applicant shall adhere to the limitations and conditions set forth within the Water Right Certificate H100570 for the life of the project (**Ongoing Condition B.3**). Estimated annual water needed for irrigation is 117,000 gallons (11.8 gal/sq. ft./yr.). The applicant has a total of 105,000 gallons of existing water storage on-site in two (2) 2,500-gallon water tanks, and two (2) 50,000-gallon water bladders. The applicant plans to replace the water bladders with a 150,000-gallon rainwater catchment pond, and is conditioned to discontinue the use of the two (2) water bladders, and permit the proposed rainwater catchment pond with the Building Division, within two years of the date of approval (**Condition A.10**). The applicant plans to utilize the stream diversion to fill up the rainwater catchment pond in the event that the pond is not sufficiently filled with rainwater, or snowfall, at the beginning of the cultivation season. The applicant shall comply with all forbearance requirements set by the Water Board and the California Department of Fish & Wildlife (CDFW) (**Ongoing Condition B.4**).

The applicant also plans to utilize the existing permitted well on-site (Permit 19/20-0138) for supplemental water if needed. A site visit was conducted in March 2022, and a well assessment is being obtained by licensed geologist David Lindberg to determine if the well is connected to surface waters, discuss its effects on neighboring water sources, and to determine the sustainability of the well for long term use. The applicant shall submit the final Well Assessment produced by David Lindberg, to the Planning Division, and may not utilize the well for supplemental water during a forbearance period in the event that the well is considered diversionary, or to have a negative impact to surrounding water sources. If the well is found to be non-diversionary to surface waters, not to have a negative effect on neighboring water sources, and is determined to meet the needs for the life of the project, the applicant shall be able to utilize the well for supplemental water source throughout the year (**Condition A.11**). The applicant shall meter water diverted and used from the stream diversion, and water used from the well separately, and keep records on-site (**Condition A.12**).

The applicant is not currently cultivating, and the project is not currently enrolled in the State Water Resources Control Board's (SWRCB) General Order (No. WQ 2019-0001-DWQ) for Waste Discharge Requirements and Water Quality. The project is conditioned to enroll in the SWRCB's General Order prior to commencing cultivation activities on-site, and shall submit a Notice of Applicability letter or Notice of Receipt as proof of enrollment before cultivation activities can occur (**Conditions A.13**). As well, the project is required to have a Site Management Plan prepared within 90 days of enrollment to outline on-site measures required to meet the standards of the SWRCB's General Order. The applicant shall submit to the Planning Department the final Site Management Plan, and shall adhere to the measures and recommendations within the final SMP (**Condition A.14**).

There is one (1) known stream crossing that needs replacing, and a point of diversion from a Class II stream named Big Creek on-site. The applicant has obtained a Streambed Alteration Agreement for the in-stream work and continued maintenance required for the stream crossing (STX-2) and the point of diversion (SAA No. 1600-2019-0817-R1, dated April 2, 2021). The applicant is conditioned to abide by the project description and work outlined within the SAA No. 1600-2019-0817-R1 for STX-2 and the POD (**Ongoing Condition B.5**).

Fire Hazard

The parcel is located in an area known to have a Very High Fire Hazard Severity, and was hit by the Blake Fire in 2015, which burned down up to 55 acres in the southeastern corner of the parcel. The parcel is located outside of the Bridgeville Fire Protection District, and the Kneeland Fire Response Area. Pursuant to the Humboldt County General Plan the applicant is required to cause to be recorded an

“ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES” for the parcel(s) on a form provided by the Humboldt County Planning Division (**Condition A.17**). The project is located within the State Responsibility Area for CalFire, and was referred to the agency on April 9, 2021. Comments were received by CalFire on April 26, 2021, and the agency stated that they had no comments regarding the project at that time. The project site shows ample room for a firetruck turnaround, and is required to have a minimum of 2,500 gallons of water storage designated for fire suppression needs. The applicant shall designate a minimum of 2,500 gallons of on-site water storage for emergency fire suppression and is conditioned to provide an updated Site Plan to the Planning Division to show designated fire water on-site (**Condition A.5**).

Timber Conversion

The applicant had a Timber Conversion Report (TCR) that was prepared by Timberland Resource Consultants, dated November 19, 2018. The TCR states that there is one (1) area on-site where timber conversion occurred, totaling 2.51 acres of timber conversion, which is less than the 3-acre maximum. All conversion areas were determined to be outside of any streamside management areas, had no presence of rare or threatened species, nor were any presence of cultural resources found during the site visit conducted on October 19, 2018. The existing cultivation site where cannabis will be centrally relocated, was expanded from a 0.25-acre historic log landing site to its current size of 2.51 acres, between July 2016 and March 2017, for a total of 2.26 acres of post-2016 timber conversion. Abandoned cultivation site 1 was a 0.08-acre area site, which has been naturally regenerated with Douglas-fir and white fir seedlings, and meets minimum stocking standards, and was therefore not considered a conversion site. Abandoned cultivation site 2 is a 0.11-acre area that was expanded to its current size between December 2017 and July 2018. No future cultivation is proposed at abandoned cultivation site 2, and the TCR recommends replanting the site with conifers to minimum restocking requirements. The applicant shall adhere to the following recommendations made within the TCR (**Condition A.15**):

1. Remove all cultivation infrastructure, materials, and waste within Abandoned Cultivation Site 1, while preserving the naturally regenerating conifer seedlings.
2. Replant Abandoned Cultivation Site 2 with native trees to California Forest Practice Rules stocking standards (14 CCR 1071) within the western portion of the site located on APN 317-055-001. Though restoration methods may vary, the RPF recommends the following:
 - o Replant locally-sourced Group A commercial species (Douglas-fir seedlings, CA Seed Zone 312, Elevation 4,000-4,800 feet recommended) at a level of 450 trees per acre (approximately 10-foot uniform spacing between seedlings). The site is approximately 0.12 acres so RPF recommends planting 55 trees at this location.
 - o Monitor growth and success of planted seedlings to ensure a 300-point count stocking level is maintained 2-3 years after planting.
 1. If seedling success is low, repeat the replanting process.
 2. Consider consulting an RPF for continued timber management in this area.
3. Along the eastern edge of the Cultivation Site, treat all slash piles and woody debris as soon as possible (and during appropriate time of year) using one of the following methods: burying, chipping and spreading, piling and burning, or removal from site.

The applicant is also required to address the 2.26 acres of post-2016 timber conversion that occurred between 2016 and 2017 at the existing cultivation site. The applicant has designated an area for restocking in the southeastern corner of the property where the Route Fire (Blake Fire shown in Humboldt Web GIS) occurred, shown on the Site Plan. The applicant shall comply with the restocking measures outlined in item 2 of the RPF recommendations above (at 2.26 acres, planting 1,017 trees is recommended for restocking this area). The submission of a document signed by the RPF stating that all restocking and monitoring for 2-3 years has been completed, shall satisfy this condition (**Condition A.16**).

Biological Resources

The project is located approximately 1.38 miles to the nearest known Northern Spotted Owl (NSO) activity center. According to the California Natural Diversity Database (CNDDDB) for rare and endangered species, the project site is near potential habitat areas for animal species: hooded lancetooth, and southern goshawk. The project site is also shown to be near potential habitat areas for plant species: Pacific fuzzwort, running-pine, and South Fork Mountain lupine. The applicant had a Biological Report

(BR) prepared by Natural Resource Management, dated October 2020, for the project site. The BR states that no NSO nesting habitat or special status species were found on-site during the biological survey. The BR recommends the following mitigation measures: all generators in use will require noise-reducing containment with ventilation, propagation hoop-houses utilizing early-season low impact lighting will require tarps to block all potential light pollution from at least one hour prior to sunset through at least one hour past sunrise, no use of plastic support netting, and no use of rodenticides (**Ongoing Conditions B.6, B7, B9 & B12**).

The proposed project includes the central relocation of two (2) historic cultivation sites to an environmentally superior location where a future rain catchment pond is proposed. The parcel was effected by the Blake Fire in 2015, which burned approximately 55 acres of land in the southeastern corner of the parcel. The applicant removed approximately 2.26 acres of burned timberland in the center of the parcel, and conducted significant grading between July 2016 and March 2017. This site is the proposed location for all future cultivation activities. Post-2016 timber conversion of 0.11 acres occurred at one historic cultivation site located in the northeastern area of the parcel. Another abandoned cultivation site of 0.08 acres has been naturally revegetated. The applicant is required to restock the 2.26 acres of post-2016 timber conversion that occurred at the proposed cultivation site, and the 0.11 acres of post-2016 timber conversion that occurred at the northern historic cultivation site. The applicant is also required to retroactively permit the grading that was done at the proposed cultivation site, and to permit and install the proposed rain catchment pond within two years of the date of approval for the project.

The applicant is required to comply with International Dark Sky Standards, shall ensure that all noise levels do not go above 50 decibels at 100-feet or any tree line when noise generating equipment are in use, and generators shall be enclosed in permanent generator shed locations (**Ongoing Conditions B.6 & B.7 and Condition A.7**).

Tribal Cultural Resource Coordination

The project site is located in the Bear River Band and Tsnungwe Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC), the Bear River Band Tribe, and the Tsnungwe Council on April 9, 2021. The NWIC replied on April 12, 2021, recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Tsnungwe Council commented on April 19, 2022, stating that the project was not within their territory, and the Bear River Band THPO replied on April 15, 2022 requesting that the applicant comply with Inadvertent Discovery Protocols during ground disturbing activities. The applicant shall adhere to Inadvertent Discover Protocols, and 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 (**Informational Note 3**).

Access

Access to the project site is from State HWY 299, from Titlow Hill Road which is County maintained for 4.7 miles, and then becomes US Forest Service Road for 34.5 miles to the project site. From the end of the County maintained portion of Titlow Hill Road, access to the site is obtained from USFS NF51, from USFS 6N01 (Friday Ridge Road), from USFS Route 3N33 to the project site. The applicant submitted a Road Evaluation Report for the 1.68 miles of USFS 3N33 to the project site, which included pictures and a route map. The applicant has self-certified that USFS 3N33 is developed to the equivalent of a Category 4 road standard. Up to five (5) seasonal employees will be utilized for activities on-site, and will carpool to and from the site to lower vehicle traffic on the access road. The applicant has stated that there will be a maximum of six (6) vehicle trips per day, for seasonal workers and potential visitors. The project was referred to the Department of Public Works on April 9, 2021, and comments were received by the agency on April 28, 2021. Comments from Public Works included that the access route utilizes a series US Forest Service Road, and recommended that the project be referred to the US Forest Service. The project was referred to the US Forest Service on April 9, 2021, and no comments were received by the agency. As

the access route utilizes Forest Service roads from the county maintained access road, no upgrades to the road are required, as the road is outside of the County's jurisdiction. The applicant shall be aware that it is federally illegal to transport cannabis across Federal lands, and the approval of this permit does not authorize transportation of cannabis across Federal lands (**Informational Note 4**).

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the South Fork Trinity Planning Watershed, which under Resolution 18-43 is limited to 86 permits and 29 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 19 cultivation permits and the total approved acres would be 8.58 acres of cultivation.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the 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-13340-SP
Assessor's Parcel Number: 317-055-001**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving Cedar Farm West, LLC Special Permit.

WHEREAS, Cedar Farm West, LLC, submitted an application and evidence in support of approving a Special Permit for the operation of an existing 9,000 square feet of outdoor cannabis cultivation operation with appurtenant propagation and drying activities; and a Special Permit for the continued use of a stream diversion; and

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

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on **May 5, 2022**, and reviewed, considered, and discussed the application for the Special Permits 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:** The application is a Special Permit for 9,000 sq. ft. of pre-existing outdoor cannabis cultivation and 900 sq. ft. of ancillary propagation area. The applicant is proposing greenhouses for light-deprivation methods without the use of supplemental lights, and two harvests are anticipated per cultivation season. Cultivation areas will be relocated to a central location on the parcel with environmental superiority. Water will be sourced primarily from a stream diversion under Water Right Certificate H100570, and supplemental water will be sourced from an on-site well. A Special Permit is being requested in order to allow the use of the stream diversion for cannabis irrigation. Total annual water usage is estimated at 117,000 gallons per year (11.8 gal/sq. ft./yr.). There is currently a total of 105,000 gallons of water storage on-site, and the applicant is proposing to add a 150,000-gallon rainwater catchment pond. Power will be sourced from an on-site generator.

EVIDENCE: a) Project File: PLN-13340-SP

- 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 Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) Addendum Prepared for the proposed project.
b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of

substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

- c) Primary water source is from an on-site stream diversion under Water Right Certificate H100570, which allows the right to divert and use up to 0.69 acre-feet (224,837 gallons) of water per year for irrigation.
- d) The applicant is proposing to utilize a permitted well (Permit 19/20-0138) for supplementary water source, and is obtaining a Well Assessment Report from licensed geologist David Lindberg. The applicant shall submit the final Well Assessment Report to the Planning Division, and may not utilize the well for supplemental water until it has been determined to be non-diversionary to surface waters, is not detrimental to surrounding water sources, and meets the needs for the project.
- e) The project is conditioned to enroll in the State Water Resources Control Board's General Order WQ 2019-0001-DWQ, for Waste Discharge Requirements and Water Quality, and shall submit a Notice of Applicability letter or Notice of Receipt as proof of enrollment before cultivation activities can commence on-site.
- f) The project is required to have a Site Management Plan prepared within 90 days of enrollment under the State Water Resources Control Board's General Order WQ 2019-0001-DWQ, to outline on-site measures required to meet the standards of the SWRCB's General Order.
- g) A Timber Conversion Report was prepared by Timberland Resource Consultants, which shows a total of 2.37 acres of post-2016 timber conversion occurred on-site. The applicant is conditioned to restock 2.37 acres for post-2016 timber conversion area on a 1-1-basis.
- h) A Streambed Alteration Agreement (No. 1600-2019-0817-R1) with CDFW dated April 2, 2021, for the instream work needed to utilize a point of diversion and upgrade one culvert on-site.
- i) The project is within the Bear River Band and Tsnungwe tribes' ancestral aboriginal territories. The project was referred to the Bear River Band THPO, and the Tsnungwe Council, and Inadvertent Discovery Protocols were requested for the project.
- j) Access to the project site is from State HWY 299, from Titlow Hill Road which is County maintained for 4.7 miles, and then becomes US Forest Service Road for 34.5 miles to the project site. The applicant submitted a Road Evaluation Report for the 1.68 miles of USFS 3N33 to the project site self-certifying the road is developed to the equivalent of a Category 4 road standard, which includes pictures and a route map. The project was referred to the US Forest Service on April 9, 2021, and no comments were received by the agency. As the access route utilizes Forest Service roads from the county maintained access road, no upgrades to the road are required, as the road is outside of the County's jurisdiction.

FINDINGS FOR SPECIAL PERMITS

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 Timberland (T) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
 - b) Humboldt County Code section 314-55.8.2.2 allows for cultivation of up to 10,000 sq. ft. of outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in TPZ zones with a Special Permit.
 - c) The applicant is applying for a Special Permit to allow the continued use of a stream diversion for agricultural purposes, under Water Right Certificate H100570 and Streambed Alteration Agreement 1600-2019-0817-R1.

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

- EVIDENCE**
- a) The Timberland Production Zone or TPZ Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
 - b) All general agricultural uses are principally permitted in the TPZ zone.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows for cultivation of up to 10,000 sq. ft. of outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in TPZ zones with a Special Permit. The application for 9,000 sq. ft. of outdoor cannabis cultivation on a 160 acre parcel is consistent with this and with the cultivation area verification prepared by the County.

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

- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (HCC 314-55.4.8.2.2).
 - b) The parcel has been deemed to be a legal parcel. The subject parcel was created by Patent recorded September 9, 1904.
 - c) The project will obtain water primarily from a stream diversion under Water Right Certificate H100570, and supplemental water is proposed from a permitted well (Permit 19/20-0138).
 - d) Access to the project site is from State HWY 299, from Titlow Hill Road which is County maintained for 4.7 miles, and then becomes US Forest Service Road for 34.5 miles to the project site. The applicant submitted a Road Evaluation Report for the 1.68 miles of USFS 3N33 to the project site self-certifying the road is developed to the equivalent of a Category 4 road standard, which includes pictures and a route map. The project was referred to the US Forest Service on April 9, 2021, and no comments were received by the agency. As the access route utilizes Forest Service roads from the county maintained access road, no upgrades to the road are required, as the road is outside of the County's jurisdiction.

- e) A Timber Conversion Report was prepared by Timberland Resource Consultants, which shows a total of 2.37 acres of post-2016 timber conversion occurred on-site. The applicant is conditioned to restock 2.37 acres for post-2016 timber conversion area on a 1-1-basis.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, and more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 9,000 sq. ft. of outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- b) Primary water source will come from an on-site stream diversion under Water Right Certificate H100570, which allows the right to divert and use up to 0.69 acre-feet (224,837 gallons) of water per year for irrigation. Supplemental water is proposed from a permitted well (Permit 19/20-0138), and the applicant shall submit a Well Assessment Report to the Planning Division, and may not utilize the well for supplemental water until it has been determined to be non-diversionary to surface waters, is not detrimental to surrounding water sources, and meets the needs for the project.
- c) Access to the project site is from State HWY 299, from Titlow Hill Road which is County maintained for 4.7 miles, and then becomes US Forest Service Road for 34.5 miles to the project site. The applicant submitted a Road Evaluation Report for the 1.68 miles of USFS 3N33 to the project site self-certifying the road is developed to the equivalent of a Category 4 road standard, which includes pictures and a route map. The project was referred to the US Forest Service on April 9, 2021, and no comments were received by the agency. As the access route utilizes Forest Service roads from the county maintained access road, no upgrades to the road are required, as the road is outside of the County's jurisdiction.
- d) The project is conditioned to comply with all required forbearance for the stream diversion on-site. The project is also conditioned to provide a Well Assessment Report for the proposed well, prior to being allowed to utilize for cultivation activities.

7. FINDING

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

EVIDENCE

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

8. FINDING

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

- a) The project is located in the South Fork Trinity Planning Watershed, which under Resolution 18-43 is limited to 86 permits and 29 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 19 cultivation permits and the total approved acres would be 8.58 acres of cultivation.

DECISION

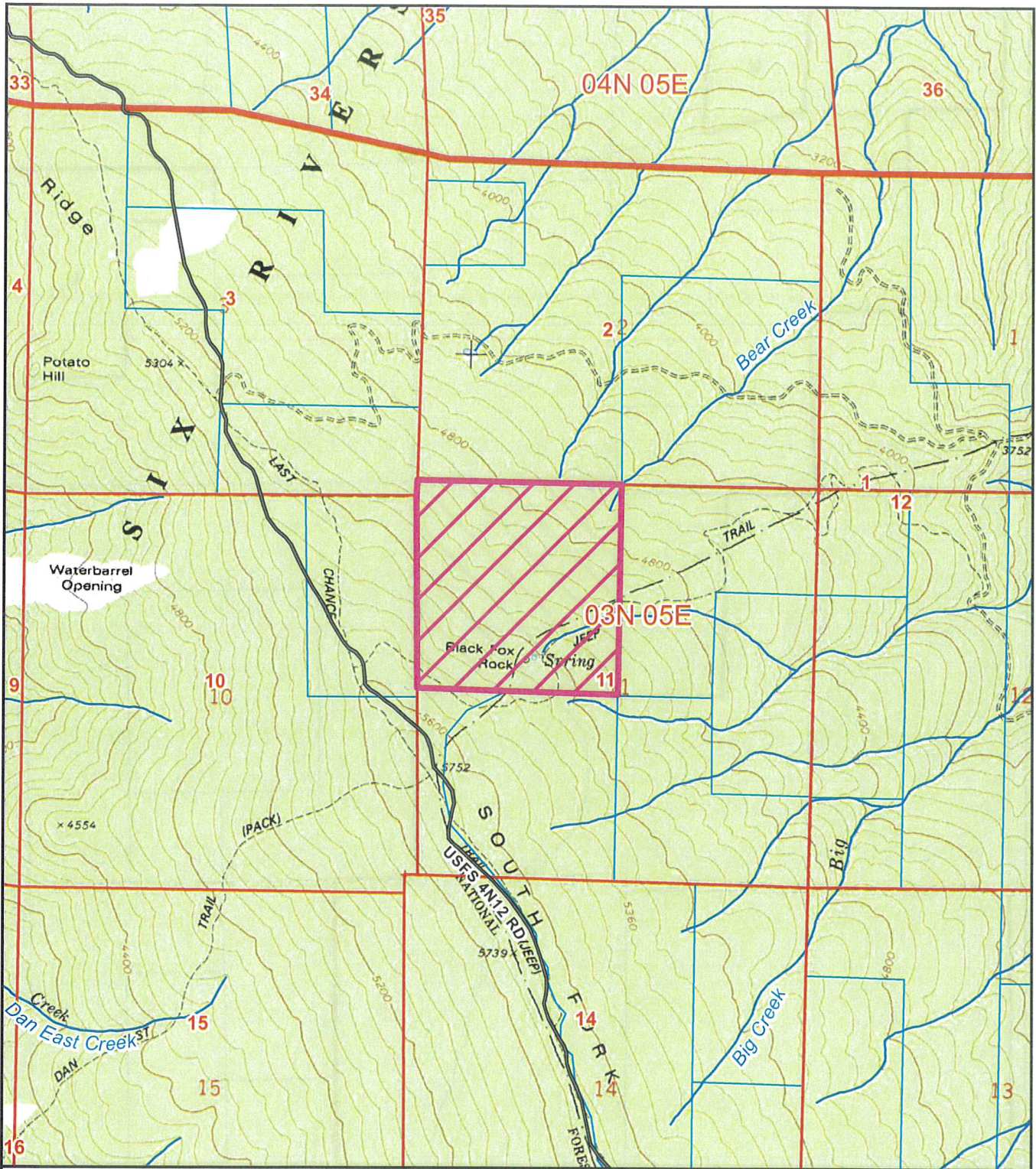
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permits for Cedar Farm West, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **May 5, 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 H. Ford, Zoning Administrator,
Planning and Building Department

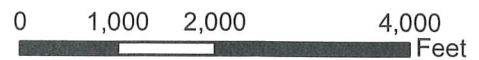


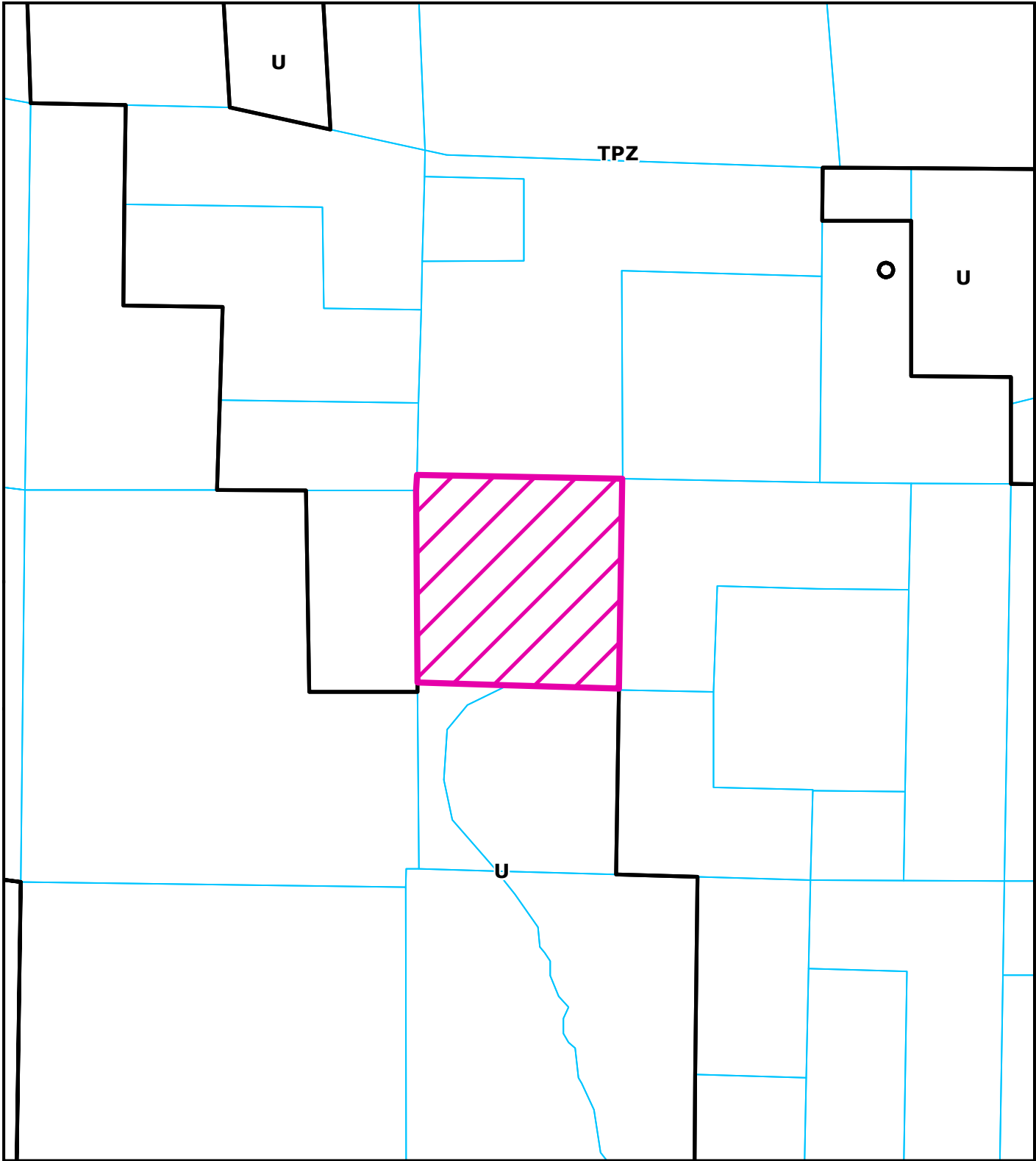
TOPO MAP
PROPOSED CEDAR FARM WEST LLC
KORBEL AREA
CUP-16-1113
APN: 317-055-001-000
T03N R05E S11 HB&M (SIMS MOUNTAIN)

Project Area = 



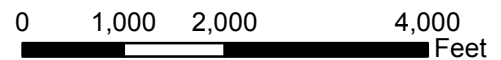
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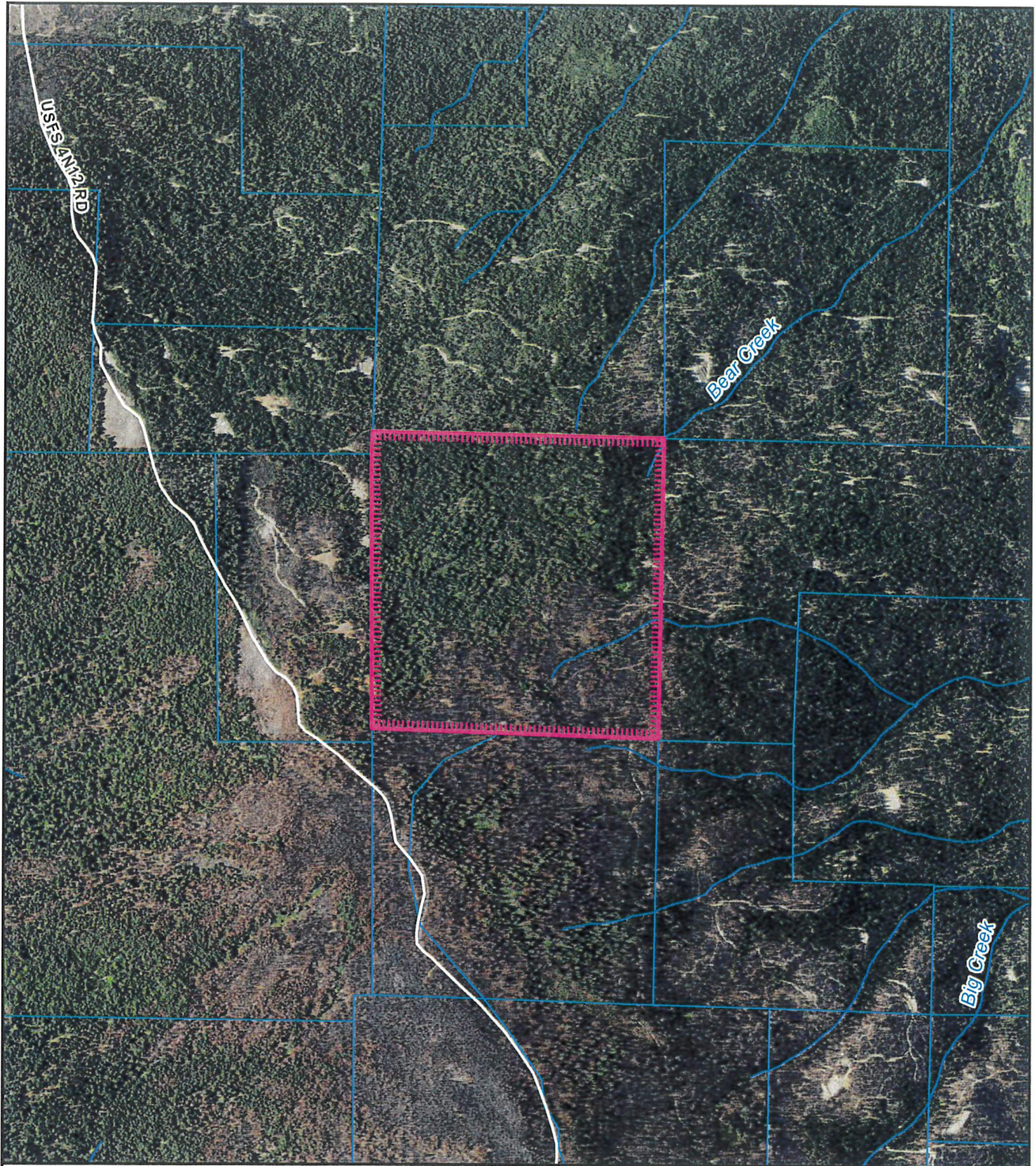


Project Area = 

ZONING MAP
PROPOSED CEDAR FARM WEST LLC
KORBEL AREA
CUP-16-1113
APN: 317-055-001-000
T03N R05E S11 HB&M (SIMS MOUNTAIN)



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



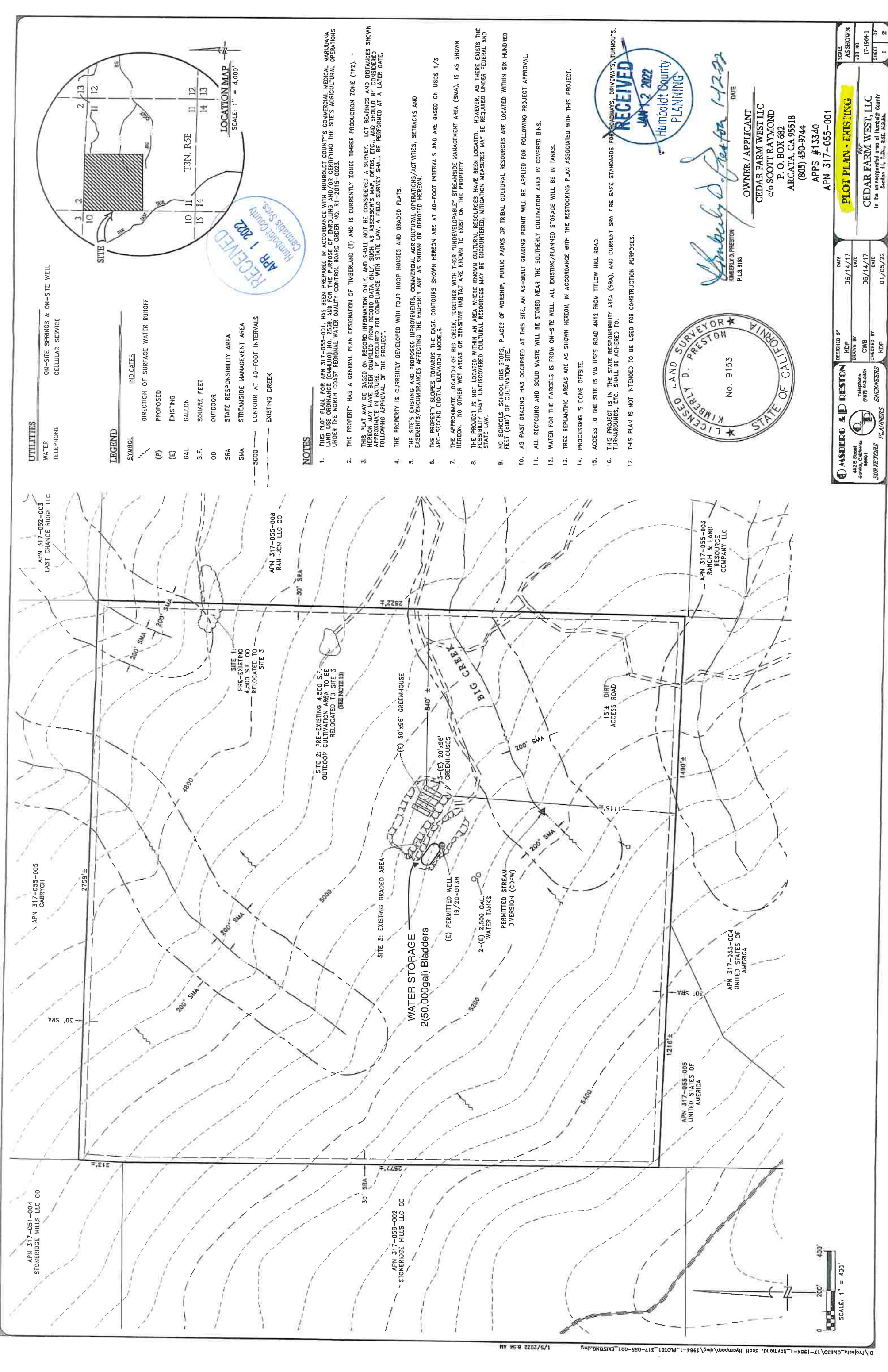
Project Area = 

**AERIAL MAP
PROPOSED CEDAR FARM WEST LLC
KORBEL AREA
CUP-16-1113
APN: 317-055-001-000
T03N R05E S11 HB&M (SIMS MOUNTAIN)**



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.

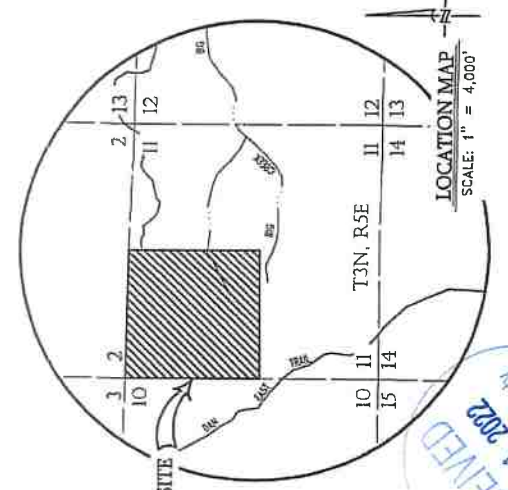




UTILITIES
 WATER
 TELEPHONE
 ON-SITE SPRINGS & ON-SITE WELL
 CELLULAR SERVICE

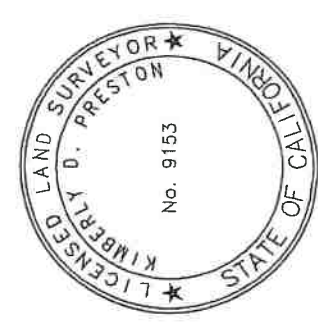
LEGEND

SYMBOL	INDICATES
(P)	DIRECTION OF SURFACE WATER RUNOFF PROPOSED
(E)	EXISTING
GAL	GALLON
S.F.	SQUARE FEET
OO	OUTDOOR
SRA	STATE RESPONSIBILITY AREA
SMA	STREAMSIDE MANAGEMENT AREA
---	CONTOUR AT 40-FOOT INTERVALS
---	EXISTING CREEK



NOTES

- THIS PLOT PLAN, FOR APN 317-055-001, HAS BEEN PREPARED IN ACCORDANCE WITH HUMBOLDT COUNTY'S COMMERCIAL MEDICAL WARIUANA LAW, LOCAL ORDINANCE NO. 2339, AND FOR THE PURPOSE OF ENROLLING AND/OR CERTIFYING THE SITE'S AGRICULTURAL OPERATIONS UNDER THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. R1-2015-0023.
- THE PROPERTY HAS A GENERAL PLAN DESIGNATION OF TIMBERLAND (T) AND IS CURRENTLY ZONED TIMBER PRODUCTION ZONE (TPZ).
- THIS PLOT PLAN IS BASED ON RECORD INFORMATION ONLY, AND SHALL NOT BE CONSIDERED A SURVEY. LOT BEARINGS AND DISTANCES SHOWN HEREON MAY HAVE BEEN COMPILED FROM RECORD DATA ONLY, SUCH AS ASSESSOR'S MAP, DEEDS, ETC. NO FIELD SURVEY SHALL BE CONSIDERED APPROXIMATE IN NATURE. IF REQUIRED FOR COMPLIANCE WITH STATE LAW, A FIELD SURVEY SHALL BE PERFORMED AT A LATER DATE, FOLLOWING APPROVAL OF THE PROJECT.
- THE PROPERTY IS CURRENTLY DEVELOPED WITH FOUR HOOP HOUSES AND GRADED FLATS.
- THE SITE'S EXISTING AND PROPOSED IMPROVEMENTS, COMMERCIAL AGRICULTURAL OPERATIONS/ACTIVITIES, SETBACKS AND ENCUMBRANCES AFFECTING THE PROPERTY ARE AS SHOWN OR DENOTED HEREON.
- THE PROPERTY SLOPES TOWARDS THE EAST. CONTOURS SHOWN HEREON ARE AT 40-FOOT INTERVALS AND ARE BASED ON USGS 1/3 ARC-SECOND DIGITAL ELEVATION MODELS.
- THE APPROXIMATE LOCATION OF BIG CREEK TOGETHER WITH THEIR "UNDEVELOPABLE" STREAMSIDE MANAGEMENT AREA (SMA), IS AS SHOWN HEREON. NO OTHER WET AREAS OR SENSITIVE HABITAT ARE KNOWN TO EXIST ON THE PROPERTY.
- THE PROJECT IS NOT LOCATED WITHIN AN AREA WHERE KNOWN CULTURAL RESOURCES HAVE BEEN LOCATED. HOWEVER, AS THERE EXISTS THE POSSIBILITY THAT UNDISCOVERED CULTURAL RESOURCES MAY BE ENCOUNTERED, MITIGATION MEASURES MAY BE REQUIRED UNDER FEDERAL AND STATE LAW.
- NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES ARE LOCATED WITHIN SIX HUNDRED FEET (600') OF CULTIVATION SITE.
- AS PAST GRADING HAS OCCURRED AT THIS SITE, AN AS-BUILT GRADING PERMIT WILL BE APPLIED FOR FOLLOWING PROJECT APPROVAL.
- ALL RECYCLING AND SOLID WASTE WILL BE STORED NEAR THE SOUTHERLY CULTIVATION AREA IN COVERED BINS.
- WATER FOR THE PARCELS IS FROM ON-SITE WELL. ALL EXISTING/PLANNED STORAGE WILL BE IN TANKS.
- TREE REPLANTING AREAS ARE AS SHOWN HEREON, IN ACCORDANCE WITH THE RESTOCKING PLAN ASSOCIATED WITH THIS PROJECT.
- PROCESSING IS DONE OFFSITE.
- ACCESS TO THE SITE IS VIA USFS ROAD 4N12 FROM TITLOW HILL ROAD.
- THIS PROJECT IS IN THE STATE RESPONSIBILITY AREA (SRA), AND CURRENT SRA FIRE SAFE STANDARDS FOR ROADS, DRIVEWAYS, TURNOUTS, TURNAROUNDS, ETC. SHALL BE ADHERED TO.
- THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.



Kimberly D. Preston
 KIMBERLY D. PRESTON
 PLS 9153
 DATE

OWNER / APPLICANT
 CEDAR FARM WEST LLC
 c/o SCOTT RAYMOND
 P. O. BOX 682
 ARCATA, CA 95518
 (805) 450-9744
 APPS #13340
 APN 317-055-001

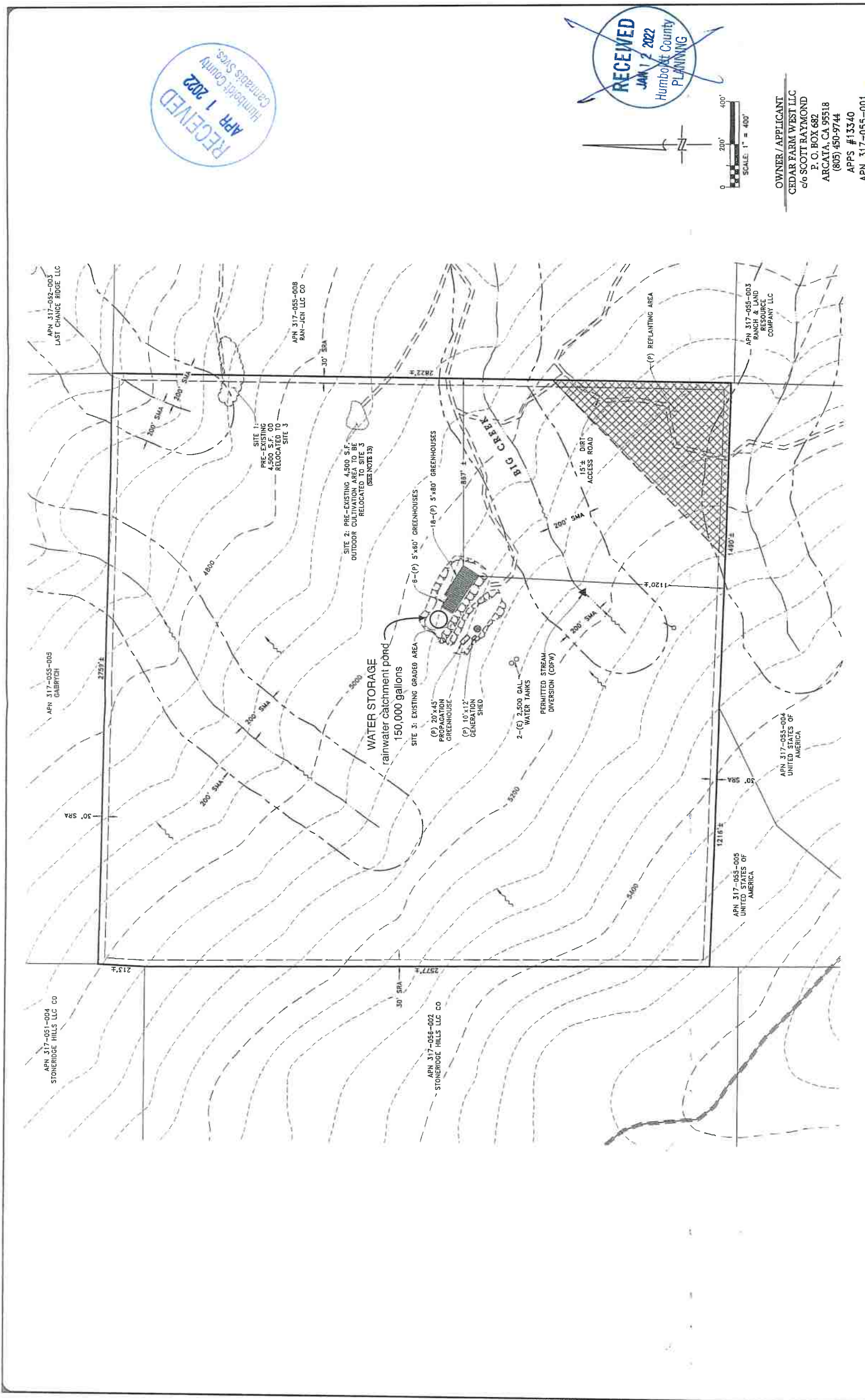
MSBERG & PRESTON
 402 E Street
 Eureka, California
 95501
 Telephone
 (707) 443-0881
 SURVEYORS PLANNERS ENGINEERS

DESIGNED BY: KDP
 DRAWN BY: CMB
 CHECKED BY: KDP

DATE: 05/14/17
 DATE: 06/14/17
 DATE: 01/05/22

SCALE: AS SHOWN
 JOB NO: 17-1964-1
 SHEET OF: 2

PLOT PLAN - EXISTING
 CEDAR FARM WEST, LLC
 In the unincorporated area of Humboldt County
 Section 11, T3N, R5E, N34W



RECEIVED
APR 1 2022
Humboldt County
Comma's Sites

RECEIVED
JAN 2 2022
Humboldt County
PLANNING



OWNER / APPLICANT
CEDAR FARM WEST LLC
c/o SCOTT RAYMOND
P. O. BOX 682
ARCATA, CA 95518
(805) 450-9744

APPS #13340
APN 317-055-001

PILOT PLAN - PROPOSED
CEDAR FARM WEST, LLC
In the unincorporated area of Humboldt County
Section 11, T.1N., R.5E., N.E.1/4

DESIGNED BY: ASBERG & DRESTON
403 E Street
Eureka, California
92923
SEATTLE, WA
98101
WWW.ASDRESTON.COM
PH: 415.443.2811
FAX: 415.443.2812

DATE: 08/14/17
SCALE: AS SHOWN
JOB NO.: 17-1964-1
SHEET NO.: 2 OF 2

APPROVED BY: KINGEALY D. PRESTON
RCC: 07885

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ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover 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 submit an updated Site Plan within 30 days of approval to show the proposed location for temporary drying structures, and to designate a minimum of 2,500 gallons of on-site water storage for emergency fire suppression.
6. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #7 through #15. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
7. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to: twenty-four (24) light-deprivation greenhouses proposed, one (1) ancillary propagation greenhouse proposed, and one (1) proposed generator shed. 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.
8. Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams.

9. Grading occurred on the site between 2016 and 2018 in association with the proposed cultivation area. The applicant is conditioned to permit the historic grading that occurred on-site with the Building Division.
10. The applicant shall discontinue the use of two water bladders and replace with the proposed 150,000-gallon rainwater catchment pond, and permit the proposed rainwater catchment pond with the Building Division, within two years of the date of approval.
11. The applicant shall submit the final Well Assessment produced by David Lindberg, to the Planning Division, and may not utilize the well for supplemental water during a forbearance period in the event that the well is considered diversionary, or to have a negative impact to surrounding water sources. If the well is found to be non-diversionary to surface waters, not to have a negative effect on neighboring water sources, and is determined to meet the needs for the life of the project, the applicant shall be able to utilize the well for supplemental water source throughout the year.
12. The applicant shall meter water diverted and used from the stream diversion, and water used from the well separately, and keep records on-site.
13. The project is conditioned to enroll in the State Water Resources Control Board's General Order prior to commencing cultivation activities on-site, and shall submit a Notice of Applicability letter or Notice of Receipt as proof of enrollment before cultivation activities can occur.
14. The project is required to have a Site Management Plan prepared within 90 days of enrollment in the State Water Resources Control Board's General Order to outline on-site measures required to meet the standards of the SWRCB's General Order, and shall submit a copy of the SMP to the Planning Division when available.
15. The applicant shall adhere to the following recommendations made within the Timber Conversion Report prepared by Timberland Resource Consultants, dated November 19, 2018:
 1. Remove all cultivation infrastructure, materials, and waste within Abandoned Cultivation Site 1, while preserving the naturally regenerating conifer seedlings.
 2. Replant Abandoned Cultivation Site 2 with native trees to California Forest Practice Rules stocking standards (14 CCR 1071) within the western portion of the site located on APN 317-055-001. Though restoration methods may vary, the RPF recommends the following:
 - i. Replant locally-sourced Group A commercial species (Douglas-fir seedlings, CA Seed Zone 312, Elevation 4,000-4,800 feet recommended) at a level of 450 trees per acre (approximately 10-foot uniform spacing between seedlings). The site is approximately 0.12 acres so RPF recommends planting 55 trees at this location.
 - ii. Monitor growth and success of planted seedlings to ensure a 300-point count stocking level is maintained 2-3 years after planting.
 - iii. If seedling success is low, repeat the replanting process.
 - iv. Consider consulting an RPF for continued timber management in this area.
 3. Along the eastern edge of the Cultivation Site, treat all slash piles and woody debris as soon as possible (and during appropriate time of year) using one of the following methods: burying, chipping and spreading, piling and burning, or removal from site.
16. The applicant is also required to address the 2.26 acres of post-2016 timber conversion that occurred between 2016 and 2017 at the existing cultivation site. The applicant has designated an area for restocking in the southeastern corner of the property where the Route Fire (Blake Fire shown in Humboldt Web GIS) occurred, shown on the Site Plan. The applicant shall comply with the restocking measures outlined in item 2 of the RPF recommendations above (at 2.26 acres, planting 1,017 trees is recommended for restocking this area). The submission of a document signed by the RPF stating that all restocking and monitoring for 2-3 years has been completed, shall satisfy this condition.
17. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY

RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.

18. 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.
19. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The applicant shall provide receipts, or other equivalent documentation, annually to the Planning Division for proof of portable toilet service until the applicant has obtained a permitted septic system on-site with DEH.
2. The applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility, to be furnished during an annual inspection.
3. The applicant shall adhere to the limitations and conditions set forth within the Water Right Certificate H100570.
4. The applicant shall comply with all forbearance requirements set by the Water Board and the California Department of Fish & Wildlife (CDFW).
5. The applicant is conditioned to abide by the project description and work outlined within the SAA No. 1600-2019-0817-R1 for STX-2 and the POD, obtained from the California Department of Fish and Wildlife (CDFW).
6. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
7. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
8. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.5. and B.6., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written

verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.

9. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
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 be allowed to leave the work site unharmed.
12. The use of anticoagulant rodenticide is prohibited.
13. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
14. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
15. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
16. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
17. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
18. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
19. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other

place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).

20. Maintain enrollment in Tier 1 or 2, certification with State Water Resource Control Boards (SWRCB) General Order No. WQ 2019-0001-DQW, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
21. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
22. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
23. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
24. Pay all applicable application, review for conformance with conditions and annual inspection fees.
25. 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.
26. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
27. 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

28. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
29. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
30. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
31. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

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

35. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
36. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
37. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
38. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found,

California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

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

ATTACHMENT 2

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

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

**APN 317-055-001; Korbel area
County of Humboldt**

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

April 2022

Background

Modified Project Description and Project History –

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

Project Description:

The modified project involves a Special Permit for 9,000 square feet (sq. ft.) of pre-existing outdoor cannabis cultivation and 900 sq. ft. of ancillary propagation area. The applicant is not currently cultivating, and does not currently have a State License for commercial cannabis cultivation, and shall obtain a State License prior to commencing cultivation activities on-site. The applicant is proposing greenhouses for light-deprivation methods without the use of supplemental lights, and up to two harvests are anticipated per cultivation season. Cultivation areas will be relocated to a central location on the parcel with environmental superiority. Water will be sourced primarily from a stream diversion under Water Right Certificate H100570, and supplemental water will be sourced from an on-site well. A Special Permit is being requested in order to allow the use of the stream diversion for cannabis irrigation. Total annual water usage is estimated at 117,000 gallons per year (11.8 gal/sq. ft./yr.). There is currently a total of 105,000 gallons of water storage on-site, and the applicant is proposing to add a 150,000-gallon rainwater catchment pond. Power will be sourced from an on-site generator.

A maximum of five (5) employees will be utilized for cultivation activities. Portable toilets and hand washing stations will be available at the cultivation area on-site. Trimming will occur off-site at a licensed processing facility. The project was referred to the Department of Environmental Health (DEH) on April 14, 2021, and comments were received on April 14, 2021. Comments from DEH stated that seasonal cultivation without processing may use portable toilets to serve the operation, and that the permittee shall provide portable toilets to cultivation areas. The applicant shall provide receipts, or other equivalent documentation, annually to the Planning Division for proof of portable toilet service, unless a permitted onsite wastewater treatment system has been obtained.

The applicant is proposing to have six (6) 5' x 60' light-deprivation greenhouses, eighteen (18) 5' x 80' light deprivation greenhouses, and one (1) 20' x 40' ancillary propagation greenhouse. The project was referred to the Building Division on April 9, 2021, and a building inspection was conducted on April 23, 2021. Comments from the Building Division included a recommendation of approval based on the condition that all required permits are obtained. There are a total of twenty-four (24) light-deprivation greenhouses proposed, one (1) ancillary propagation greenhouse proposed, and one (1) proposed generator shed. Drying will occur within temporary carport structures that will be removed during the winter season. The applicant shall submit an updated Site Plan to the Planning Division to show the location for any temporary drying structures. Trimming will occur off-site at a licensed processing facility, and the applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility to be furnished during an annual inspection. The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, including but not limited to: twenty-four (24) light-deprivation greenhouses proposed, one (1) ancillary propagation greenhouse proposed, and one (1) proposed generator shed. Generator sheds must have a concrete

floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams. Grading occurred on the site between 2016 and 2018 in association with the proposed cultivation area. The applicant is conditioned to permit the historic grading that occurred on-site with the Building Division.

Water Resources

The project will source water primarily from the stream diversion under Water Right Certificate H100570, and supplemental water is proposed from an on-site permitted well. Water Right Certificate H100570 allows for the diversion of up to 0.69 acre-feet per year (224,837 gallons), and storage designated for diverted water shall not exceed 0.77 acre-feet (250,900 gallons). The applicant shall adhere to the limitations and conditions set forth within the Water Right Certificate H100570 for the life of the project. Estimated annual water needed for irrigation is 117,000 gallons (11.8 gal/sq. ft./yr.). The applicant has a total of 105,000 gallons of existing water storage on-site in two (2) 2,500-gallon water tanks, and two (2) 50,000-gallon water bladders. The applicant plans to replace the water bladders with a 150,000-gallon rainwater catchment pond, and is conditioned to discontinue the use of the two (2) water bladders, and permit the proposed rainwater catchment pond with the Building Division, within two years of the date of approval. The applicant plans to utilize the stream diversion to fill up the rainwater catchment pond in the event that the pond is not sufficiently filled with rainwater, or snowfall, at the beginning of the cultivation season. The applicant shall comply with all forbearance requirements set by the Water Board and the California Department of Fish & Wildlife (CDFW).

The applicant also plans to utilize the existing permitted well on-site (Permit 19/20-0138) for supplemental water if needed. A site visit was conducted in March 2022, and a well assessment is being obtained by licensed geologist David Lindberg to determine if the well is connected to surface waters, discuss its effects on neighboring water sources, and to determine the sustainability of the well for long term use. The applicant shall submit the final Well Assessment produced by David Lindberg, to the Planning Division, and may not utilize the well for supplemental water during a forbearance period in the event that the well is considered diversionary, or to have a negative impact to surrounding water sources. If the well is found to be non-diversionary to surface waters, not to have a negative effect on neighboring water sources, and is determined to meet the needs for the life of the project, the applicant shall be able to utilize the well for supplemental water source throughout the year.

The applicant is not currently cultivating, and the project is not currently enrolled in the State Water Resources Control Board's (SWRCB) General Order (No. WQ 2019-0001-DWQ) for Waste Discharge Requirements and Water Quality. The project is conditioned to enroll in the SWRCB's General Order prior to commencing cultivation activities on-site, and shall submit a Notice of Applicability letter or Notice of Receipt as proof of enrollment before cultivation activities can occur. As well, the project is required to have a Site Management Plan prepared within 90 days of enrollment to outline on-site measures required to meet the standards of the SWRCB's General Order. The applicant shall submit to the Planning Department the final Site Management Plan, and shall adhere to the measures and recommendations within the final SMP.

There is one (1) known stream crossing that needs replacing, and a point of diversion from a Class II stream named Big Creek on-site. The applicant has obtained a Streambed Alteration Agreement for the in-stream work and continued maintenance required for the stream crossing (STX-2) and the point of diversion (SAA No. 1600-2019-0817-R1, dated April 2, 2021). The applicant is conditioned to abide by the project description and work outlined within the SAA No. 1600-2019-0817-R1 for STX-2 and the POD.

Fire Hazard

The parcel is located in an area known to have a Very High Fire Hazard Severity, and was hit by the Blake Fire in 2015, which burned down up to 55 acres in the southeastern corner of the parcel. The parcel is located outside of the Bridgeville Fire Protection District, and the Kneeland Fire Response Area. Pursuant to the Humboldt County General Plan the applicant is required to cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. The project is located within

the State Responsibility Area for CalFire, and was referred to the agency on April 9, 2021. Comments were received by CalFire on April 26, 2021, and the agency stated that they had no comments regarding the project at that time. The project site shows ample room for a firetruck turnaround, and is required to have a minimum of 2,500 gallons of water storage designated for fire suppression needs. The applicant shall designate a minimum of 2,500 gallons of on-site water storage for emergency fire suppression and is conditioned to provide an updated Site Plan to the Planning Division to show designated fire water on-site.

Timber Conversion

The applicant had a Timber Conversion Report (TCR) that was prepared by Timberland Resource Consultants, dated November 19, 2018. The TCR states that there is one (1) area on-site where timber conversion occurred, totaling 2.51 acres of timber conversion, which is less than the 3-acre maximum. All conversion areas were determined to be outside of any streamside management areas, had no presence of rare or threatened species, nor were any presence of cultural resources found during the site visit conducted on October 19, 2018. The existing cultivation site where cannabis will be centrally relocated, was expanded from a 0.25-acre historic log landing site to its current size of 2.51 acres, between July 2016 and March 2017, for a total of 2.26 acres of post-2016 timber conversion. Abandoned cultivation site 1 was a 0.08-acre area site, which has been naturally regenerated with Douglas-fir and white fir seedlings, and meets minimum stocking standards, and was therefore not considered a conversion site. Abandoned cultivation site 2 is a 0.11-acre area that was expanded to its current size between December 2017 and July 2018. No future cultivation is proposed at abandoned cultivation site 2, and the TCR recommends replanting the site with conifers to minimum restocking requirements. The applicant shall adhere to the following recommendations made within the TCR:

1. Remove all cultivation infrastructure, materials, and waste within Abandoned Cultivation Site 1, while preserving the naturally regenerating conifer seedlings.
2. Replant Abandoned Cultivation Site 2 with native trees to California Forest Practice Rules stocking standards (14 CCR 1071) within the western portion of the site located on APN 317-055-001. Though restoration methods may vary, the RPF recommends the following:
 - o Replant locally-sourced Group A commercial species (Douglas-fir seedlings, CA Seed Zone 312, Elevation 4,000-4,800 feet recommended) at a level of 450 trees per acre (approximately 10-foot uniform spacing between seedlings). The site is approximately 0.12 acres so RPF recommends planting 55 trees at this location.
 - o Monitor growth and success of planted seedlings to ensure a 300-point count stocking level is maintained 2-3 years after planting.
 1. If seedling success is low, repeat the replanting process.
 2. Consider consulting an RPF for continued timber management in this area.
3. Along the eastern edge of the Cultivation Site, treat all slash piles and woody debris as soon as possible (and during appropriate time of year) using one of the following methods: burying, chipping and spreading, piling and burning, or removal from site.

The applicant is also required to address the 2.26 acres of post-2016 timber conversion that occurred between 2016 and 2017 at the existing cultivation site. The applicant has designated an area for restocking in the southeastern corner of the property where the Route Fire (Blake Fire shown in Humboldt Web GIS) occurred, shown on the Site Plan. The applicant shall comply with the restocking measures outlined in item 2 of the RPF recommendations above (at 2.26 acres, planting 1,017 trees is recommended for restocking this area). The submission of a document signed by the RPF stating that all restocking and monitoring for 2-3 years has been completed, shall satisfy this condition.

Biological Resources

The project is located approximately 1.38 miles to the nearest known Northern Spotted Owl (NSO) activity center. According to the California Natural Diversity Database (CNDDDB) for rare and endangered species, the project site is near potential habitat areas for animal species: hooded lancetooth, and southern goshawk. The project site is also shown to be near potential habitat areas for plant species: Pacific fuzzwort, running-pine, and South Fork Mountain lupine. The applicant had a Biological Report (BR) prepared by Natural Resource Management, dated October 2020, for the project site. The BR states that no NSO nesting habitat or special status species were found on-site during the biological survey. The

BR recommends the following mitigation measures: all generators in use will require noise-reducing containment with ventilation, propagation hoop-houses utilizing early-season low impact lighting will require tarps to block all potential light pollution from at least one hour prior to sunset through at least one hour past sunrise, no use of plastic support netting, and no use of rodenticides.

The proposed project includes the central relocation of two (2) historic cultivation sites to an environmentally superior location where a future rain catchment pond is proposed. The parcel was effected by the Blake Fire in 2015, which burned approximately 55 acres of land in the southeastern corner of the parcel. The applicant removed approximately 2.26 acres of burned timberland in the center of the parcel, and conducted significant grading between July 2016 and March 2017. This site is the proposed location for all future cultivation activities. Post-2016 timber conversion of 0.11 acres occurred at one historic cultivation site located in the northeastern area of the parcel. Another abandoned cultivation site of 0.08 acres has been naturally revegetated. The applicant is required to restock the 2.26 acres of post-2016 timber conversion that occurred at the proposed cultivation site, and the 0.11 acres of post-2016 timber conversion that occurred at the northern historic cultivation site. The applicant is also required to retroactively permit the grading that was done at the proposed cultivation site, and to permit and install the proposed rain catchment pond within two years of the date of approval for the project.

The applicant is required to comply with International Dark Sky Standards, shall ensure that all noise levels do not go above 50 decibels at 100-feet or any tree line when noise generating equipment are in use, and generators shall be enclosed in permanent generator shed locations.

Tribal Cultural Resource Coordination

The project site is located in the Bear River Band and Tsnungwe Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC), the Bear River Band Tribe, and the Tsnungwe Council on April 9, 2021. The NWIC replied on April 12, 2021, recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Tsnungwe Council commented on April 19, 2022, stating that the project was not within their territory, and the Bear River Band THPO replied on April 15, 2022 requesting that the applicant comply with Inadvertent Discovery Protocols during ground disturbing activities. The applicant shall adhere to Inadvertent Discover Protocols, and 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.

Access

Access to the project site is from State HWY 299, from Titlow Hill Road which is County maintained for 4.7 miles, and then becomes US Forest Service Road for 34.5 miles to the project site. From the end of the County maintained portion of Titlow Hill Road, access to the site is obtained from USFS NF51, from USFS 6N01 (Friday Ridge Road), from USFS Route 3N33 to the project site. The applicant submitted a Road Evaluation Report for the 1.68 miles of USFS 3N33 to the project site, which included pictures and a route map. The applicant has self-certified that USFS 3N33 is developed to the equivalent of a Category 4 road standard. Up to five (5) seasonal employees will be utilized for activities on-site, and will carpool to and from the site to lower vehicle traffic on the access road. The applicant has stated that there will be a maximum of six (6) vehicle trips per day, for seasonal workers and potential visitors. The project was referred to the Department of Public Works on April 9, 2021, and comments were received by the agency on April 28, 2021. Comments from Public Works included that the access route utilizes a series US Forest Service Road, and recommended that the project be referred to the US Forest Service. The project was referred to the US Forest Service on April 9, 2021, and no comments were received by the agency. As the access route utilizes Forest Service roads from the county maintained access road, no upgrades to the road are required, as the road is outside of the County's jurisdiction. The applicant shall be aware that it is federally illegal to transport cannabis across Federal lands, and the approval of this permit does not authorize transportation of cannabis across Federal lands.

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the South Fork Trinity Planning Watershed, which under Resolution 18-43 is limited to 86 permits and 29 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 19 cultivation permits and the total approved acres would be 8.58 acres of cultivation.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include having a Site Management Plan prepared for the site, having a restocking plan prepared for any timber that was converted post-2016, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards, ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise, and adhering to Inadvertent Discovery Protocols.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 9,000 sq. ft. of outdoor cultivation with ancillary propagation and drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Existing & Proposed Site Plan prepared by Omsberg & Preston received 4/1/2022.
- Cultivation and Operations Plan received 4/1/2022.
- Water Right Certificate H100570.
- A Streambed Alteration Agreement No. 1600-2019-0817-R1 dated 4/2/2021.
- A Timber Conversion Report prepared by Timberland Resource Consultants, dated 11/19/2018.
- A Well Completion Report for Well Permit 19/20-0138 dated 10/21/2019.
- A Road Evaluation Report for USFS 3N33, prepared by the applicant dated 1/30/2020.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. **(Attached with project Maps)**
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. **(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. (Water Right Certificate H100570 - **Attached**)
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 other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 in the Water Quality Order WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Condition of Approval)
8. If the source of water is a well, a copy of the County well permit, if available. (Permit 19/20-0138 - **Attached**)
9. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Streambed Alteration Agreement No. 1600-2019-0817-R1 executed 4/2/2021 – **Attached**)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner

has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Timber Conversion Report prepared by Timberland Resource Consultants dated 11/19/2018 - **Attached**)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On-file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. A Road Evaluation Report for USFS 3N33, prepared by the applicant dated 1/30/2020. (**Attached**)
16. A Site Management Plan to be prepared within 90 days of enrollment in the State Water Resources Control Board's Water Quality Order WQ 2019-0001-DWQ. (Condition of Approval)
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)



**CULTIVATION, OPERATIONS, AND SECURITY PLAN
(APN 317-055-001 - APPS#13340)**

PROJECT DESCRIPTION

Applicant proposes to permit 9,000 square feet of existing outdoor cannabis.

OPERATIONS PLAN

1. Water Source, Storage, Irrigation Plan & Projected Water Usage

WATER SOURCE & STORAGE: The primary source of irrigation water is a proposed rainwater catchment pond located on APN 317-055-001. An engineering report will be submitted and approved before construction. Presently, Applicant sources seasonally from a registered stream diversion and stores the water in two 50,000 gallon water bladders. The water bladders will be drained and removed as soon as the proposed rainwater catchment pond is constructed. There is a groundwater well utilized as a secondary source of water. Applicant is awaiting completion of his hydrological analysis of the groundwater well from David Lindberg, the registered Geologist responsible for the report. The groundwater well will not be used during the forbearance period if hydrological connectivity is ruled to exist.

Applicant has contracted Green Road Consulting to create a Site Management Plan as soon as the snow melts in April or May of 2020. Green Road Consulting and Compliant Farms have both inspected the property on previous occasions and did not observe any site conditions that would prevent adherence to Best Management Practices and compliance with SWRCB regulations.

Additionally, two 2500 gallon hard plastic tanks are utilized for storage and nutrient feeding.

IRRIGATION PLAN: Irrigation water will be applied at agronomic rates to minimize over watering cannabis plants and reducing the risk of irrigation runoff. Applicant anticipates watering cannabis plants every other day during the growing season. Irrigation is applied through a traditional drip irrigation and by hand watering using a spray stick or wand. Applicant will water in the morning/early evening hours to reduce evaporative loss. Applicant will use natural soil amendments and compost to aid in soil moisture retention. Mulch will be utilized if a suitable and economical form can be procured that does not invite pests or pesticides into the growing media.

PROJECTED WATER USAGE: Applicant will be cultivating approximately 9,000 sq. ft. of Outdoor Cannabis. Based on Applicant's irrigation practice of watering every other day, the Applicant will be using 117,000 gallons of water ((180 days ÷ 2) x 1300 gallons) during the forbearance period required by the ordinance.

While the Applicant is supplying the irrigation needs from the water bladders on site, irrigation will be every so slightly curtailed to match the total storage capacity already installed. Roughly every 3 weeks during the 180 day forbearance period, the applicant will skip a regularly scheduled irrigation event in the amount of 1300 gallons, which will bring the total required irrigation needs down to about 105,000 gallons.

The aforementioned figures are weather dependent and are only estimated water usage totals. Applicant will install flow meters at all critical points to measure actual yearly water usage upon implementation of the project. It is the intention of the Applicant to use less water than estimated - the cooler temperatures in the beginning of the summer and at the end should assist with this goal, as temperature dampening of transpiration needs is exaggerated at the high elevation (5200') of the site.

2. Site Drainage, Runoff & Erosion Control Measures

SITE DRAINAGE: The cultivation area to be utilized is flat and does not suffer from significant runoff issues. The site receives minimal rain and instead the bulk of the seasonal precipitation input arrives as snow, which has a far less erosive effect especially once the first layer has dropped and stuck. Sediment transport is minimized in snow conditions as opposed to the months long precipitation events that lower elevations in Humboldt County endure. Growing media stays contained in the beds and has no means of transport across the landing. The few conduits for stormwater drainage off of the landing will be treated with further berms, waddles, straw bales, riprap, and diffusion measures to slow the flow of water off the landing and disperse the water into the surrounding landscape. Any work that requires permitting will not commence until the proper regulatory clearances have been obtained.

There is only one water course crossing on the road network used to access the site and installation of the correctly sized culvert will be executed in the summer of 2020, as outlined in the LSAA filed with CDFW.

EROSION CONTROL MEASURES: Flats will be waddled/bermed on the downhill perimeter. Grass seed and straw mulch have been applied to the edges of the flat as well, in addition to the cut and fill slopes of the landing. The cut and fill slopes will be revegetated every year until they are completely reinforced and any sediment transport becomes functionally inactive.

RUNOFF CONTROL MEASURES: Applicant will use drip irrigation and raised beds, will water at agronomic rates, and use timers to avoid overwatering. Mulch will be utilized if proven feasible. Applicant farms organically and minimizes the use of synthetic nitrogen or other fertilizers - in most cases not adding any amount at all. Decomposing wood is a known nitrogen sink in the natural environment, a process that requires the accumulation of large amounts of free environmental nitrogen. Not only are there large setbacks of forested land between the cultivation site and nearby watercourses, thus supplying plenty of decomposing wood buffer area, but if needed Applicant will construct a shallow trench around the cultivation area and fill the shallow depression with decomposing wood so as to maximize nitrogen capture. Vegetation around cultivation and riparian areas will be maintained to minimize runoff and sediment transport to receiving waters. Applicant has and will continue to re-seed and re-vegetate any exposed soils around the cultivation areas and install straw bales and sediment control fencing on slopes or discharge points that may transport sediment or runoff from the landing.

Applicant will consult with and implement recommendations from Omsberg & Preston and Green Road Consulting to improve site drainage, erosion control, and runoff control on an as needed basis.

3. Measures Taken to Ensure Protection of Watershed & Nearby Habitat

PROTECTION OF WATERSHED & HABITAT: All cultivation areas shall be located outside of all SMA's on the property and native vegetation buffers shall be maintained between cultivation sites and riparian areas. Applicant's SMP will address water management and any forbearance period imposed on the well by California Department of Fish and Wildlife.

CULTIVATION RELATED WASTE PROTOCOLS: Applicant will implement measures to reduce and/or eliminate cultivation related waste. All plant related material will be composted in bermed and waddled areas to prevent runoff and will be reused as part of Applicant's soils management plan. Pots containing starts and clones will be washed, rinsed, and reused between seasons and recycled at the end of their useful life. Applicant will recycle pesticide and fertilizer containers per California pesticide regulations. Cultivation will occur in raised beds using organic amendments and cover crops, resulting in minimal soil waste on site. All waste soils will be placed in a refuse pile outside of streamside management areas and will be covered with a tarp and surrounded with straw waddles to contain any discharge that may occur. All other associated waste will be placed in garbage cans with lids and placed on impervious surfaces to prevent nutrients from being leached to groundwater or transported to watercourses. Applicant will dispose of site cultivation refuse on an as needed basis.

REFUSE DISPOSAL: The site will generate minimal expected refuse, which is only associated with the cultivation activities. Applicant will take site refuse to the local dump on an as-needed basis.

HUMAN WASTE: There is not currently a septic system on-site. Portable toilets will be utilized until further solutions are developed

4. Protocols for Proper Storage & Use of Fertilizers, Pesticides & Other Regulated Products

PESTICIDES: Pesticides shall be stored in an on-site shed equipped with a non-permeable floor liner to prevent leaching of pesticides into groundwater or transport to surface waters. Pesticides will be kept in original containers with labels affixed and kept in secondary containment totes to further minimize spills from being transported to groundwater or surface waters. Approved spill proof containers with appropriate warning and information labels will be used to transport pesticides to and from site.

Applicant shall maintain and keep personal protective equipment required by the pesticide label in good working order. All proper pesticide application protocols will be followed.

All required warning signs will be posted and material safety data sheets (MSDS) will be kept in the area where pesticides are stored. Emergency contact information in the event of pesticide poisoning shall also be posted at the work site including the name, address and telephone number of emergency medical care facilities.

Before making a pesticide application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

FERTILIZERS & SOIL AMENDMENTS: Fertilizers and other amendments will be stored in an on-site shed which is equipped with a non-permeable floor liner to prevent leaching and transport to surface waters. Applicant will store and use fertilizers according to the protocols used for pesticide storage and use. Fertilizers will be kept in secondary containment totes to further prevent leaching. Applicant will use all fertilizers according to the label and use personal protective equipment as required by the label.

Before making a fertilizer or soil amendment application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

PETROLEUM PRODUCTS & STORAGE: All petroleum products stored on-site will be properly stored and managed to prevent any discharge of contaminants into the surrounding landscape. Secondary containment, as required by law, will be utilized on-site.

5. Cultivation Activities (e.g. outdoor, indoor, mixed light)

CULTIVATION ACTIVITIES: Applicant is proposing to permit an existing cultivation with cultivation area of 9,000 square feet. Applicant will be applying for a Special Permit for the above referenced activity. Applicant will irrigate cultivation from an on-site groundwater well. Applicant will be cultivating in raised beds to prevent excess irrigation runoff and promote soil moisture retention. Cover crops will be planted at the end of the year in beds to promote soil regeneration. Applicant anticipates hiring temporary hourly labor during specific periods of the growing cycle. Examples include transplanting, canopy management activities e.g. lower branch pruning and de-leafing, harvesting, etc. Contracted labor will be on site monthly for short bursts to assist with these activities. Individuals will be transported in groups to minimize traffic on the road and to reduce the total number of trips across the road network. The number of individuals on-site for labor at any given time will not exceed 5 persons. Toilets and hand washing facilities will be supplied, bottled water will also be available.

Applicant will follow all performance standards outlined in Humboldt County's Commercial Medical Marijuana Land Use Ordinance ("CMMLUO") with respect to cultivation activities, including developing employee safety protocols which include: 1) an emergency action response plan and spill prevention protocols; 2) employee accident reporting and investigation policies; 3) fire prevention policies; 4) maintenance of Material Safety Data Sheets (MSDS); 5) materials handling policies; 6) job hazard analyses; and 7) personal

protective equipment policies. Applicant will ensure that all safety equipment is in good and operable condition, and provide employees with training on the proper use of safety equipment.

Applicant will post and maintain an emergency contact list which includes: 1) operation manager contacts; 2) emergency responder contacts; and 3) poison control contacts. All cultivation activities will be charted and calendared and visibly posted in the cultivation facilities.

6. Sample Schedule of Activities During Each Month of the Growing & Harvesting Season

February, March, April

- Purchase seeds and clones of desired strains and/or propagate them
- Pot clones and starts at end of March
- Nursery activities
- Clean greenhouses and make necessary repairs, weather dependent
- Prepare beds for planting - apply amendments and compost

May

- First run plants are re-potted in bigger pots
- Plant first run in ground, weather dependent
- Second round clones started
- Begin pulling tarps end of May
- Remove bottom branches, refine plant structure
- Mulch soil
- Irrigation begins

June

- Top dress first run
- De-leaf plants
- Irrigation continues
- Continue pulling tarps
- Apply nutrients as needed, apply compost teas regularly
- Pot second run of plants
- General landscape and bed maintenance

July

- Re-pot second round of plants into bigger pots
- Irrigation continues
- Apply nutrients as needed, apply compost teas regularly
- General landscape and bed maintenance continues
- Continue pulling tarps
- Harvest first run of plants
- Rotate in second run of plants into beds late July

August

- Irrigation continues

- Apply nutrients as needed, apply compost teas regularly
- Continue pulling tarps
- Remove bottom branches, refine plant structure
- De-leaf plants

September

- Irrigation continues
- Apply nutrients as needed, apply compost teas regularly
- Continue pulling tarps
- De-leaf plants

October

- Continue pulling tarps
- Apply nutrients as needed, apply compost teas regularly
- De-leaf plants
- Harvest second round plants
- Begin most urgent winterization measures

November, December, January

- Trim and manicure harvested plants
- End of year reporting
- Cleanup and complete winterization of cultivation site
- Focus on processing and distribution of harvest

PROCESSING PLAN & ACTIVITIES

PLAN: Drying will occur in suitable temporary structures erected at the time of harvest. Supplemental power from Generators will be used to maintain favorable climactic conditions inside the structures. Power will eventually be sourced from a renewable resource. Further processing of any kind e.g. trimming will take place off-site at an approved facility and all records will be maintained appropriately.

SECURITY FEATURES

Applicant will implement security measures to safeguard the product and prevent nuisance from occurring on the property. The parcel has a locking gate and one access driveway onto the parcel. All doors and windows on all buildings and cultivation facilities shall remain locked when the parcel is not occupied. All finished product shall be stored under lock and key and away from processing activities. A prominent “No Trespassing” sign shall be displayed at the parcel’s entrance. To ensure the non-diversion of product, Applicant has enrolled in the track and trace program.

SOIL AMENDMENTS AND FERTILIZER

<u>PRODUCT USED</u>	<u>AMOUNT STORED ON-SITE</u>
Sea Green from Primordial Solutions	5 gal or less
Root-a-mentary from Primordial Solutions	5 gal or less
Age Old Grow	12 gal or less
Thrive Alive	1 gal or less
True Bloom from Primordial Solutions	5 gal or less
Molasses	5 gal or less
Cal N Mag from Earth Juice	10 gal or less
Hydrolized Fish from Beneficial Living Center	10 gal or less
Alfalfa Meal	300-500 lbs
Dr. Earth All Around 4-4-4	300-500 lbs
Dr. Earth Bud and Bloom Booster	300-500 lbs
Oyster Shell	300-500 lbs
Insect Frass	50-100 lbs
Soluble Bat Guano from Earth Juice	500-1000 lbs
Compost	3-6 yards
Worm Castings	1-2 yards



**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD**

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION *H504528*

CERTIFICATE *H100570*

Right Holder: *Scott Raymond
PO Box 682
Arcata, CA 95518*

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from *09/06/2019*. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small irrigation use appropriation. (Wat. Code, § 1228 et seq.)

Right holder is hereby granted a right to divert and use water as follows:

1. Location of point(s) of diversion (**Coordinates in WGS 84**)

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Primary POD	Unnamed Stream	Bear Creek	Grouse Creek	40.655924	-123.586193	Humboldt	317-055-001

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation	Humboldt	317-055-001	0.2

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on *11/28/2018*. The place of use is shown on the map filed on *11/28/2018* with the State Water Board.

4. Quantity and Season:

The water appropriated by storage shall be limited to the quantity which can be beneficially used and shall not exceed **0.69 acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.77 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive**. For onstream storage reservoirs, the diversion rate and diversion season bypass conditions may be modified by the Deputy Director for Water Rights (or designee) or the California Department of Fish and Wildlife as part of the onstream storage reservoir determinations under the Cannabis Policy.

5. No water shall be diverted or used under this right unless the right holder is in compliance with all applicable conditions and requirements, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, except as follows:

Right holders enrolled under Regional Water Quality Control Board Order R1-2015-0023 or Order R5-2015-0113 shall comply at all times with requirements related to flow, diversion, storage, and similar requirements of Attachment A of the Cannabis Policy identified by the Division of Water Rights below in this condition. This condition remains in effect until July 1, 2019, or when the right holder enrolls under the statewide Cannabis General Order, whichever comes first, at which time right holders shall comply with all applicable conditions and requirements of Attachment A of the Cannabis Policy.

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 93, 95, and 97 – 102.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:
<https://www.waterboards.ca.gov/cannabis>.

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing. For changes required by amendments to the Cannabis Policy, the State Water Board may provide notice and the opportunity for a hearing by following the procedures specified in section 13147 of the Water Code.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be

required to otherwise compensate the holders of such rights for injury caused.

15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.
16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
20. This right is subject to: 1) the submittal of an annual report of water use; and 2) satisfactory renewal, on forms prescribed by the State Water Board. This right is also subject to payment of annual fees. (Wat. Code, § 1228.5.)
21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)
23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

This certificate was issued automatically as a result of the registrant self-certifying submittal of a water right registration filing in substantial compliance with Water Code §1228.3.

Dated: 11/28/2018 04:38:30

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RECEIVED

OCT 21 2019

State of California
Well Completion Report
 Form DWR 188 Submitted 10/18/2019
 WCR2019-014838

HUMBOLDT CO. DIVISION
 OF ENVIRONMENTAL HEALTH

Owner's Well Number 1 Date Work Began 10/01/2019 Date Work Ended 10/01/2019
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
 Secondary Permit Agency _____ Permit Number 19/20-0138 Permit Date 08/20/2019

Well Owner (must remain confidential pursuant to Water Code 13752)			Planned Use and Activity	
Name _____	Activity <u>New Well</u>		Planned Use <u>Water Supply Irrigation - Agriculture</u>	
Mailing Address _____	City _____ State _____ Zip _____			

Well Location					
Address _____			APN <u>317-055-001</u>		
City _____	Zip _____	County <u>Humboldt</u>	Township <u>03 N</u>		
Latitude <u>40</u> <u>39</u> <u>26.2692</u> N	Longitude <u>-123</u> <u>34</u> <u>52.5432</u> W		Range <u>05 E</u>		
Deg. Min. Sec.	Deg. Min. Sec.	Section <u>11</u>			Baseline Meridian <u>Humboldt</u>
Dec. Lat. <u>40.657297</u>	Dec. Long. <u>-123.581262</u>		Ground Surface Elevation _____		
Vertical Datum _____	Horizontal Datum <u>WGS84</u>		Elevation Accuracy _____		
Location Accuracy _____	Location Determination Method _____		Elevation Determination Method _____		

Borehole Information			Water Level and Yield of Completed Well		
Orientation <u>Vertical</u>	Specify _____		Depth to first water <u>160</u>	(Feet below surface)	
Drilling Method <u>Direct Rotary</u>	Drilling Fluid <u>Air</u>		Depth to Static _____		
Total Depth of Boring <u>200</u>	Feet		Water Level <u>160</u>	(Feet)	Date Measured <u>10/01/2019</u>
Total Depth of Completed Well <u>200</u>	Feet		Estimated Yield* <u>10</u>	(GPM)	Test Type <u>Air Lift</u>
			Test Length <u>1</u>	(Hours)	Total Drawdown <u>10</u> (feet)
*May not be representative of a well's long term yield.					

Geologic Log - Free Form		
Depth from Surface Feet to Feet	Description	
0	10	Brown top soil
10	40	Red Clay
40	80	Brown Rock
80	200	Blue rock with streaks of quartz

Casings										
Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specifications	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size If any (inches)	Description
1	0	200	Blank	PVC	OD: 5.563 in. I Thickness: 0.375 in.	0.375	5.563	Milled Slots		0-180blank pvc180-200 .032perf

Annular Material						
Depth from Surface Feet to Feet	Fill	Fill Type Details		Filter Pack Size	Description	
0	20	Bentonite	Non Hydrated Bentonite		3/8	
20	200	Filter Pack	Other Gravel Pack		3/8 pea gravel	

ENTERED
 10-21-19/D.M.

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (Inches)
0	200	9

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name	BUSHNELL ENTERPRISES		
Person, Firm or Corporation			
649 BEAR CREEK ROAD	GARBERVILLE	CA	95542
Address	City	State	Zip
Signed	<i>electronic signature received</i>	10/18/2019	403708
C-57 Licensed Water Well Contractor		Date Signed	C-57 License Number

DWR Use Only			
CSG #	State Well Number	Site Code	Local Well Number
		N	W
Latitude Deg/Min/Sec		Longitude Deg/Min/Sec	
TRS:			
APN:			

RECEIVED

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

APR 02 2021

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2019-0817-R1

Unnamed Tributary to Big Creek, Tributary to South Fork Trinity River,
Tributary to the Trinity River, Tributary to the Klamath River and the
Pacific Ocean

Scott Raymond
Raymond Stream Crossings and Water Diversion Remediation Project
12 Encroachments



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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on September 25, 2019, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within Big Creek watershed, approximately 4.7 miles east southeast of the town of Hyampom, County of Humboldt, State of California. The project is located in Section 11, T13N, R5E, Humboldt Base and Meridian; in the Sims Mountain U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 317-055-001, 317-055-003, and 317-055-009; latitude 40.650738 N and longitude -123.572194 W and the approximate project center.

PROJECT DESCRIPTION

The project is limited to 12 encroachments on unnamed tributaries to Big Creek (Table 1). One encroachment is for water diversion for irrigation. Work for the water diversion

will include use and maintenance of the water diversion infrastructure. The eleven other encroachments are to upgrade existing stream crossings. Work for these encroachments will include some or all of the following: excavation, culvert removal and replacement, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments with Descriptions.

ID	Latitude/Longitude	Description
STX-2	40.657050, -123.577635	Upgrade existing unpermitted ford crossing with a minimum 36" diameter culvert and rock armor inlet and outlet as needed.
STX-8	40.648064, -123.573586	Upgrade existing unpermitted ford crossing with a minimum 30" diameter culvert and rock armor inlet and outlet as needed.
STX-9	40.648684, -123.573978	Upgrade existing undersized 18" diameter culvert with a minimum 48" diameter culvert and rock armor inlet and outlet as needed.
STX-10	40.649686, -123.575688	Upgrade existing unpermitted ford crossing with a minimum 18" diameter culvert and rock armor inlet and outlet as needed.
STX-11	40.649962, -123.575545	Upgrade existing undersized 30" diameter culvert with a minimum 54" diameter culvert and rock armor inlet and outlet as needed.
STX-12	40.649481, -123.570586	Upgrade existing undersized 24" diameter culvert with a minimum 54" diameter culvert and rock armor inlet and outlet as needed.
STX-13	40.649799, -123.570778	Upgrade existing undersized 24" diameter culvert with a minimum 60" diameter culvert and rock armor inlet and outlet as needed.
STX-14	40.648249, -123.569624	Upgrade existing undersized 24" diameter culvert with a minimum 60" diameter culvert and rock armor inlet and outlet as needed.
STX-16	40.653338, -123.573756	Upgrade existing unpermitted ford crossing with a minimum 30" diameter culvert and rock armor inlet and outlet as needed.
STX-17	40.651416, -123.571407	Upgrade existing undersized 48" diameter culvert with a minimum 66" diameter culvert and rock armor inlet and outlet as needed.
STX-18	40.655879, -123.566430	Upgrade existing undersized 72" diameter culvert with a minimum 108" diameter culvert and rock armor inlet and outlet as needed.
POD	40.65600, -123.123.5810	Point of Diversion (POD): Installation, use and maintenance of new surface water diversion structure consistent with this agreement.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Steelhead Trout (*O. mykiss*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-legged Frog (*Rana boylei*), Coastal Tailed Frog (*Ascaphus truei*), as well as, other aquatic and riparian amphibian, reptile, aquatic invertebrate, mammal and bird species.

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

Impacts to water quality:

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

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

loss or decline of riparian habitat;
direct impacts on benthic organisms;

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

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

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.

- 1.4 **Change of Conditions and Need to Cease Operations.** If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 **Notification of Conflicting Provisions.** The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 **Project Site Entry.** The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 **Agreement Compliance.** The proposed work shall comply with the measures of this Agreement. **Failure to comply with these measures shall result in suspension or revocation of this Agreement.**
- 1.8 **CDFW Notification of Work Initiation and Completion.** The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.

2. Avoidance and Minimization Measures

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

- 2.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on September 25, 2019, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Work Period.** All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.

- 2.3 **Extension of the Work Period.** If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.
- 2.4 **Work Completion.** The proposed work shall be completed by no later than **October 1, 2021**. A written notice of completed work shall be submitted to CDFW within seven (7) days following project completion. **Failure to comply with this measure shall result in suspension or revocation of this Agreement.**
- 2.5 **Incidental Take.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.
- 2.6 **Foothill Yellow-legged Frog avoidance:** Foothill Yellow-legged Frogs (FYLF) are a candidate for state listing and may occur within the proposed project area(s). As a result, construction or remediation activities shall not occur where free water (flowing or stagnant) is present in the watercourse in the project area or within 100 feet of it, unless a visual encounter survey is conducted for all life-stages of FYLF by a qualified individual (knowledgeable with all life stages of FYLF and similar species) in accordance with the following:
- 2.6.1 A visual encounter survey shall be conducted no more than two weeks prior to initiating construction/reconstruction work.
- 2.6.2 Visual encounter surveys shall consist of walking the entire survey reach and visually scanning in the water and on the banks. Any frog species encountered shall be recorded.
- 2.6.3 If FYLF are present within the survey area, operations at these locations shall not occur unless consultation with CDFW is completed to develop site-specific mitigation measures or an Incidental Take Permit for FYLF is obtained.

Vegetation Management

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

Water Diversion

- 2.9 **Maximum Diversion Rate.** The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute (gpm)** at any time.
- 2.10 **Bypass Flow.** The Permittee shall pass **80% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.11 **Seasonal Diversion Minimization.** The Permittee shall confine the period of diversion to **December 15 through March 31**. Water shall be diverted only if the Permittee can adhere to conditions 2.9 and 2.10 of this Agreement.
- 2.12 **Measurement of Diverted Flow.** Permittee shall install and maintain an adequate device (e.g., inline flow meter) for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.12.1 A log including the date, time and quantity of water diverted from the POD.
- 2.12.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
- 2.12.3 Permittee shall make available for review at the request of the Department the diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).
- 2.13 **Water Management Plan.** The Permittee shall submit a Water Management Plan no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW (see contact information below).
- 2.14 **Intake Structure.** No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.

- 2.15 **Intake Structure Placement.** Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.
- 2.16 **Intake Screening.** The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.16.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.
- 2.16.2 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
- 2.16.3 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.
- 2.16.4 The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be placed in pool habitat.
- 2.17 **Intake Shall Not Impede Aquatic Species Passage.** The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.18 **Diversion Infrastructure Plan (DIP).** The Permittee shall submit a DIP for CDFW review and approval prior to diverting water. The DIP shall include a narrative describing the different elements of the water diversion infrastructure, supporting photographs and/or diagrams, and justification of how compliance with the CDFW Fish Screen Criteria will be achieved under this Agreement.
- 2.19 **Diversion Intake Removal.** Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- 2.20 **Heavy Equipment Use.** No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

- 2.21 **Water Conservation.** The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.22 **Water Storage.** All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.
- 2.23 **Water Storage Maintenance.** WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. The Permittee shall install any other measures necessary to prevent exorbitant use or waste of water. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
- 2.24 **State Water Code.** This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:
http://www.swrcb.ca.gov/waterrights/publications/forms/forms/docs/sdu_registration.pdf.

Stream Crossings

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

Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.

2.28 Dewatering.

2.28.1 Stream Diversion. Only when work in a flowing stream is unavoidable (e.g., perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

2.28.2 Maintain Aquatic Life. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.

2.28.3 Stranded Aquatic Life. The Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern. The Department staff who prepared this agreement shall be contacted immediately if any of these species are detected.

2.28.4 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately.

2.28.5 Minimize Turbidity, Siltation, and Pollution. Permittee shall use only clean, non-erodible materials, such as rock or sandbags that do not contain soil or fine sediment, to construct any temporary stream flow bypass. Permittee shall divert stream flow around the work site in a manner that minimizes turbidity, siltation, and pollution, and does not result in erosion or scour downstream of the diversion.

2.28.6 Remove any Materials upon Completion. Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized

Activity is completed.

2.28.7 Restore Normal Flows. Permittee shall restore normal flows to the effected stream immediately upon completion of work at that location.

2.29 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.

2.30 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.

2.31 Culvert Installation.

2.31.1 The project is located in a moderate to very high Fire Hazard Severity Zone as designated by CAL FIRE. Culvert materials shall consist of corrugated metal pipe (CMP). Use of High Density Polyethylene (HDPE) pipe shall be prohibited.

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

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

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

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

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

2.32 Rock Armor Placement.

2.32.1 No heavy equipment shall enter the wetted stream channel.

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

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

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

2.33 **Road Approaches.** The Permittee shall treat road approaches to new or re-constructed permanent crossings *on Class I and II watercourses* to minimize erosion and sediment delivery to the watercourse. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed. Road approaches shall be armored from the crossing for a minimum of 50 feet in both directions, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable rock, compacted grindings, pavement, or chip-seal.

2.34 **Project Inspection.** The Project shall be inspected by Green Road Consulting or a licensed engineer to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

Erosion Control and Pollution

2.35 **Erosion Control.** Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.

2.36 **Seed and Mulch.** Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and

weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.

- 2.37 **Erosion and Sediment Barriers.** Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment and/or replacement of damaged sediment fencing, coir logs, coir rolls, and/or straw bale dikes. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.
- 2.38 **Prohibition on Use of Monofilament Netting.** To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- 2.39 **Site Maintenance.** Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable.
- 2.40 **Cover Spoil Piles.** Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.
- 2.41 **No Dumping.** Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

3. Reporting Measures

- 3.1 **Measurement of Diverted Flow.** Copies of the **Water Diversion Records** (Measure 2.12) shall be submitted to CDFW (see contact information below) no

later than **December 31** of each year beginning the year when the Agreement becomes effective.

- 3.2 **Water Management Plan.** The Permittee shall submit a **Water Management Plan** (Measure 2.13) within **60 days** from the effective date of this agreement. The Water Management Plan shall be submitted to CDFW (see contact information below)
- 3.3 **Diversion Infrastructure Plan.** The Permittee shall **allow 60 days for CDFW review and approval** after submittal of a **Diversion Infrastructure Plan** (Measure 2.18). This document shall be submitted to CDFW (see contact information below).
- 3.4 **Project Inspection.** The Permittee shall submit the **Project Inspection Report** (Measure 2.34) to CDFW (see contact information below).

CONTACT INFORMATION

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

To Permittee:

Scott Raymond
Ranch and Land Resource Company LLC
Black Fox Conservation Project LLC
P.O. Box 682
Arcata, California 95518
805-450-9744
sraymond1@gmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification # 1600-2019-0817-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

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

AUTHORITY

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


AUTHORIZATION

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

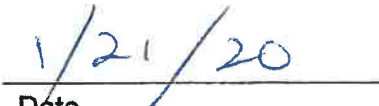
CONCURRENCE

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

FOR Scott Raymond




Scott Raymond

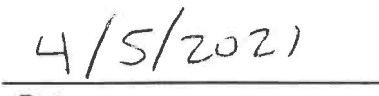


Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer
Senior Environmental Scientist Supervisor



Date

Prepared by: Ryan Bourque, Senior Environmental Scientist Specialist, December 11, 2019.



165 South Fortuna Boulevard, Fortuna, CA 95540
707-725-1897 • fax 707-725-0972
trc@timberlandresource.com



November 19, 2018

Cedar Farm West, LLC
c/o Black Fox Conservation Project LLC
P.O. Box 682
Arcata, CA 95518

Dear Cedar Farm West, LLC:

The following is an evaluation of potential timberland conversion on the cannabis cultivation site and associated areas included in the Humboldt County Cannabis Permit Application (Apps #13340) for APN 317-055-001. Please accept this letter as the RPF's written report required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10 (j), cited below.

"Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall provide CAL-FIRE written Notice of Availability of the RPF's report. If CAL-FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final."

Timberland Resource Consultants (TRC) inspected and evaluated the cultivation site and associated areas contained within the application on October 19th, 2018. Landowner representative Scott Raymond also attended the site visit. The RPF and his designees have exercised due diligence in reviewing all sites and available resources to fully assess potential timberland conversion and consequential impacts. This report evaluates the cultivation site and associated areas for timber operations only. The scope of this report does not include: all other land alteration (such as grading, construction, and other permit-regulated activities), all property features and sites unrelated to cultivation activities, or any proposed, planned, or absent cultivation-related project sites. All findings are summarized in the report below.

Project Location

APN: 317-055-001

Acreage: 166.5 assessed lot size/ 176.3 GIS acres

Legal Description: NW ¼ of Section 11;

Township 3 North, Range 5 East,

Humboldt Base & Meridian, Humboldt County

Located on USGS 7.5' Quadrangle: Sims Mountain, 1979

Humboldt County Zoning: TPZ

Site Address: None

Landowner/Timber Owner: Black Fox Conservation Project LLC, P.O. Box 682, Arcata, CA 95521

Project Location Description: The project area is located approximately 3.8 air miles northeast of Pilot Rock (landmark located in Showers Pass USGS 7.5' Quad) and 7.2 air miles northwest of Hyampom, CA. To access the project area from eastbound Highway 299, turn right onto Titlow Hill Road; continue for 10.1 miles, then continue onto Friday Ridge Rd/Forest Route 6N01; continue for 27.1 miles, then turn left onto an unnamed private road; continue for 1.8 miles to reach the project area.

Parcel Description & Timber Harvest History

Note: The property background has been summarized using personal accounts of the current landowner, digital orthographic quadrangle (DOQ) imagery, Humboldt County Web GIS, CAL FIRE Watershed Mapper v2, and historic aerial imagery.

The property consists of a single 166.5-acre parcel known as APN 317-055-001. The parcel is naturally forested with stands of even-aged Douglas-fir and white fir (averaging approximately 40-50 years old) with minor components of sugar pine, ponderosa pine, incense cedar, red fir, and hardwoods including tanoak and Pacific madrone (see all photos). Approximately 35% of the parcel (mostly in the southern portion) was burned in the Route Fire in 2015. No salvage harvesting occurred. This portion of the parcel contains mostly standing snags and brushy understory. The parcel contains segments of unnamed Class III watercourses and Class II watercourses tributary to the South Fork Trinity River. The parcel also contains a Class II spring and Class II wet area. The property's road network consists of dirt seasonal roads and footpaths.

The parcel has experienced logging entries in the last century as evidenced by skid roads, landings, and reduced canopy cover in historic aerial imagery. Harvesting likely occurred in the late 1960s to early 1970s. CALFIRE has not documented any commercial timber harvesting on the parcel in the past 25 years (*CALFIRE Watershed Mapper v2*). Parcel ownership as well as timber ownership was sold to Black Fox Conservation Project LLC from Three Creeks Partnership on July 16, 2015 (*Parcel Quest, landowner testimony*).

Project Description

One cultivation site and two associated areas were inspected during the field assessment within APN 317-055-001. See detailed site descriptions below.

Cultivation Sites/Associated Areas	Conversion?	Total Acreage
Cultivation Site	Yes	2.51
Abandoned Cultivation Site 1	No	-
Abandoned Cultivation Site 2	No	-
	TOTAL	2.51

Cultivation Site

The Cultivation Site is a 2.51-acre area located in the central portion of the property (see Photos 1 & 2). Cultivation-related activities observed included several greenhouses. Review of aerial imagery from 1972 reveals that a portion of the site occupies a historic 0.25-acre log landing and a historic seasonal road. In 1998, the landing was reopened. The site was completely burned during the Route Fire in 2015. Between July 2016 and March 2017, the landowner expanded the 0.25-acre landing to 2.51 acres, removing standing snags and stumps. The site was graded into two large flats. A slash and woody debris pile and a log deck from the conversion activities was observed along the eastern edge of the site. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the current landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

Abandoned Cultivation Site 1

Abandoned Cultivation Site 1 is a 0.08-acre area located in the northeastern portion of the property (see Photo 3). Review of aerial imagery from 1972 reveals that the site occupies a historic log landing. It appears little to no tree removal occurred to establish this site, so no remnant slash or woody debris from the conversion activities was observed. No grading occurred. Cultivation activities (in the form of numerous outdoor-grown cannabis plants) were constructed at the site in 2015. The site is currently occupied by cultivation activities owned by the adjacent neighbor to the east, not owned by Black Fox Conservation Project LLC. The landowner is not proposing future cultivation at this site. The site is naturally regenerating with Douglas-fir and white fir seedlings (1-5 feet tall) and currently meets minimum stocking standards; therefore, it is not classified as conversion and replanting is not necessary. However, the present cultivation activities belonging to the neighbor must be removed (see Recommendation #1). If these activities are removed, the site will once again be exclusively used for timber growth, production, or harvesting.

Project Description cont'd

Abandoned Cultivation Site 2

Abandoned Cultivation Site 2 is a 0.11-acre area located in the northeastern portion of the property (see Photo 3). This site is a part of a larger clearing and bisects the property line. The clearing extends onto the adjacent neighbor's property to the east. Review of aerial imagery from 1972 reveals that the site occupies a historic log landing. It appears that this landing was cleared of remaining trees, graded, and expanded to its current size between December 2017 and July 2018. The western portion of the site is owned by Black Fox Conservation Project LLC and does not contain cultivation activities; however, the eastern portion of the site, located on the adjacent neighbor's property, is occupied by two greenhouses. Black Fox Conservation Project LLC is not proposing future cultivation at this site. To ensure the site returns to use for timber production only, the RPF recommends replanting the site with conifers to minimum stocking standards (see Recommendation #2). No remnant slash or woody debris from the conversion activities was observed. Though trees have been removed, the site does not preclude timber growth, production, or harvesting and is not used for any other purpose; therefore, it is not classified as conversion. The site will remain available for timber growth, production, and harvesting.

Timberland Conversion Summary

In total, TRC observed approximately 2.51 acres of unauthorized timberland conversion for cultivation-related purposes within APN 317-055-001. This total does not exceed the three-acre conversion exemption maximum.

Limitations and Considerations for Timberland Conversion Activities

Watercourses and Water Resources

14CCR 1104.1(a)(2)(F): "No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city)."

Humboldt County General Plan, Appendix G Housing Element, G-118: "The County maintains Streamside Management Areas (SMAs) to protect sensitive fish and wildlife habitats and to minimize erosion, runoff, and other conditions detrimental to water quality...The width of the SMA depends on whether or not the stream is perennial or intermittent and whether the area is inside or outside of Urban Development and Expansion Areas. In urban areas, the SMA width is 50 feet on each side of perennial streams and 25 feet for intermittent streams; outside of urban areas, the width is 100 feet for perennial streams and 50 feet for intermittent streams. Development within the SMAs is very restricted and is subject to implementation of numerous mitigation measures designed to protect the habitat quality of the SMA."

The cultivation site and associated areas do not exist within Watercourse and Lake Protection Zones (WLPZs) or Equipment Exclusion Zones (EEZs) on the property. Overall, no conversion activities appear to have negatively impacted water resources.

Slash, Woody Debris, and Refuse Treatment

14 CCR 914.5(b): "Non-biodegradable refuse, litter, trash, and debris resulting from timber operations, and other activity in connection with the operations shall be disposed of concurrently with the conduct of timber operations."

14CCR 1104.1(a)(2)(D) – "Treatment of Slash and Woody Debris

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

Limitations and Considerations for Timberland Conversion Activities cont'd

Slash, Woody Debris, and Refuse Treatment cont'd

Most slash and woody debris generated from the conversion activities has been effectively treated; however, remnant slash and woody debris still exist along the eastern edge of the Cultivation Site (see Photo). All remaining slash shall be treated according to the CFRs (see Recommendation #3).

Biological Resources and Forest Stand Health

14 CCR 1104.1 (2)(H): "No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895.1"
14 CCR 1038 (I): "No tree that existed before 1800 AD and is greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter at stump height for all other tree species shall be harvested unless done so under the conditions or criteria set forth in subsection 1038(h).

A query of the California Natural Diversity Database (CNDDDB) on November 12th, 2018, showed observations of five (5) sensitive, rare, threatened, or endangered species or species of special concern within a 1.3-mile radius biological assessment area (BAA) surrounding the cultivation site and associated areas. Habitat for *Accipiter gentilis* (northern goshawk), *Sanicula tracyi* (Tracy's sanicle), *Ptilidium californicum* (Pacific fuzzwort), *Sedum laxum* ssp. *flavidum* (pale yellow stonecrop), and *Lycopodium clavatum* (running-pine) exist on the property, but all observations are more than 2,000 feet from the nearest cultivation site or associated area. Additionally, no individuals of sensitive, rare, threatened, or endangered species or species of special concern were observed during the TRC field assessment of the project area. See "APN 317-055-001 – CNDDDB Map" attached for more information.

A query of the CNDDDB revealed one (1) known Northern Spotted Owl Activity Center (NSO AC) within a 1.3-mile radius BAA surrounding the cultivation site and associated areas. This NSO AC is known as HUM0275 and was established in 2004, approximately 1.1 miles northeast of Abandoned Cultivation Site 2. A non-nesting pair was most recently observed at the AC in 2016. No evidence of NSO individuals was observed during the TRC field assessment though habitat exists on the property. See "APN 317-055-001 – NSO Map" attached for more information.

No major forest health issues were observed during the field assessment. Though the property is located within Humboldt County, a Zone of Infestation (ZOI) for Sudden Oak Death (SOD), no definitive symptoms, signs, or evidence of oak mortality were observed (*Oak Mortality Disease Control*). According to UC Berkeley's Mobile SOD Map, no trees have been tested for SOD infection within a one-mile radius of the cultivation site and associated areas. No risk assessment was made at the property. The conversion activities do not appear to have impacted forest health. No other major forest health issues were observed during the field assessment.

The conversion areas did not include late successional stands, late seral stage forests, or old growth trees. The conversion area did not include any trees that existed before 1800 A.D. and are greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter at stump height for all other tree species.

Cultural Resources

14 CCR 1104.1 (2)(I): "No timber operations are allowed on significant historical or archeological sites."

No archeological sites were observed during the TRC field assessment. The RPF's designee conducted pre-field research for the project's geographic location and closely surveyed the converted sites and surrounding undisturbed areas for presence or evidence of prehistoric or historic sites. The archaeological survey was conducted by Brita Rustad, a certified archaeological surveyor with current CALFIRE Archeological Training (Archeological Training Course #161). The survey consisted of examining boot scrapes, rodent disturbances, natural and manmade areas of exposed soils, and road and cultivation site surface.

Per 14 CCR 1104.2(2)(I), all required Native American tribes and organizations have been notified of the project location and are encouraged to respond with any information regarding archaeological sites, cultural sites, and/or tribal cultural resources within or adjacent to the project area (see attached Tribal Contacts List and Example Native American Notification Letter).

Recommendations

In summary, a total of 2.51 acres of unauthorized timberland conversion has occurred within APN 317-055-001. This total does not exceed the three-acre conversion exemption maximum. The conversion activities conducted on the property do *not* comply with the standards set forth in the California Forest Practice Act and the California Forest Practice Rules. The RPF recommends the following measures:

- 1) Removal of Cultivation Activities within Abandoned Cultivation Site 1: Remove all cultivation infrastructure, materials, and waste (including all cannabis plants, structures, soils spoils, fence line, and any other cultivation-related project materials) within Abandoned Cultivation Site 2. Take care to preserve the naturally regenerating conifer seedlings during removal.
- 2) Replant Abandoned Cultivation Site 2: Replant native trees to California Forest Practice Rules stocking standards (14 CCR 1071) within western portion of the site located on APN 317-055-001. Though restoration methods may vary, the RPF recommends the following:
 - i) Replant locally-sourced Group A commercial species (Douglas-fir seedlings, CA Seed Zone 312, Elevation 4,000-4,800 feet recommended) at a level of 450 trees per acre (approximately 10-foot uniform spacing between seedlings). The site is approximately 0.12 acres, so RPF recommends planting 55 trees.
 - ii) Monitor growth and success of planted seedlings to ensure a 300-point count stocking level is maintained 2-3 years after planting.
 - (1) If seedling success is low, repeat the replanting process.
 - (2) Consider consulting an RPF for continued timber management in this area.
- 3) Slash and Woody Debris Treatment: Along the eastern edge of the Cultivation Site, treat all slash piles and woody debris as soon as possible (and during an appropriate time of year) using one of the following methods: burying, chipping and spreading, piling and burning, or removal from site.

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants
165 South Fortuna Blvd, Suite 4
Fortuna, CA 95540
(707) 725-1897
trc@timberlandresource.com

Enclosures:

General Location Map
Overview Map
DOQ Map
APN 317-055-001 – CNDDDB Map
APN 317-055-001 – NSO Map
"Multiple Occurrences per Page" CNDDDB Species Report
Tribal Contacts List
Example Native American Notification Letter
Appendix A-D – Planting Information
Photos
References

Cedar Farm West, LLC - Timberland Conversion Evaluation General Location Map

APN: 317-055-001

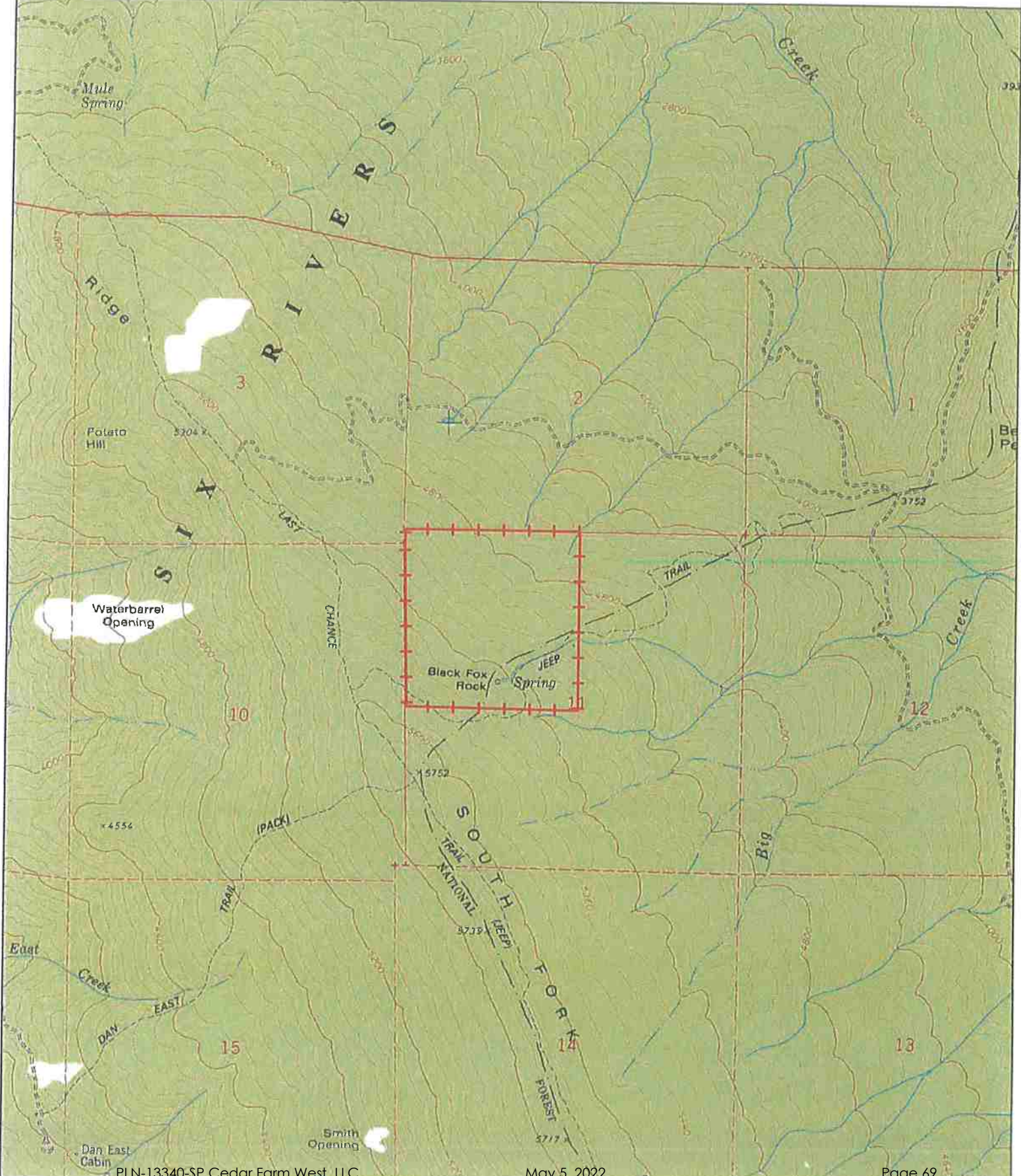
Contour Intervals: 80'
Map Scale: 1" = 2,000'

NW 1/4 of Sec. 11, T3N, R5E;
HB&M, Humboldt County
USGS 7.5' Quad: Sims Mountain



Revised: 11/06/18

*The property boundary depicted is adapted from the Humboldt County Assessor's Parcel Map and the WRPP Site Map. This mapped boundary may not precisely align with the geographic boundary on the ground. The RPF is not responsible for surveying property boundaries.





Cedar Farm West, LLC - Timberland Conversion Evaluation

Overview Map



APN: 317-055-001

NW 1/4 of Sec. 11, T3N, R5E;
 HB&M, Humboldt County
 USGS 7.5' Quad: Sims Mountain
 Map Scale: 1" = 400'
 Contour Intervals = 40'

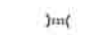

Property Features

-  Property Boundary*
-  Cultivation Sites & Associated Areas
-  Off Property Cultivation Site (owned by neighbor)





Roads

-  Forest Route 6N01
-  Seasonal

Other Features

-  Gate
-  Water Storage Tank (s)

Watercourses & Water Resources

-  Class II
-  Class III
-  Class II Wet Area
-  Class II Spring

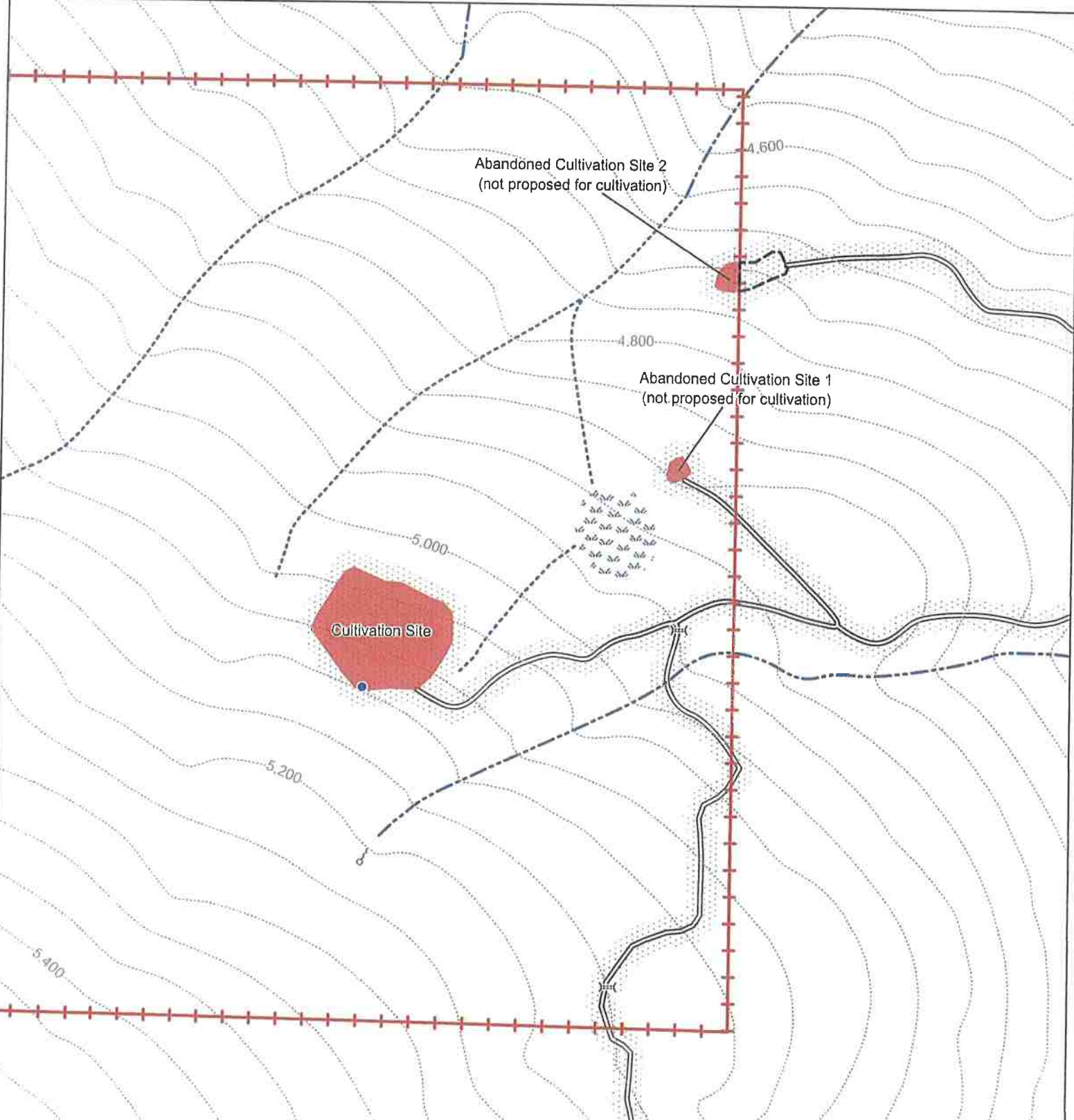


Revised: 11/12/18

Inspected Area**



*The property boundary depicted is adapted from the Humboldt County Assessor's parcel map. This mapped boundary may not precisely align with the geographic boundary on the ground. The RPF is not responsible for surveying property boundaries.
 **The shaded area represents the extent of the inspected area. All watercourses and landscape features within the shaded area are mapped to the best of the RPF's ability. All features mapped outside of the inspected area are adapted from the Quadrangle; accuracy may vary.



Cedar Farm West, LLC - Timberland Conversion Evaluation DOQ Map

APN: 317-055-001

NW 1/4 of Sec. 11, T3N, R5E;
HB&M, Humboldt County
USGS 7.5' Quad: Sims Mountain
Map Scale: 1" = 550'



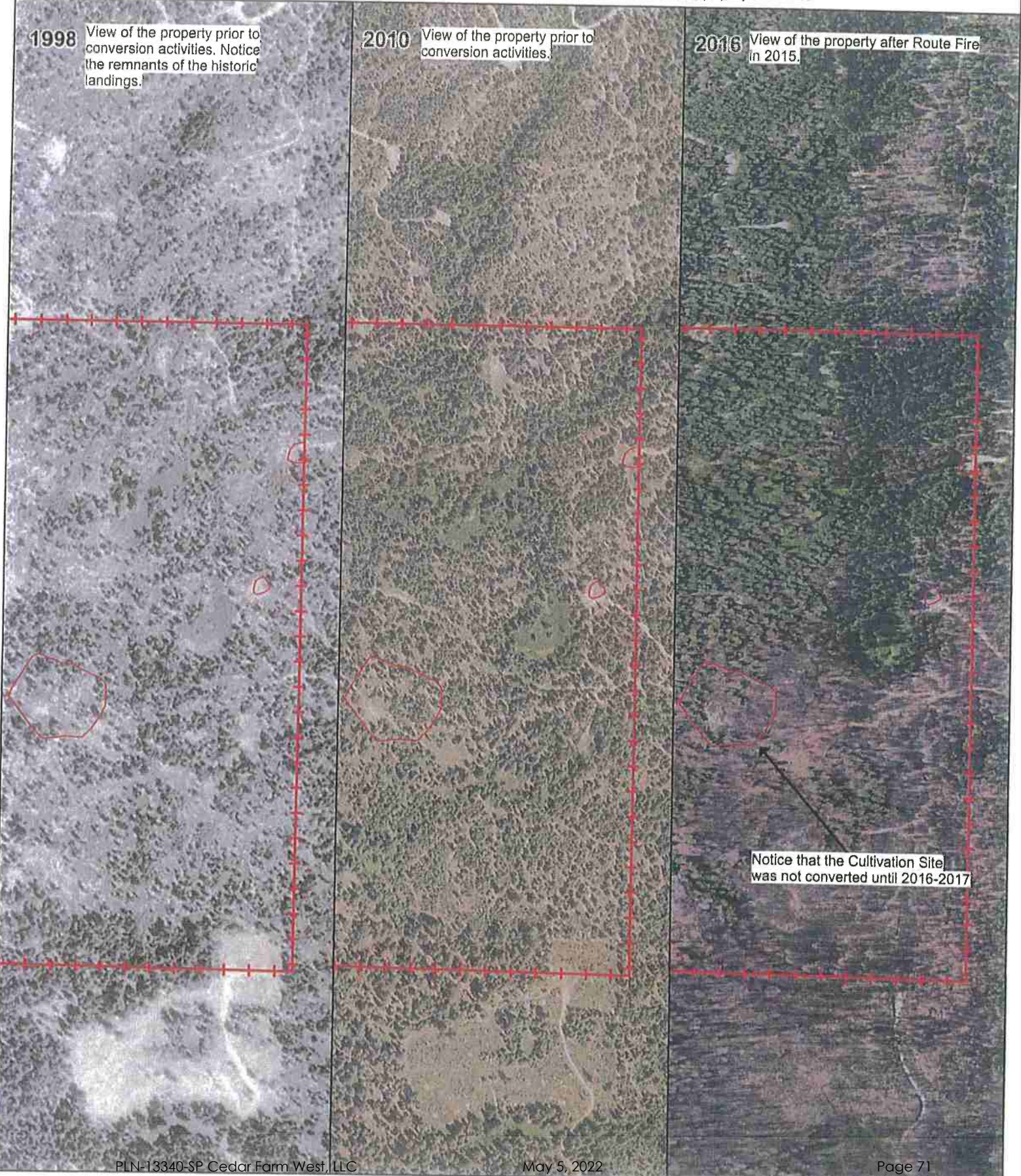
Revised: 11/14/18

*The property boundary depicted is adapted from the Humboldt County Assessor's parcel map. This mapped boundary may not precisely align with the geographic boundary on the ground. The RPF is not responsible for surveying property boundaries.

1998 View of the property prior to conversion activities. Notice the remnants of the historic landings.

2010 View of the property prior to conversion activities.

2016 View of the property after Route Fire in 2015.



Notice that the Cultivation Site was not converted until 2016-2017

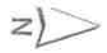
APN 317-055-001 - CNDDB Map

Unprocessed Data from
CNDDB Online Field
Survey Form [ds1002]

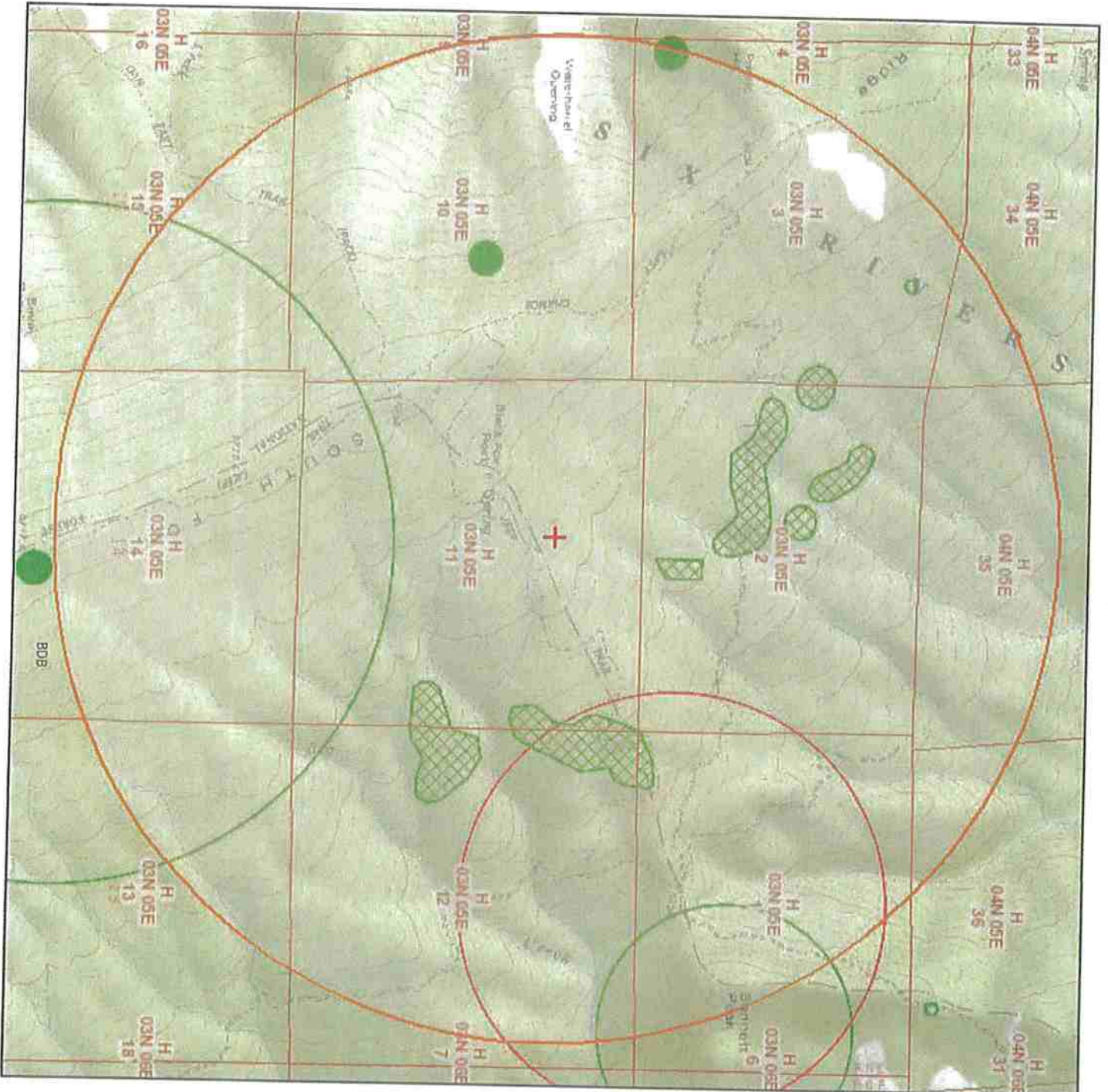
▲ Animal
▲ Plant

California Natural Diversity
Database (CNDDB) Commercial
[ds85f]

- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terrestrial Comm. (80m)
- Terrestrial Comm. (specific)
- Terrestrial Comm. (non-specific)
- Terrestrial Comm. (circular)
- Aquatic Comm. (80m)
- Aquatic Comm. (specific)
- Aquatic Comm. (non-specific)
- Aquatic Comm. (circular)
- Multiple (80m)
- Multiple (specific)
- Multiple (non-specific)
- Multiple (circular)
- Sensitive EOs
(Commercial only)



1:36,112
November 12, 2018



APN 317-055-001 - NSO Map

Unprocessed Data from
 CNDDB Online Field
 Survey Form [ds1002]

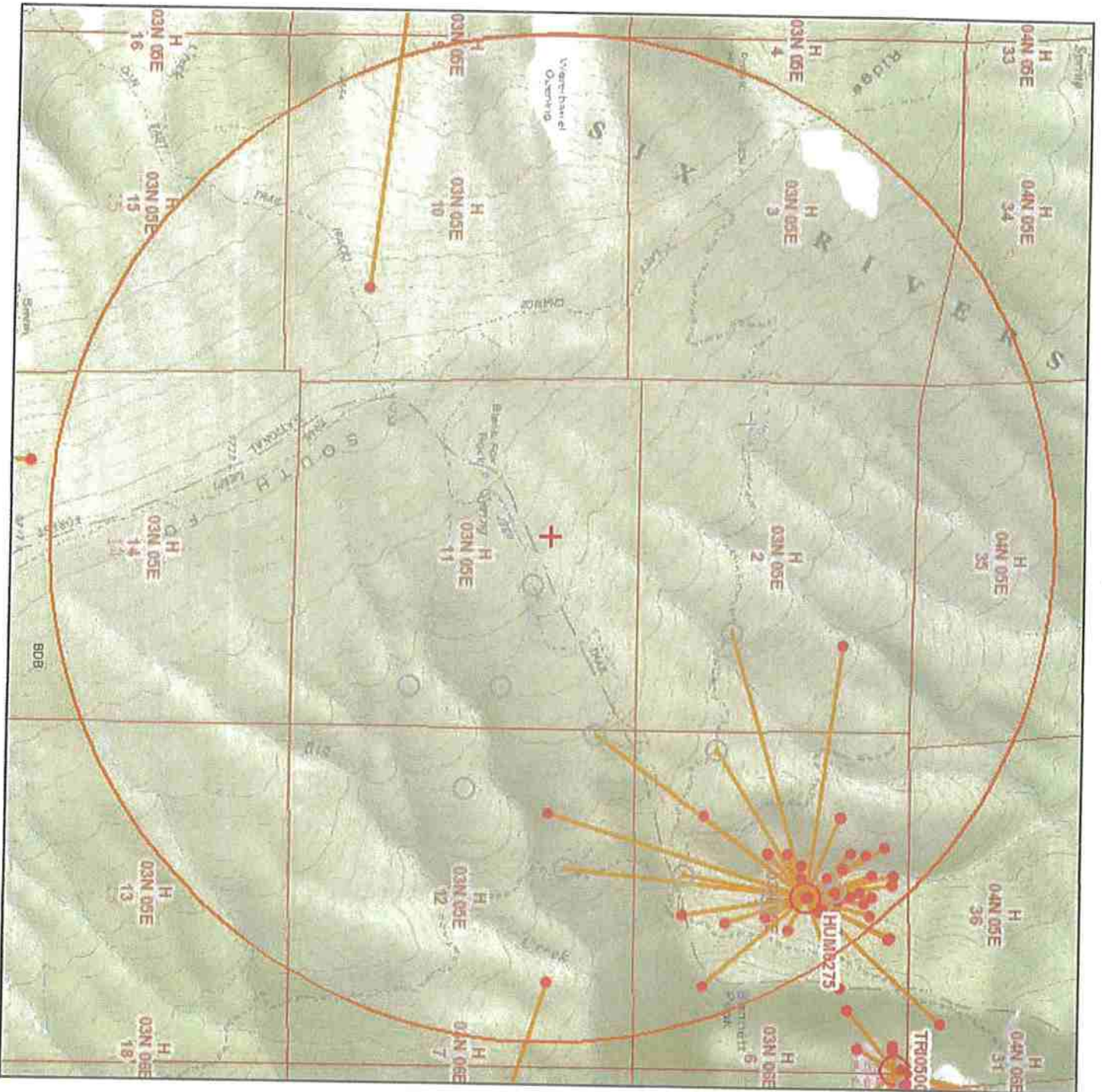
- ▲ Animal
- ▲ Plant

Spotted Owl Observations
 [ds704]

- Positive Observation
- Negative Observation
- Activity Center
- Not Valid Activity Center
- ◇ Abandoned
- Spotted Owl Observations Spider Diagram [ds705]



November 12, 2018





Query Criteria: BIOS selection

<i>Accipiter gentilis</i>		Element Code: ADRHC1200a	
northern goshawk			
Listing Status:	Federal: None	CHNDD Element Ranks:	Global: G3
	State: None		State: S3
	Other: RL1, S-Sensitive, CDF, S-Sensitive, CDFV, SSC-Species of Special Concern, RICH, LC-Lead Concern, USFS, S-Sensitive		
Habitat:	General: WETLAND AND VICINITY OF CONIFEROUS FOREST. USES OLD NESTS, AND MAINTAINS ALTERNATE SITES		
	Micro: USUALLY NESTS ON NORTH SLOPES, NEAR WATER, RED FIR, LODGEPOLE PINE, JEFFREY PINE, AND ASPENS ARE TYPICAL NEST TREES		
Occurrence No.	148	Map Index:	07364
Occ. Rank:	Unknown	ED Index:	2000
Occ. Type:	Natural/Native occurrence	Presence:	Presumed Extant
Quad Summary:	Sierra Mountains (4012305)	Site Last Seen:	1982-XX-XX
County Summary:	Humboldt	Trend:	Unknown
		Record Last Updated:	1999-08-04
Lat/Long:	40.804887 - 123.53705	Accuracy:	305 miles
UTM:	Zone-10 N4501540 E452945	Elevation (ft):	7250
PLSS:	T03N, R05E, Sec. 01 (D)	Acres:	0.0
Location:	BENNETT PEAK.		
Detailed Location:	BENNETT PEAK IS IN SECTION 1, BUT SOURCE SAYS NEST IS IN SECTION 12. (MATTISON)		
Ecological:			
General:	EYELINE NUMBER 183600. ACTIVE NEST WITH TWO YOUNG IN 1982.		
Owner/Manager:	USFS-SIX RIVERS NF		



<i>Ptilidium californicum</i>		Element Code: HD4EP2A10	
Pacific lupwort			
Listing Status:	Federal: None	CHNDD Element Ranks:	Global: G4G3
	State: None		State: S3S4
	Other: Rare Plant Rank - 4.3, DL1, S-Sensitive		
Habitat:	General: LOWER MONTANE CONIFEROUS FOREST, UPPER MONTANE CONIFEROUS FOREST.		
	Micro: EPYPHYTIC ON FALLEN AND DECAYING LOGS AND STUMPS, RARELY ON BOULDERS OVER 18 INCHES 240-1800		
Occurrence No.	22	Map Index:	81370
Occ. Rank:	Unknown	ED Index:	83303
Occ. Type:	Natural/Native occurrence	Presence:	Presumed Extant
Quad Summary:	Sierra Mountains (4012305)	Trend:	Unknown
County Summary:	Humboldt	Site Last Seen:	2000-05-08
		Record Last Updated:	2011-01-12
Lat/Long:	40.854097 - 123.58353	Accuracy:	80 meters
UTM:	Zone-10 N4500820 E448823	Elevation (ft):	8230
PLSS:	T03N, R05E, Sec. 10, HE (H)	Acres:	0.0
Location:	SOUTH FORK MOUNTAIN, ABOUT 0.55 AIR MI WEST OF BLACK FOX ROCK, SIX RIVERS NATIONAL FOREST.		
Detailed Location:	MAPPED BASED ON UTM COORDINATES GIVEN IN 2010 USFS DATA SPREADSHEETS.		
Ecological:	WHITE PINE OAK, CANYON OAK COMMUNITY.		
General:	UNKNOWN NUMBER OF INDIVIDUALS SEEN IN 2009 BY CLINE AND HENDRICKSON.		
Owner/Manager:	USFS-SIX RIVERS NF		



<i>Sanicula tracyi</i>		Element Code: PDAP1202c	
Tracy's sanicle			
Listing Status:	Federal: None	CHNDD Element Ranks:	Global: G4
	State: None		State: S4
	Other: Rare Plant Rank - 4.2, USFS, S-Sensitive		
Habitat:	General: CISMONTANE WOODLAND, LOWER MONTANE CONIFEROUS FOREST, UPPER MONTANE CONIFEROUS FOREST		
	Micro: DRY GRAVELLY SLOPES OR FLATS, USUALLY IN OR AT THE MARGIN OF OAK WOODLAND WITH SCATTERED TREES. IN OPENINGS. 100-1500 M.		
Occurrence No.	97	Map Index:	21047
Occ. Rank:	Unknown	ED Index:	2105
Occ. Type:	Natural/Native occurrence	Presence:	Presumed Extant
Quad Summary:	Sierra Mountains (4012305)	Site Last Seen:	1984-08-03
County Summary:	Humboldt	Trend:	Unknown
		Record Last Updated:	1995-09-20
Lat/Long:	40.862847 - 123.60514	Accuracy:	80 meters
UTM:	Zone-10 N4501494 E448848	Elevation (ft):	4000
PLSS:	T03N, R05E, Sec. 03, SW (H)	Acres:	0.0
Location:	BETWEEN POTATO HILL AND WATERBARREL OPENING, WEST OF LAST CHANCE TRAIL.		
Detailed Location:	SW 1/4 OF SW 1/4 OF SECTION 3.		
Ecological:	DOMINANTS INCLUDE PSEUDOTSUGA MENZIESII AND QUERCUS GARRYANA IN THE OVERSTORY AND FES RUCA CALIFORNICA IN THE UNDERSTORY. OTHER ASSOCIATES INCLUDE PINUS PONDEROSA, Vicia, ACHILLEA, AND ARIZONICUS.		
General:	1 PLANT OBSERVED IN 1984.		
Owner/Manager:	USFS-SIX RIVERS NF		



<i>Sedum laxum ssp.avidum</i>		Element Code: PD0RAG00L2	
pale yellow stonecrop			
Listing Status:	Federal: None	CHNDD Element Ranks:	Global: G5G3Q
	State: None		State: S3
	Other: Rare Plant Rank - 4.3		
Habitat:	General: BROADLEAFED UPLAND FOREST, CHAPARRAL, DISMONTANE WOODLAND, LOWER MONTANE CONIFEROUS FOREST, UPPER MONTANE CONIFEROUS FOREST.		
	Micro: SERPENTINE OR BASALT OUTCROPS. 450-2000 M.		
Occurrence No.	85	Map Index:	20270
Occ. Rank:	Unknown	ED Index:	8135
Occ. Type:	Natural/Native occurrence	Presence:	Presumed Extant
Quad Summary:	Sierra Mountains (4012305)	Trend:	Unknown
County Summary:	Humboldt, Trinity	Site Last Seen:	1983-07-13
		Record Last Updated:	1984-09-25
Lat/Long:	40.865787 - 123.55000	Accuracy:	305 miles
UTM:	Zone-10 N4501802 E453434	Elevation (ft):	4000
PLSS:	T03N, R05E, Sec. 01, E (H)	Acres:	0.0
Location:	BENNETT PEAK.		
Detailed Location:			
Ecological:	ROCK OUTCROP.		
General:	BETTER LOCATION INFO NEEDED; HERE LABEL ONLY INFO.		
Owner/Manager:	USFS-SIX RIVERS NF		



Multiple Occurrences per Page
California Department of Fish and Wildlife
California Natural Diversity Database



Occurrence No.:	7	Map Index:	4427D	EO Index:	4439D	Element Last Seen:	2010-08-18
Occ. Rank:	Fair	Presence:	Presumed Extant	Trend:	Unknown	Site Last Seen:	2010-08-18
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:	2015-11-20		
Quad Summary:	Sierra Mountains (4012305)						
County Summary:	Humboldt						
Lat/Long:	40.07205 / -123.59243	Accuracy:	specific area				
UTM:	Zone-10 N4592935 E446030	Elevation (ft):	4567				
PLSS:	T03N, R05E, Sec. 3, NE (1)	Acres:	1.0				
Location:	ABOUT 0.96 AIR MILE EAST OF FOREST ROUTE 1 AND 2.11 AIR MILES WNW OF BENNETT PEAK, 4.7 MILES N OF BLAKE MOUNTAIN						
Detailed Location:	MAPPED ACCORDING TO 2010 GREEN COORDINATES. IN THE NW 1/4 OF THE NE 1/4 OF SECTION 3						
Ecological:	GROWING ON THE ROAD EDGE, CUT BANK, AND IN THE COMPACTED DIRT ROAD WITH A MIXED CONIFER FOREST GROWING WITH ABIES CONCOLOR, CORYMBIFOLIUM, ARBUTUS MENZIESII, AND ARCTOSTAPHYLOS NEVADENSIS. ON CANOPY NE ASPECT.						
General:	12 PLANTS OBSERVED IN 2010. A 1988 SHOLARS COLLECTION FROM "1.7 MILES N OF BLAKE MOUNTAIN, OPEN ROAD 8200E, 4500 FEET" IS ALSO ATTRIBUTED TO THIS SITE						
Owner/Manager:	PVT-SIERRA PACIFIC						

Occurrence No.:	11	Map Index:	0705D	EO Index:	0213E	Element Last Seen:	2005-09-23
Occ. Rank:	Good	Presence:	Presumed Extant	Trend:	Unknown	Site Last Seen:	2005-09-23
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:	2018-10-17		
Quad Summary:	Sierra Mountains (4012305)						
County Summary:	Humboldt						
Lat/Long:	40.05741 / -123.58709	Accuracy:	specific area				
UTM:	Zone-10 N4592982 E452002	Elevation (ft):	4400				
PLSS:	T03N, R05E, Sec. 12, W (1)	Acres:	65.1				
Location:	BIG CREEK DRAINAGE, EAST SIDE OF SOUTH FORK MOUNTAIN, FROM ABOUT 0.7 MILE WSW TO 1.2 MILES SOUTHWEST OF BENNETT PEAK						
Detailed Location:	MAPPED AS TWO POLYGONS IN THE E 1/2 OF SECTION 11 AND W 1/2 OF SECTION 12. PLANTS SCATTERED OVER WIDE AREA, MOSTLY ON ALONG LOGGING ROADS AND OLD SKID TRAILS; RARELY FOUND IN ADJACENT FOREST, EVEN WHERE SUBSTANTIAL TREE CANOPY REMOVED.						
Ecological:	ASSOCIATED WITH VIBURNUM LINDLEYI, CORYMBIFOLIUM, ARBUTUS MENZIESII, AND ARCTOSTAPHYLOS NEVADENSIS. SURROUNDING FOREST HAS PSEUDOTSUGA MENZIESII, ABIES CONCOLOR, ARBUTUS MENZIESII, ETC.						
General:	100-500 PLANTS SEEN IN 2004. "SEVERAL" PLANTS OBSERVED IN 2005; MANY LARGE, DEAD STALKS OBSERVED IN SUITABLE HABITAT ON THE WESTERN HALF OF THE PROPERTY, BUT NEW SPROUTS PROBABLY HADY EMERGED AT THE TIME OF THE SURVEY.						
Owner/Manager:	PVT						



Multiple Occurrences per Page
California Department of Fish and Wildlife
California Natural Diversity Database



Occurrence No.:	18	Map Index:	72515	EO Index:	73447	Element Last Seen:	2010-08-18
Occ. Rank:	Excellent	Presence:	Presumed Extant	Trend:	Unknown	Site Last Seen:	2010-08-18
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:	2015-11-20		
Quad Summary:	Sierra Mountains (4012305)						
County Summary:	Humboldt						
Lat/Long:	40.00507 / -123.58107	Accuracy:	specific area				
UTM:	Zone-10 N4591915 E450835	Elevation (ft):	4400				
PLSS:	T03N, R05E, Sec. 3 (1)	Acres:	50.0				
Location:	DEAR CREEK DRAINAGE, 1.2 TO 1.8 AIR MILES WEST OF BENNETT PEAK, EAST SIDE OF SOUTH FORK MOUNTAIN						
Detailed Location:	MAPPED AS 5 POLYGONS ACCORDING TO 2007 GREEN DIAMOND RESOURCE CO DIGITAL DATA AND 2010 GREEN COORDINATES AND MAP.						
Ecological:	MIXED CONIFER FOREST ON ROAD EDGES, CUT BANKS, DIRT ROAD, ETC. ASSOCIATED WITH ABIES MAGNIFICA VAR. MACGIBBONIA, CORYMBIFOLIUM, CORYMBIFOLIUM CHRYSOPHYLLA VAR. CHRYSOPHYLLA, PSEUDOTSUGA MENZIESII VAR. MENZIESII, ARCTOSTAPHYLOS NEVADENSIS, ETC.						
General:	4 PLANTS OBSERVED IN SE-MOST POLYGON IN 2007. 211 PLANTS OBSERVED IN REMAINING POLYGONS IN 2010.						
Owner/Manager:	PVT						

Lycopodium clavatum		Element Code:	PRYCO1080
Listing Status:	Federal: None	CHDD Element Rank:	Global: G5
State:	None	State:	S3
Other:	Rare Plant Rank - 4.1		
Habitat:	General: LOWER MONTANE CONIFEROUS FOREST, NORTH COAST CONIFEROUS FOREST, MARSHES AND SWAMPS, FOREST UNDERSTORY, EDGES, OPENINGS, ROADSIDES; MESOP SITES WITH PARTIAL SHADE AND LIGHT. 45-1225 ft.		
Micro:			

Occurrence No.:	1	Map Index:	37403	EO Index:	33466	Element Last Seen:	1992-07-23
Occ. Rank:	Unknown	Presence:	Presumed Extant	Trend:	Unknown	Site Last Seen:	1992-07-23
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:	1997-10-27		
Quad Summary:	Sierra Mountains (4012305)						
County Summary:	Humboldt						
Lat/Long:	40.03070 / -123.57743	Accuracy:	1 mile				
UTM:	Zone-10 N4408014 E451171	Elevation (ft):	6000				
PLSS:	T03N, R05E, Sec. 14 (1)	Acres:	0.0				
Location:	SOUTH FORK MOUNTAIN BELOW MCKAY CAMP						
Detailed Location:	UNABLE TO LOCATE MCKAY CAMP; MAPPED IN VICINITY OF SOUTH FORK MOUNTAIN						
Ecological:	FOUND ONLY AT ONE PLACE, SMALL PATCH ON "EVER-SHADED, MOY SLOPE"						
General:	ONLY SOURCE OF INFORMATION FOR THIS SITE IS 1992 COLLECTION BY GRINNELL						
Owner/Manager:	UNKNOWN						

TRIBAL CONTACTS – HUMBOLDT COUNTY

(Central Division - Trinidad South to Loleta)

Updated July 2, 2018

Native American Heritage Commission

1550 Harbor Blvd., Room 100

West Sacramento, CA 95691

(916) 373-3710

FAX (916) 373-5471

Attn.: Ms. Gayle Totton gayle.totton@nahc.ca.gov

Bear River Band of Rohnerville Rancheria*

Barry Brenard, Chairman

Erika Cooper, Tribal Historic Preservation Officer

266 Kiesner Road

Loleta, CA 95551

Tribal Affiliation: Wiyot, Mattole

(707) 733-1900 / (707) 733-1723 Fax

Blue Lake Rancheria*

Claudia Brundin, Chairperson

Arla Ramsey, Tribal Administrator

Janet Eidsness, Tribal Historic Preservation Officer

P. O. Box 428

Blue Lake, CA 95525

Tribal Affiliation: Wiyot, Yurok, Tolowa

(707) 668-5101 / (707) 668-4272 Fax

TRIBAL CONTACTS – HUMBOLDT COUNTY cont'd

Wiyot Tribe*

Ted Hernandez, Chairman

Thomas Torma, Cultural Director/Tribal Historic Preservation Officer

1000 Wiyot Drive

Loleta, CA 95551

Tribal Affiliation: Wiyot Tribe

(707) 733-5055 / (707) 733-5601 Fax

Yurok Tribe of California*

Culture Department

Attn: Frankie Myers, Yurok Tribal Historic Preservation Officer

HC 67

P.O. Box 196

Hoopa, CA 95546

Tribal Affiliation: Yurok

(530) 625-4130 ext. 1629

(707) 498-2536 (cell)

fmyers@yuroktribe.us



165 South Fortuna Boulevard, Fortuna, CA 95540

707-725-1897 • fax 707-725-0972

trc@timberlandresource.com

November 6, 2018

Native American Heritage Commission
Attn: Ms. Gayle Totton
1550 Harbor Blvd., Room 100
West Sacramento, CA 95691

Dear Ms. Gayle Totton:

As the Registered Professional Forester preparing a potential Conversion Exemption per 14CCR 1104.1 for Black Fox Conservation Project LLC, I am required by the California Forest Practice Rules to notify all Native Americans of this proposed operation with the following information:

1. TIMBER OWNER(S) OF RECORD: Black Fox Conservation Project LLC
Address: P.O. Box 682
City: Arcata State: CA Zip: 95521 Phone: Scott Raymond (805) 450-9744
2. TIMBERLAND OWNER(S) OF RECORD: Black Fox Conservation Project LLC
Address: P.O. Box 682
City: Arcata State: CA Zip: 95521 Phone: Scott Raymond (805) 450-9744
3. LICENSED TIMBER OPERATOR(S): TBD
4. REGISTERED PROFESSIONAL FORESTER PREPARING NOTICE: Name Chris Carroll RPF Number 2628
Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4
City Fortuna State CA Zip 95540 Phone (707) 725-1897
5. AGENCY OF HUMBOLDT COUNTY RESPONSIBLE FOR LAND USE CHANGES: Humboldt County Planning Department
6. PROJECT LOCATION: Located approximately 3.8 air miles northeast of landmark Pilot Rock (located in Showers Pass USGS 7.5' Quad) and 7.2 air miles northwest of Hyampom, CA, in the NW ¼ of Section 11, Township 3 North, Range 5 East, Humboldt County, APN 317-055-001, located on Sim Mountain USGS 7.5' Quad. To access the project area from eastbound Highway 299, turn right onto Titlow Hill Road; continue for 10.1 miles, then continue onto Friday Ridge Rd/Forest Rte 6N01; continue for 27.1 miles, then turn left onto an unnamed private road; continue for 1.8 miles to reach the project area. No site address.
7. TYPE OF CONVERSION: This is a potential conversion from timberland to agriculture and the maximum size of the conversion is less than 3 acres.

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

Cedar Farm West, LLC - Timberland Conversion Evaluation

General Location Map

APN: 317-055-001

Contour Intervals: 80'
Map Scale: 1" = 2,000'

NW 1/4 of Sec. 11, T3N, R5E;
HB&M, Humboldt County
USGS 7.5' Quad: Sims Mountain

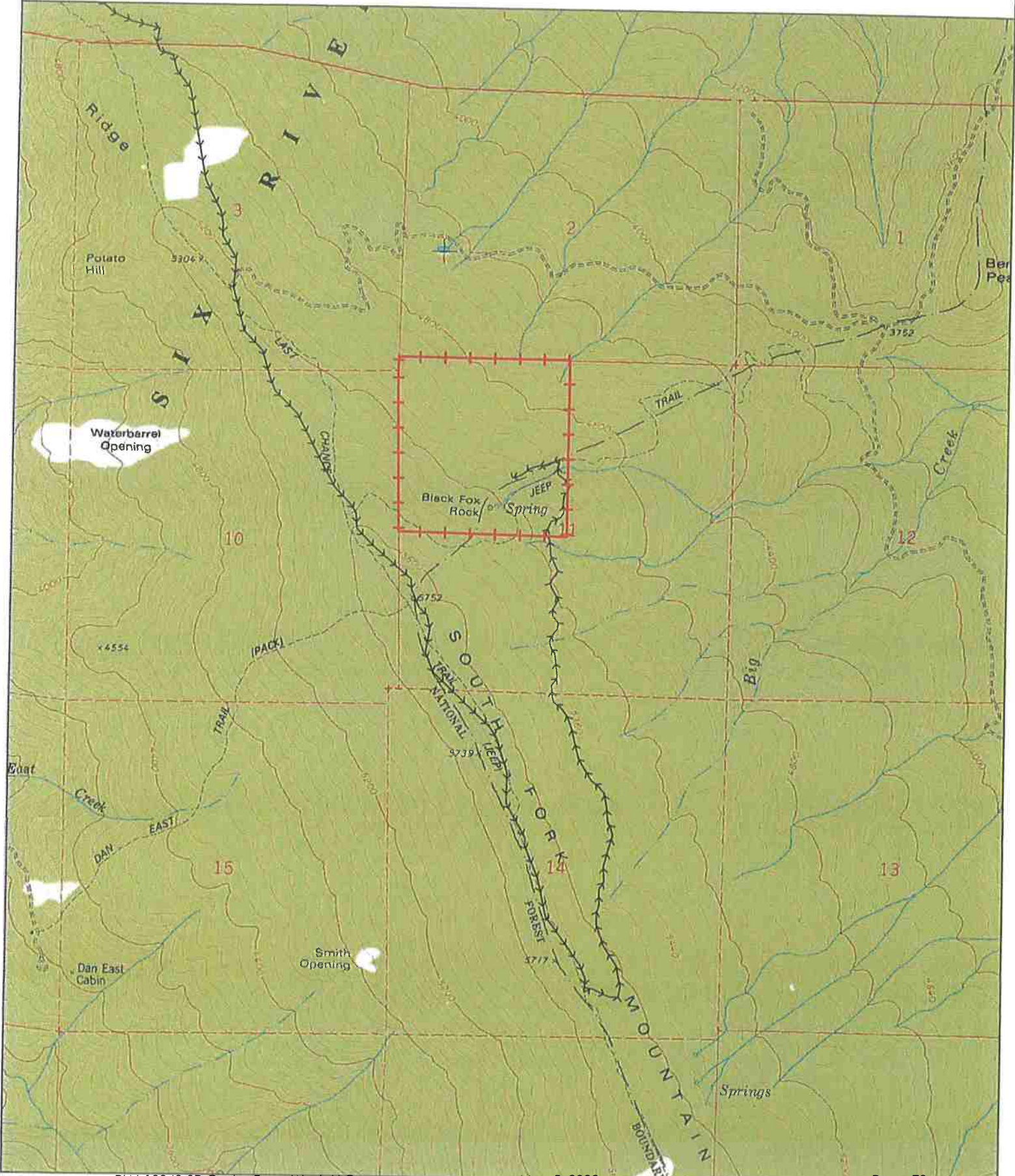
 Property Boundary*

 Access to Project Area



Revised: 11/06/18

*The property boundary depicted is adapted from the Humboldt County Assessor's Parcel Map. This mapped boundary may not precisely align with the geographic boundary on the ground. The RPF is not responsible for surveying property boundaries.



APPENDIX A

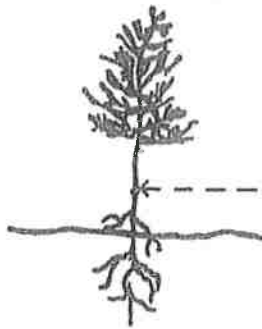
CORRECT METHOD OF SEEDLING PLANTING



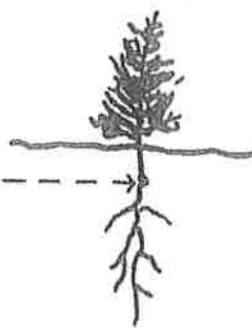
- Soil firmly packed around roots.
- No air pockets.
- Roots straight with no J or L bends.
- Root collar at or slightly below ground level.
- Root not pruned.

ERROR IN PLANTING

Too shallow



Too Deep



Root Collar

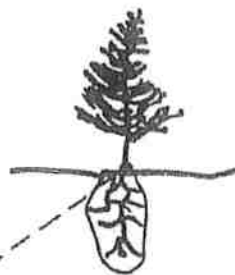
- Hole not deep enough.
- Root collar and upper roots exposed.
- Roots dry out.

- Hole is too deep.
- Root collar buried.

J or L Roots



Air Pockets



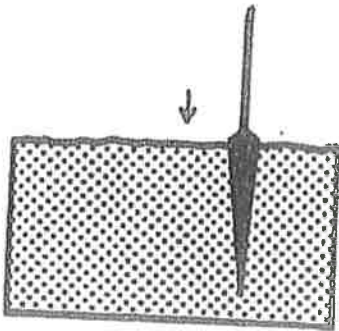
Hole is not deep enough — planting in rocky soil.
 Roots cannot effectively take up water.
 Tree not wind-firm.

Root Collar

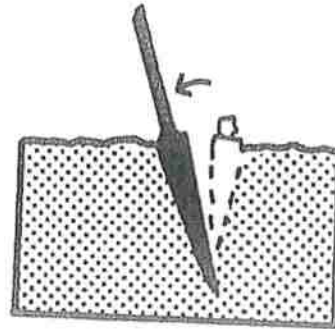
- Soil not firmly packed around roots.
- Air pocket forms.
- Roots dry out.

APPENDIX B
PLANTING WITH A FLAT BAR

1. Insert flat bar straight down.



2. Pull flat bar backward to open hole.

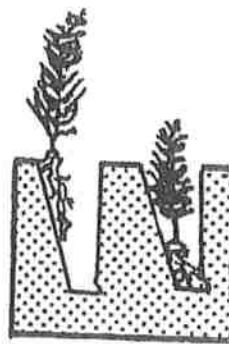


3. Remove flat bar and place seedling at correct depth with root collar at or slightly below ground level.

Correct

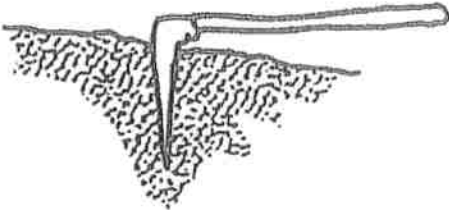


Incorrect

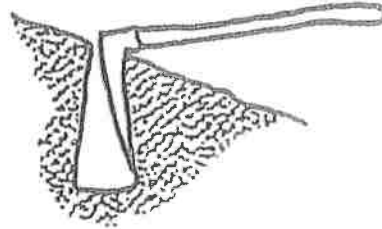


APPENDIX C
PLANTING WITH A HOE

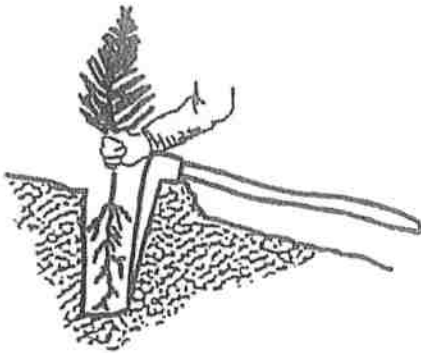
1. Swing hoe to get full penetration.



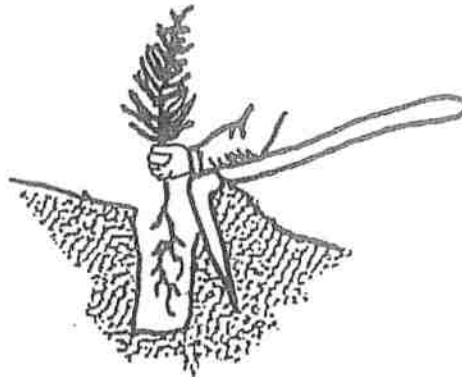
2. Lift handle and pull up to widen hole.



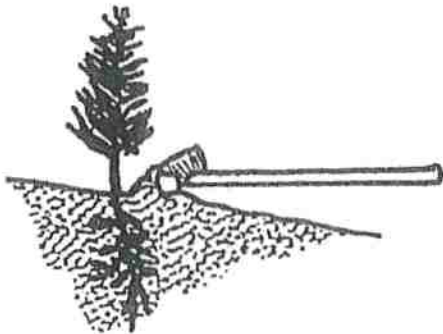
3. Place seedling while using hoe to hold back soil.



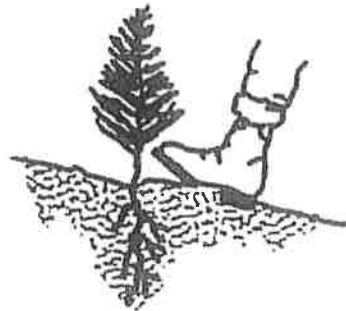
4. Use hoe to pack soil at bottom of hole.



5. Use hoe to pack soil at top hole.



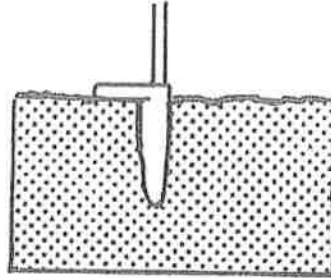
6. Firm soil around seedling with feet.



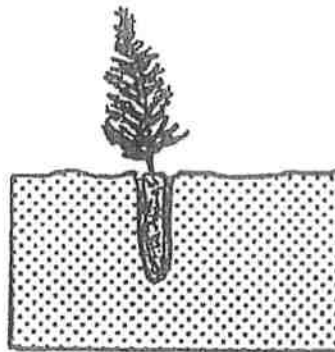
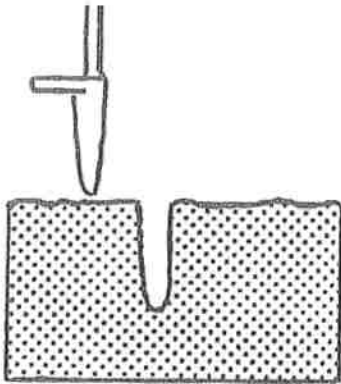
APPENDIX D

PUNTING WITH A PLUG BAR

1. Insert plug bar straight down until plug bar footrest is level with ground.



2. Remove plug bar and place seedling in hole.



3. Firm soil around seedling with heel of boot.



Photos

The following photos were taken by Brita Rustad of Timberland Resource Consultants at APN 317-055-001 during the field inspection on October 19th, 2018.



Photos 1 & 2: Views of the Cultivation Site facing southwest (top) and west (bottom). Notice the Douglas fir, white fir, tanoak, and mixed hardwood stand in the background as well as the destruction from the Route Fire.



Photo 3: View of Abandoned Cultivation Site 1 facing west. Notice the conifer seedlings naturally regenerating among the cultivation activities.

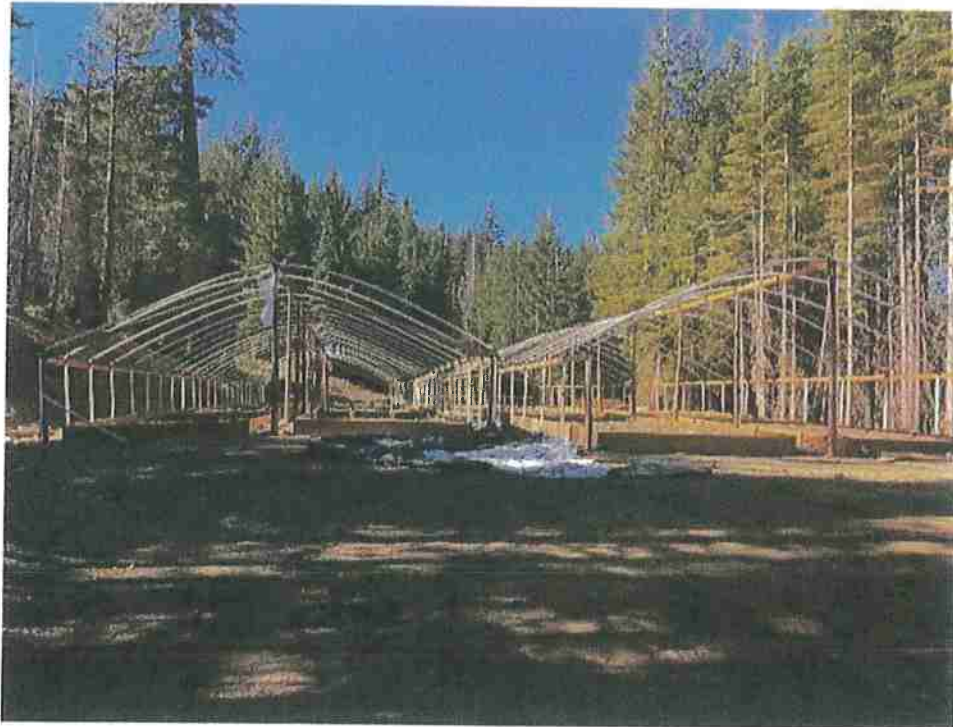


Photo 4: View of Abandoned Cultivation Site 2 facing west. The greenhouses occupy the eastern portion of the site which is located on the neighboring parcel. The eastern portion of the flat (behind the greenhouses) is unoccupied and is located on APN 317-055-001.



Photos 5 & 6: Examples of slash and woody debris from conversion activities along the eastern edge of the Cultivation Site.

References

California Forest Practice Rules 2018. Sacramento: CAL FIRE, 2018. Print.

California Natural Diversity Database. California Department of Fish and Wildlife, 2018. Web.
<https://www.wildlife.ca.gov/Data/CNDDDB>. Accessed 12 Nov 2018.

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Historic Aerials. Netronline, 2018. Images 1947, 1972, 1993, 1998, 2005, 2009, 2010, 2012, 2014;
Quadrangles 1951, 1955, 1970, 1978, 2001. Web. <https://www.historicaerials.com/viewer>.
Accessed 11 Nov 2018.

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<http://webgis.co.humboldt.ca.us/HCEGIS2.0/>. Accessed 11 Nov 2018.

Oak Mortality Disease Control. Plant Quarantine Manual 3700. California Department of Food and
Agriculture, 2018. Web. <http://pi.cdфа.ca.gov/pqm/manual/pdf/455.pdf>. Accessed 11 Sept 2018.

Parcel Quest, 2018. Web. <https://pqweb.parcelquest.com/#home>. Accessed 11 Sept 2018.

SODMAP Mobile. UC Berkeley Forest Pathology and Mycology Lab, 2018. Mobile Phone Application.
www.sodmapmobile.org. Accessed 11 Nov 2018.

TerraServer, 2018. Web. <https://www.terraserver.com/>. Accessed 11 Nov 2018.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFIRE	✓	Comments	Attached
Northwest Information Center	✓	Comments	On file and confidential
Bear River Band THPO	✓	Comments	On file and confidential
Tsungwe Council	✓	Comments	On file and confidential
Humboldt County Sheriff	✓	Approved	On file
Bridgeville School District		No Response	
California Department of Fish & Wildlife		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
US Forest Service - Six Rivers National Forest		No Response	
North Coast Regional Water Quality Control Board		No Response	
North Coast Unified Air Quality Management District		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	
Humboldt County Counsel		No Response	

10/5



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

10/1/2021

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, US Forest Service: Six Rivers, RWQCB, NCUAQMD, School District: Bridgeville, Cal Fish & Wildlife, Division of Water Resources, CalFire, CA Division of Water Rights, Bear River Band, NWIC, Tsnungwe Council

Applicant Name Cedar Farm West LLC **Key Parcel Number** 317-055-001-000

Application (APPS#) PLN-13340-CUP **Assigned Planner** Megan Acevedo

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

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

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

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

Return Response No Later Than: 10/16/2021

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: 10-8-21

PRINT NAME: Ross Gittig



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Accela Record No: PLN 13340 APN: 317-055-009-000

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

- Site plan appears to be accurate.
- Site plan is not accurate, submit revised site plan showing the following items:
- All grading including ponds and roads,
 - Location of any water course including springs,
 - All structures including size and use and all setbacks from each other, above stated items, and property lines.
 - _____
 - _____
- Existing operation appears to have expanded as follows: _____

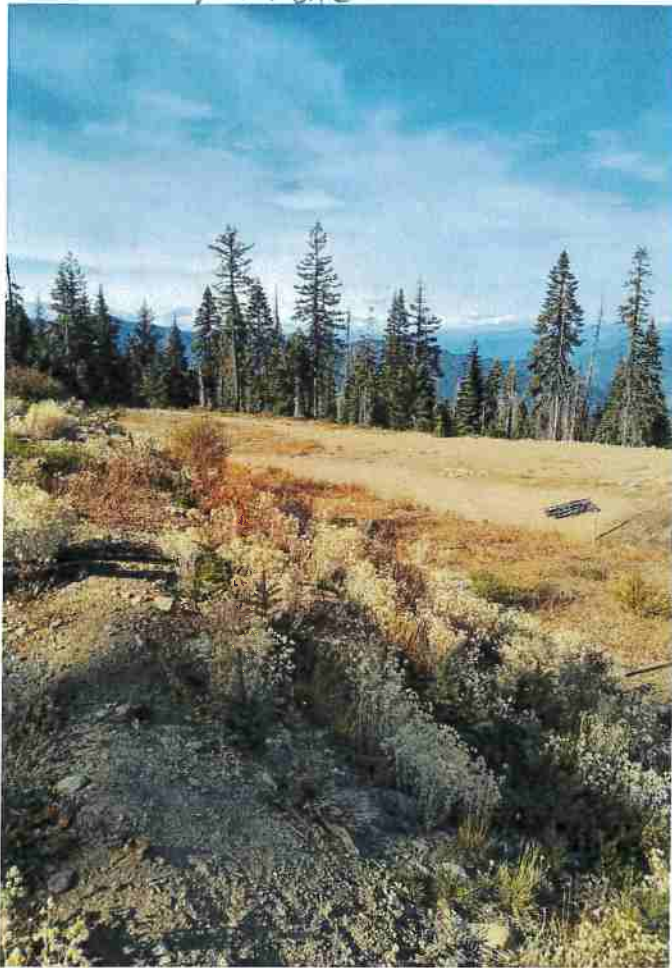
- Proposed new operation has already started.
- Development is near a wet area. If yes, distance from development: _____
- Development is near a Steam side Management Area (SMA). If yes, distance from development: _____
- Recommend approval based on the condition that all required grading, building, plumbing, electrical, and mechanical permits and or Agricultural Exemptions are obtained.
- Other Comments: Unable to make access to NE cultivation site. Access via neighbor's parcel

Name: Ross Estrin

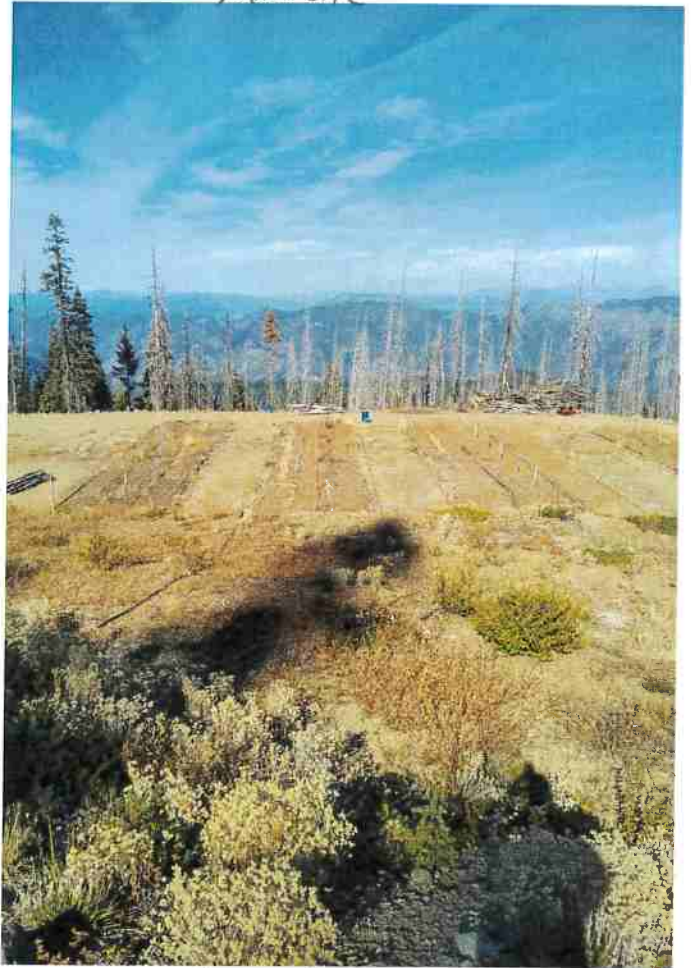
Date: 10-8-21

Note: Please take photographs and save them to the Planning Accela record number.

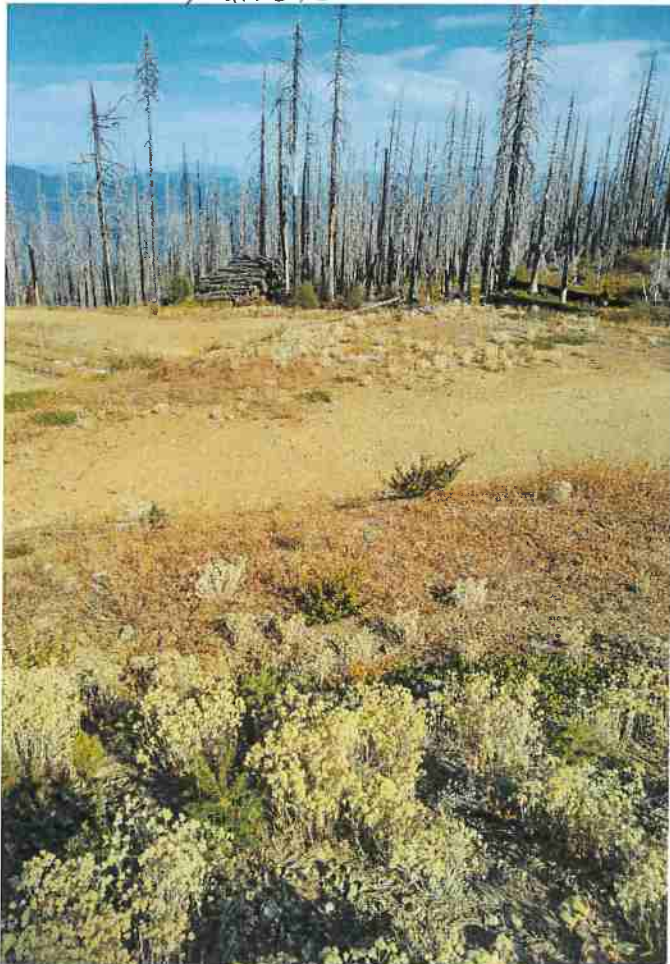
Main site



Main site



Main site



Main site



PLN-13340-...

Cedar Farm West, ...
Applicant is applyi...

STATUS

> Referrals
04/09/2021 by ...

LOCATION

> None Provided

CONTACT

> Black Fox Con...

WORKFLOW

> 18 total Task
● 8 completed ○
4 active

Summary

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (2)

Payment

Workflow History (30)

Comments (10)

Documents (31)

A notice was added to this record on 2020-08-03.
Condition: Parcel Status : 317-055-001 LP 1:1 Severity: Notice
Total conditions: 1 (Notice: 1)

[View notice](#)

[Cancel](#) [Help](#)

Task	Due Date	Assigned Date
Environmental Health	04/24/2021	04/12/2021
Assigned to Department	Assigned to	Status
Environmental Health	Adam Molofsky	Approved with Conditions
Action by Department	Action By	Status Date
Environmental Health	Adam Molofsky	04/14/2021
Start Time	End Time	Hours Spent
		0.0
Billable	Overtime	Comments
No	No	Seasonal cultivation without processing may use portable toilets to serve the operation. Permittee shall provide portable toilets to cultivation areas.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA
No		<input checked="" type="checkbox"/> All ACA Users
		<input checked="" type="checkbox"/> Record Creator
		<input checked="" type="checkbox"/> Licensed Professional
		<input checked="" type="checkbox"/> Contact
		<input checked="" type="checkbox"/> Owner
Estimated Hours	Action	Workflow Calendar
0.0	Updated	



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

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LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Megan Acevedo, Senior Planner, Planning & Building Department

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

DATE: 04/28/2021

RE:

Applicant Name	CEDAR FARM WEST LLC
APN	317-055-001
APPS#	PLN-2018-13340

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:

Review Items #1, #2, and #8 on Exhibit C

Applicant has submitted road evaluation reports, dated 01/30/20, with Part A –Box 2 checked, certifying that the roads are equivalent to a road Category 4 standard.

// END //

Additional Review is Required by Planning & Building Staff

APPS # 13340

All of the following questions are to be answered by Planning and Building Department staff.

No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

- 1. **ROADS – PART 1.** Does the project take access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?

YES NO

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

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

- 2. **ROADS – PART 2.** Does the project take access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, **US Forest Service Road**, BLM Road, or a City road?

YES NO

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

- 3. **ROADS – PART 3.** Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads?

YES NO

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

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

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

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

- 5. **AIRPORT:** If the project is located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer **or** if the project is located within the County Code Section 333 GIS layer **AND** the project is proposing to construct (or permit) a fence, building or other structure. YES NO

If **YES**, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the Humboldt County Airports Department.

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

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

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

Additional Review is Required by Planning & Building Staff

7. 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.

8. ROAD GRADES:

Whether specifically addressed or not within the road evaluation report, per County Code Section 3112-5, "No roadway grade in excess of 16 percent shall be permitted unless it has been demonstrated to be in conformance with the County Roadway Design Manual." Where portions of the road have grades that exceed 16%, those portions must be paved and must have an exception request approved. [reference: County Code sections 3111-9 and 3112-5]

// END //

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

- The Department has no comment at this time.
- Suggested conditions attached.
- Applicant needs to submit additional information. List of Items attached.
- Recommend denial.
- Other comments.



Forester Comments: Date: Name:

Battalion Chief Comments: Date: Name:

Summary: