



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

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

Hearing Date: April 15, 2021

To: Humboldt County Planning Commission

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

Subject: **Martin Blue Ray Farms, LLC Conditional Use Permit & Special Permit**  
Record Number PLN-12306-CUP  
Assessor's Parcel Number (APN) 522-034-015  
Willow Creek Area, APN: 522-034-015

**Table of Contents**

**Page**

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	7

Maps

Topo Map	12
Zoning Map	13
Aerial Map	14
Site Plans	15

Attachments

Attachment 1: Recommended Conditions of Approval	17
Attachment 2: CEQA Addendum	24
Attachment 3: Applicant's Evidence in Support of the Required Findings	29
A: Water Resource Protection Plan	Separate
Attachment 4: Referral Agency Comments and Recommendations	68
A: Building Referral	Separate

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

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
April 15, 2021	Conditional Use Permit & Special Permit	Megan Acevedo

**Project Description:** Martin Blue Ray Farms, LLC seeks a Conditional Use Permit for an existing 26,988 ft<sup>2</sup> of outdoor cannabis cultivation within nineteen (19) greenhouses utilizing light-deprivation techniques with no use of lights or fans. Ancillary propagation occurs within two (2) greenhouses totaling 2,680 ft<sup>2</sup>. The applicant is also applying for a Special Permit to reduce the 600 foot setback to Six Rivers National Forest. Water for irrigation is sourced from a rainwater catchment pond, and a permitted water diversion. Existing available water storage is within one 167,000 gallon rainwater catchment pond, one 152,000 gallon hard tank, one 5,000 gallon hard tank, and 24,000 gallons within six (6) hard tanks for a total of 348,000 gallons. Estimated annual water usage is 315,000 gallons (11.67 gal/ft<sup>2</sup>/year). Drying and bucking occurs on-site and all other processing will occur off-site at a licensed processing facility. The project operations will be conducted by the applicant and up to four (4) employees during peak operations. There is one full-time employee that will reside within the 20'x40' Residence on-site. Power is provided by Honda EU 3000 Kw generator, but the applicant plans to transition to renewable energy source in the future.

**Project Location:** The project is located in Humboldt County, in the Willow Creek area, on the West side of State Highway 96, approximately 2.15 miles Northwest from the intersection of Brannan Mountain Road and China Gulch Road, and approximately 1.15 miles Northwest from the intersection of Brannan Mountain Road and a private road, on the property known to be in Section 28 & 33 of Township 7 North, Range 4 East, Humboldt Base & Meridian.

**Present Plan Land Use Designations:** Timber Production (T) Density: 160 to 20 acres per dwelling unit, Slope Stability: Moderate instability (2).

**Present Zoning:** Timberland Production Zone (TPZ)

**Record Number:** PLN-12306-CUP

**Case Numbers:** CUP16-615

**Assessor's Parcel Number:** 522-034-015

**Applicant**

Martin Blue Ray Farms, LLC  
PO Box 290  
Arcata, CA 95518

**Owner**

Bradley Miller  
PO Box 290  
Arcata, CA 95518

**Agents**

Atlas Engineering  
Michael Taylor  
252 G Street  
Arcata, CA 95521

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

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

**Major Issues:** None

**Martin Blue Ray Farms, LLC**  
Record Number: PLN-12306-CUP  
Assessor's Parcel Number: 522-034-015

**Recommended Commission Action**

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

*Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit and adopt the Resolution approving the Martin Blue Ray Farms, LLC Conditional Use and Special Permit as recommended by staff subject to the recommended conditions.*

**Executive Summary:** Martin Blue Ray Farms, LLC seeks a Conditional Use Permit for an existing 26,988 ft<sup>2</sup> of outdoor cannabis cultivation within nineteen (19) greenhouses utilizing light-deprivation techniques with no use of lights or fans. Ancillary propagation occurs within two (2) greenhouses totaling 2,680 ft<sup>2</sup>. The applicant is also applying for a Special Permit to reduce the 600 foot setback to Six Rivers National Forest. Water for irrigation is sourced from a rainwater catchment pond, and a permitted water diversion. Existing available water storage is within one 167,000 gallon rainwater catchment pond, one 152,000 gallon hard tank, one 5,000 gallon hard tank, and 24,000 gallons within six (6) hard tanks for a total of 348,000 gallons. Estimated annual water usage is 315,000 gallons (11.67 gal/ft<sup>2</sup>/year). Drying and bucking occurs on-site and all other processing will occur off-site at a licensed processing facility. The project operations will be conducted by the applicant and up to four (4) employees, for a maximum of five (5) operators during peak operations. There is one full-time employee that will reside within the 20'x40' Residence on-site. Power is provided by generators, but the applicant plans to transition to renewable energy source in the future.

There currently exists nineteen (19) light-deprivation greenhouses, two (2) ancillary propagation greenhouses, one (1) 5'x10' Pesticide Storage, one (1) 8'x10' Pesticide/Fertilizer Storage Shed, two (2) Generator Sheds, one (1) 24'x60' Drying/Curing Harvest Storage building, one (1) 24'x24' Harvest Storage building, one (1) 13'x32' Harvest Storage building, and one (1) 20'x40' Residence used for on-site employee housing. There is also one (1) 152,000 gallon water tank, and one (1) 167,000 gallon rainwater catchment pond which will need permits with the Building division. The project is conditioned to obtain all grading and building permits for any grading that was done on-site, for the existing structures on-site, and for water storage structures that require permits. Generator sheds will be required to 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.

The project was referred to the Department of Environmental Health (DEH) on November 1, 2017. Comments were received from DEH on July 13, 2018, recommending conditions of approval to obtain a site suitability report showing that the existing septic system near the Drying/Curing Harvest Storage building can support the projects need.

**Setbacks**

The project meets all of the setback requirements under Section 55.4.11 (d) of the CMMLUO, except for the 600 foot setback to Public Lands. The applicant is applying for a Special Permit in order to allow a setback reduction to Public Lands. A Parcel Boundary Survey was conducted by Points West Surveying Co. in December of 2018. The Survey shows a setback of 93 feet from the closest cultivation greenhouse to the southern parcel line, which is adjacent to the Six Rivers National Forest. The project was referred to the U.S. Forest Service on August 28, 2018, and the department received the standard response letter from the agency on September 11, 2018. The U.S. Forest Service recommended denial

for the project due to the result in transportation of cannabis over Forest Service lands and easements, which is federally illegal. There were no project specific concerns raised by the Forest Service that are unique to this project or this project site.

### **Timber Conversion**

The project was referred to CalFire on November 1, 2017, and the agency replied on December 12, 2017 with no comments. However, a detailed review of aerial imagery shows that the southern portion of the parcel had significant amount of timber conversion between 2005 and 2016. In accordance with Section 55.4.10 (j) of the CMMLUO, the applicant is required to get a Timber Conversion Report prepared by a Registered Professional Forester (RPF) to evaluate site conditions and conversion history for the property. The applicant is conditioned to provide a written report to the Planning Division containing the RPF's recommendations as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act, and to adhere to the recommendations within the RPF report.

### **Water Resources**

Water for irrigation is provided by a rainwater catchment pond and a permitted water diversion from an unnamed stream (Right to Divert and Use Water Certificate No. H100407). The Appropriate Right allows up to 179,000 gallons (0.55 acre-feet) per year, and no more than 42,000 gallons per day. A Final Streambed Alteration Agreement (SAA 1600-2015-00182-R1) was received on September 4, 2015 for two points of diversion from an unnamed stream tributary to Three Creeks, one for domestic and one for irrigation. Total existing available water storage is 348,000 gallons, and the applicant anticipates using 315,000 gallons of water annually for irrigation (11.67 gal/ft<sup>2</sup>/year). The applicant is required to abide by the forbearance period designated by the Water Board and Fish & Wildlife for the point diversion.

The site was historically enrolled in the North Coast Regional Water Quality Control Board for coverage under Order No. R1-2015-0023, WDID: 1B16415CHUM. A Water Resource Protection Plan (WRPP) has been prepared by Timberland Resource Consultants in 2017 for the site. The WRPP outlines the need for the placement or replacement of up to seven (7) culverts on-site. The SAA 1600-2015-00182-R1 did not include the replacement of culverts on-site, and all culverts have since been installed. The applicant is conditioned to provide the Planning Department with a Streambed Alteration Agreement that includes the instream work that was done under the recommendation of the WRPP, or to submit a Lake or Streambed Alteration Notification or amend the existing agreement with Fish & Wildlife to include all instream work that has been done.

The site has also enrolled in the State Water Resources Control Board Order WQ 2019-0001-DWQ, WDID: 1\_12CC416661. All cultivation areas and associated structures appear to be outside of all streamside management areas on the parcel. The applicant is required to have a Site Management Plan prepared for the project to meet State Water Board Compliance, and the project is conditioned to supply the Planning Division with the final Site Management Plan when available, and to adhere to any maintenance recommended within the report.

### **Fire Safety**

The project is located within an area that is designated to have Very High Fire Hazard Severity. There is an additional ~45,000 gallon pond on-site that is designated for domestic uses and fire suppression needs. The project is located just outside of the Willow Creek Volunteer Fire District (WCVFD) 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 applicant is also conditioned to designate an emergency Firetruck turnaround on the Site Plan which meets the Fire Safe Ordinance requirements.

### **Biological Resources**



There is one mapped sensitive species located in the northern section of the parcel, approximately 3,110 feet away from cultivation activities. The nearest Northern Spotted Owl activity center is located approximately 0.53 miles from the project site, and lands surrounding the site are heavily forested thus there is high potential for NSO habitat. A Biological Assessment (BA) was prepared by Leopard Wildlife Associates in October of 2019, and concluded that noise levels of fans and generators were found to be under 50 dB at 100 feet. The BA also found that there was no presence of plant or animal community potentially impacted by the proposed cannabis cultivation activities. The project does not propose any further tree removal or ground disturbance on-site. No lights or fans will be used within the full-term cultivation greenhouses, but lights will be utilized within the two (2) propagation greenhouses, fans and dehumidifiers are used within the Drying structures. The project is required to ensure that generators do not exceed 50 decibels at either 100 feet or the nearest canopy, whichever is closer. The combined decibel level for all noise sources shall not exceed 60 decibels at the property line. Generator sheds must also 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. As well, the project is required to adhere to International Dark Sky standards, and no light shall escape the propagation greenhouses between the hours of dusk and dawn. The project is conditioned to obtain a Noise & Light Attenuation Plan to show compliance with noise and light requirements, and submit to the Planning division when available.

The project was referred to the California Department of Fish & Wildlife on November 1, 2017, and no response was received from the agency. The applicant has obtained a Streambed Alteration Agreement (SAA 1600-2015-00182-R1) for the two points of diversion on-site, one for domestic uses and one for irrigation purposes.

### **Tribal Cultural Resource Coordination**

The project is located in the Hoopa and Tsnungwe Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Hoopa Valley Tribe and the Tsungwe Council in November of 2017. The applicant had Nick Angleoff, M.A. with Archaeological Research and Supply Company conducted a Cultural Resource Investigation within the project area in June of 2017 with Robert Benson inspecting the property as the representative of the Tsnungwe tribe. The Cultural Resource Survey incorporated the entire parcel, and found no presence of significant historical resources or pre-existing resources. The CRS recommends protocols for inadvertent discoveries, which is included in the projects conditions of approval.

### **Access**

Access to the site is via a driveway off of New Three Creeks Road from Brannon Mountain Road via Hwy 96. Brannon Mountain Road is partially county maintained, and then becomes USFS Road. The project was referred to the Department of Public Works on November 1, 2017. The Department commented on the project on June 6, 2018 with conditions of approval, and requested a Road Evaluation Report (RER) for the portion of Brannon Mountain Road that is non-county maintained. A Road Evaluation Report was prepared by Atlas Engineering on May 16, 2018, for approximately 2.04 miles of Brannon Mountain Road, and approximately 0.91 miles of New 3 Creeks Road to the project site. The Report identifies both roads as not being developed to a Category 4 road standard, but determines that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified. The RER also states that the existing roads have been resurfaced with new gravel within the last couple of years and are overall in good condition. Conditions of approval for the project include: all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Slight Visibility Ordinance), and that the access road shall be paved for a minimum of 20 feet and a length of 50 feet where it intersects the County road.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has

prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

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

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

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

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

**Resolution Number 20-  
Record Number PLN-12306-CUP  
Assessor's Parcel Number: 522-034-015**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Martin Blue Ray Farms, LLC, Conditional Use Permit and Special Permit.**

**WHEREAS, Martin Blue Ray Farms, LLC**, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 26,988 ft<sup>2</sup> outdoor cannabis cultivation operation, and 2,680 ft<sup>2</sup> of ancillary propagation space with drying activities, and a Special Permit for agricultural diversion and a setback reduction to Six Rivers National Forest;

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

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on April 15, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:**                      **Project Description:** Martin Blue Ray Farms, LLC seeks a Conditional Use Permit for an existing 26,988 ft<sup>2</sup> of outdoor cannabis cultivation within nineteen (19) greenhouses utilizing light-deprivation techniques with no use of lights or fans. Ancillary propagation occurs within two (2) greenhouses totaling 2,680 ft<sup>2</sup>. The applicant is also applying for a Special Permit to reduce the 600 foot setback to Six Rivers National Forest. Water for irrigation is sourced from a rainwater catchment pond, and a permitted water diversion. Existing available water storage is within one 167,000 gallon rainwater catchment pond, one 152,000 gallon hard tank, one 5,000 gallon hard tank, and 24,000 gallons within six (6) hard tanks for a total of 348,000 gallons. Estimated annual water usage is 315,000 gallons (11.67 gal/ft<sup>2</sup>/year). Drying and bucking occurs on-site and all other processing will occur off-site at a licensed processing or manufacturing facility. The project operations will be conducted by the applicant and up to four (4) employees, for a maximum of five (5) operators during peak operations. There is one full-time employee that will reside within the 20'x40' Residence on-site. Power is provided by generators, but the applicant plans to transition to renewable energy source in the future.

**EVIDENCE:**                      a) Project File: PLN-12306-CUP

- 2. FINDING:**                      **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has

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

**EVIDENCE:**

- a) Addendum Prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines
- c) A Water Resources Protection Plan prepared by Timberland Resource Consultants to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- d) A Biological Assessment Report was carried out by Leopard Wildlife Associates in October of 2019. The Assessment methods included a search of the California Natural Diversity Database (CNDDDB) and California Native Plant Society (CNPS) database. A habitat assessment was conducted in the project area. No Special Status species were observed during the assessment. Northern Spotted Owl habitat exists in the vicinity but the nearest activity center is over 0.53 miles from the site. Conditions of approval will require noise to be at below 50 decibels at 100 feet or the nearest canopy, whichever is closer. The project is conditioned to obtain a Noise & Light Attenuation Plan to show compliance with noise and light requirements, and submit to the Planning division when available.
- e) Nick Angleoff, M.A. with Archaeological Research and Supply Company conducted a Cultural Resource Investigation in June of 2017 with Robert Benson inspecting the property as the representative of the Tsnungwe tribe. The Cultural Resource Survey incorporated the entire parcel, and found no presence of significant historical resources or pre-existing resources. The CRS recommends protocols for inadvertent discoveries, which is included in the projects conditions of approval.
- f) Road Evaluation Report was prepared by Atlas Engineering on May 16, 2018, for approximately 2.04 miles of Brannon Mountain Road, and approximately 0.91 miles of New 3 Creeks Road to the project site. The Report identifies both roads as not being developed to a Category 4 road standard, but determines that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified. The RER also states that the existing roads have been resurfaced with new gravel within the last couple of years and are overall in good condition. Conditions of approval for the project include: all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Slight Visibility Ordinance), and that the access road shall be paved for a minimum of 20 feet and a length of 50 feet where it intersects the County road.

**FINDINGS FOR CONDITIONAL USE PERMIT & SECIAL PERMIT**

**3. FINDING**

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

**EVIDENCE** a) General agriculture is a use type permitted in the 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.

**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 cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acres subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 26,988 ft<sup>2</sup> of outdoor cannabis cultivation on a 124 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 was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration of one legal parcel see NOLLA&COSC recorded as 2003-30183 (8/7/2003).

c) The project will obtain water from a permitted well and a diversionary water source under Right to Divert and Use Water Certificate No. H100407.

d) Road Evaluation Report was prepared by Atlas Engineering on May 16, 2018, for Brannon Mountain Road, and New 3 Creeks Road to the project site. The Report identifies both roads as not being developed to a Category 4 road standard, but determines that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified. The RER also states that the existing roads have been resurfaced with new gravel within the last couple of years and are overall in good condition. Conditions of approval are required for the project.

e) A detailed review of aerial imagery shows that the southern portion of the parcel had significant amount of timber conversion between 2005 and 2016. In accordance with Section 55.4.10 (j) of the CMMLUO, the applicant is required to get a Timber Conversion Report prepared by a Registered Professional Forester (RPF) to evaluate site conditions and conversion history for the property. The applicant is conditioned to provide a written report to the Planning Division containing the RPF's recommendations as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act.

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, more than 300

feet from any off-site residence, more than 600 feet from any school, church, or Tribal Cultural Resource. The applicant is requesting a Special Permit to reduce the setback to the Six Rivers National Forest to 96 feet at the southern property line.

**6. FINDING**

The cultivation of 26,988 ft<sup>2</sup> of pre-existing 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 located on road that has been evaluated by a licensed engineer, and has determined the access road can safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 124 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a groundwater well that has been permitted by the Environmental Health Department and under a Right to Divert and Use Water Certificate No. H100407.

**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.

## DECISION

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

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

Adopted after review and consideration of all the evidence on April 15, 2021

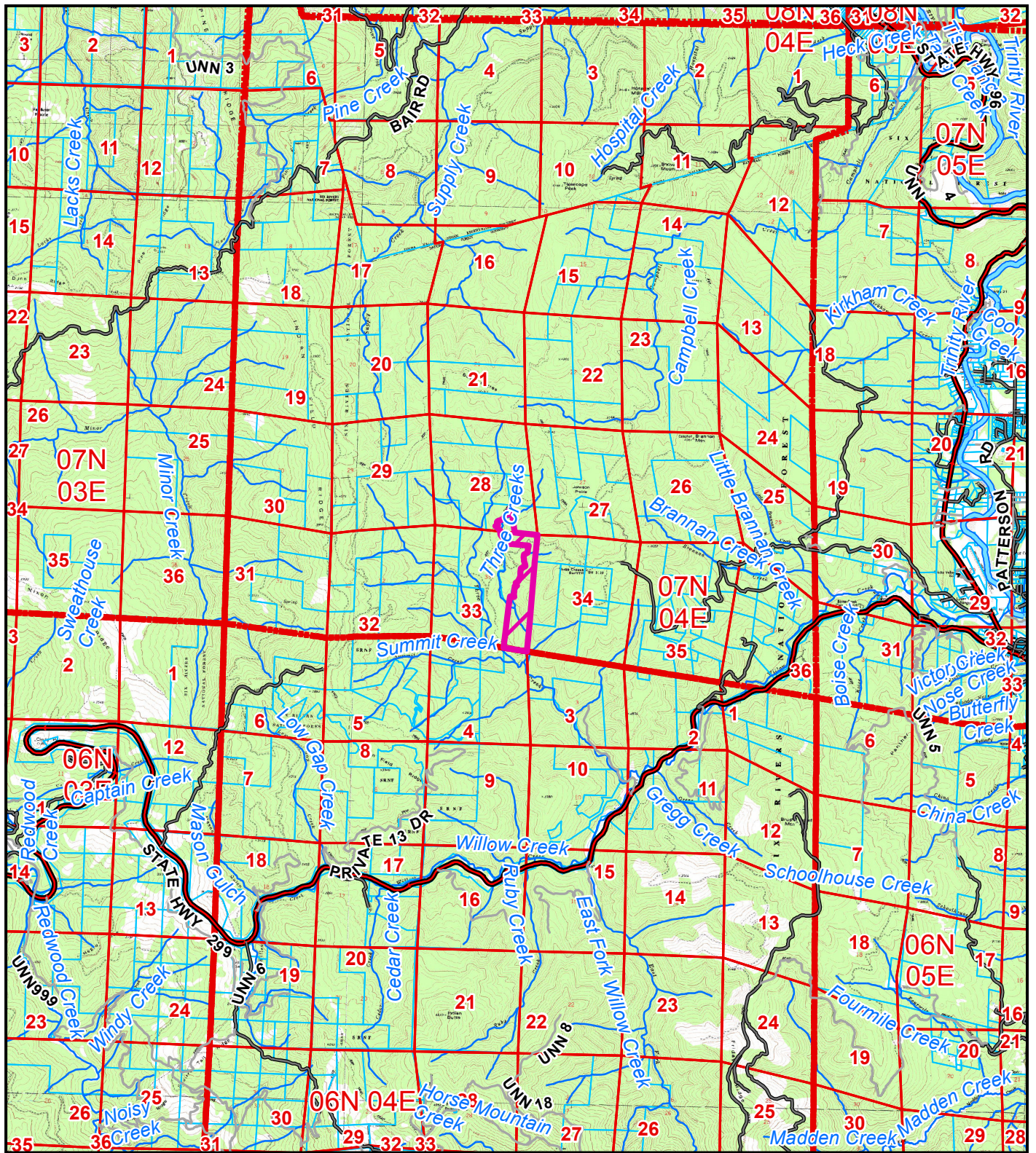
The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following ROLL CALL vote:

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

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

\_\_\_\_\_  
John Ford, Director  
Planning and Building Department



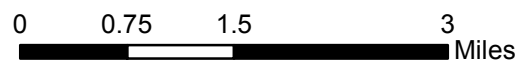


**TOPO MAP**  
**PROPOSED MARTIN BLUE RAY FARMS**  
**WILLOW CREEK AREA**  
**CUP-16-615**

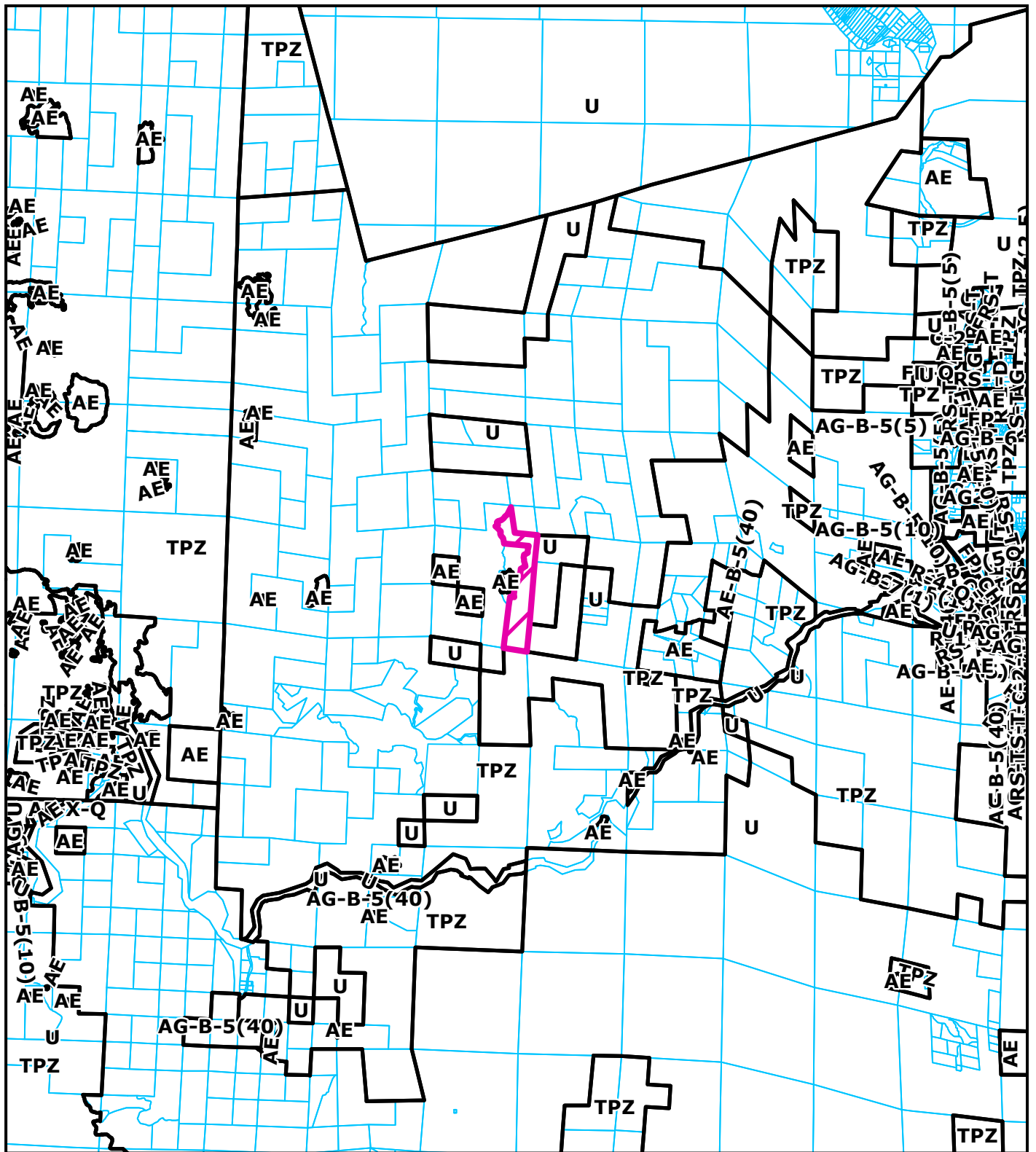
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**APN: 522-034-015**  
**T07N R04E S28; S33 HB&M (WILLOW CREEK)**

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





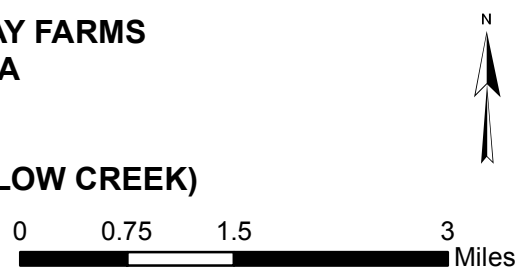


**ZONING MAP  
PROPOSED MARTIN BLUE RAY FARMS  
WILLOW CREEK AREA  
CUP-16-615**

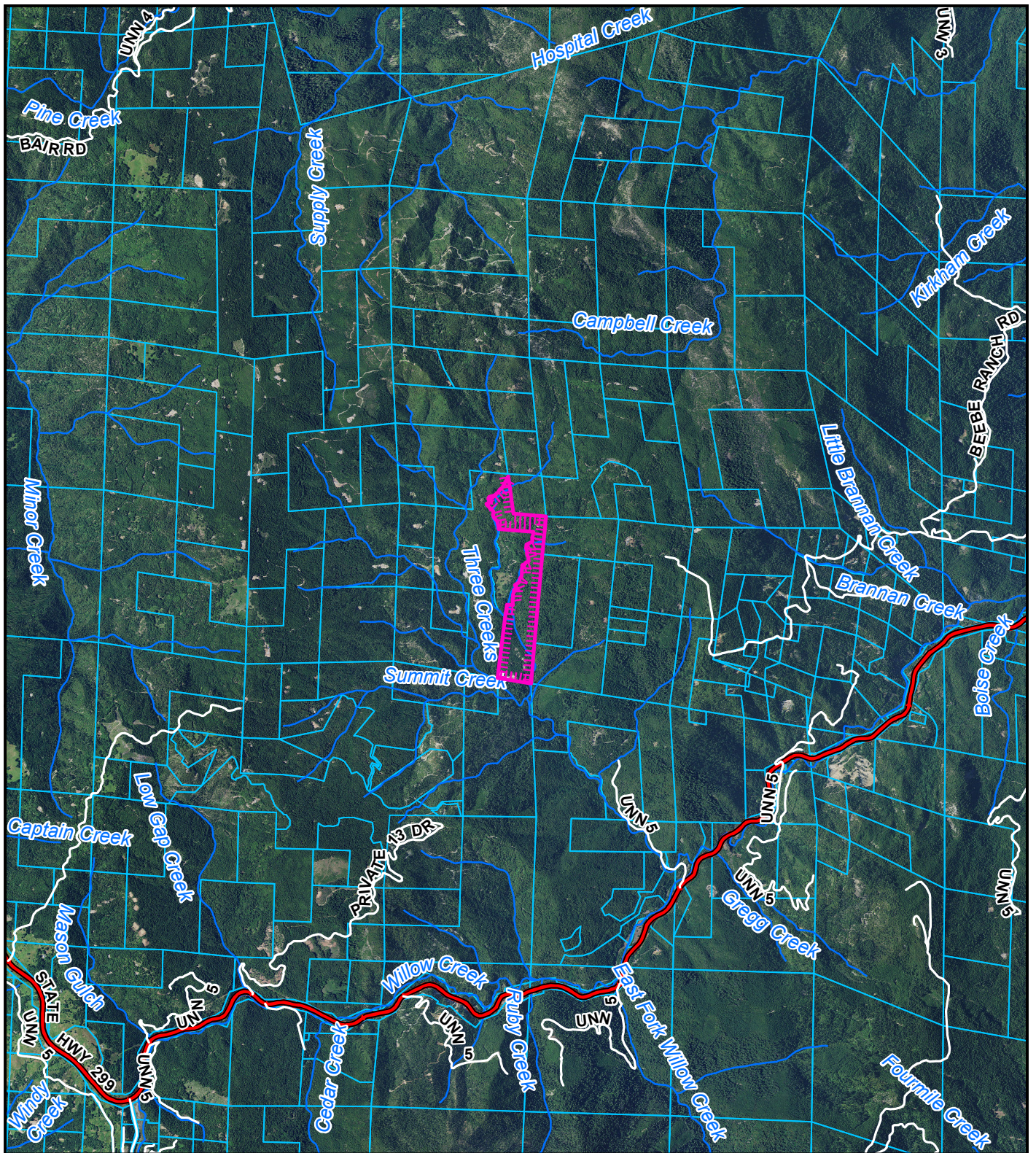
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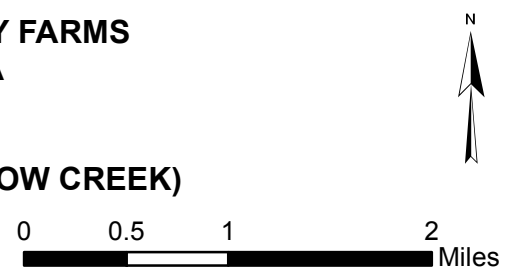


**AERIAL MAP  
PROPOSED MARTIN BLUE RAY FARMS  
WILLOW CREEK AREA  
CUP-16-615**

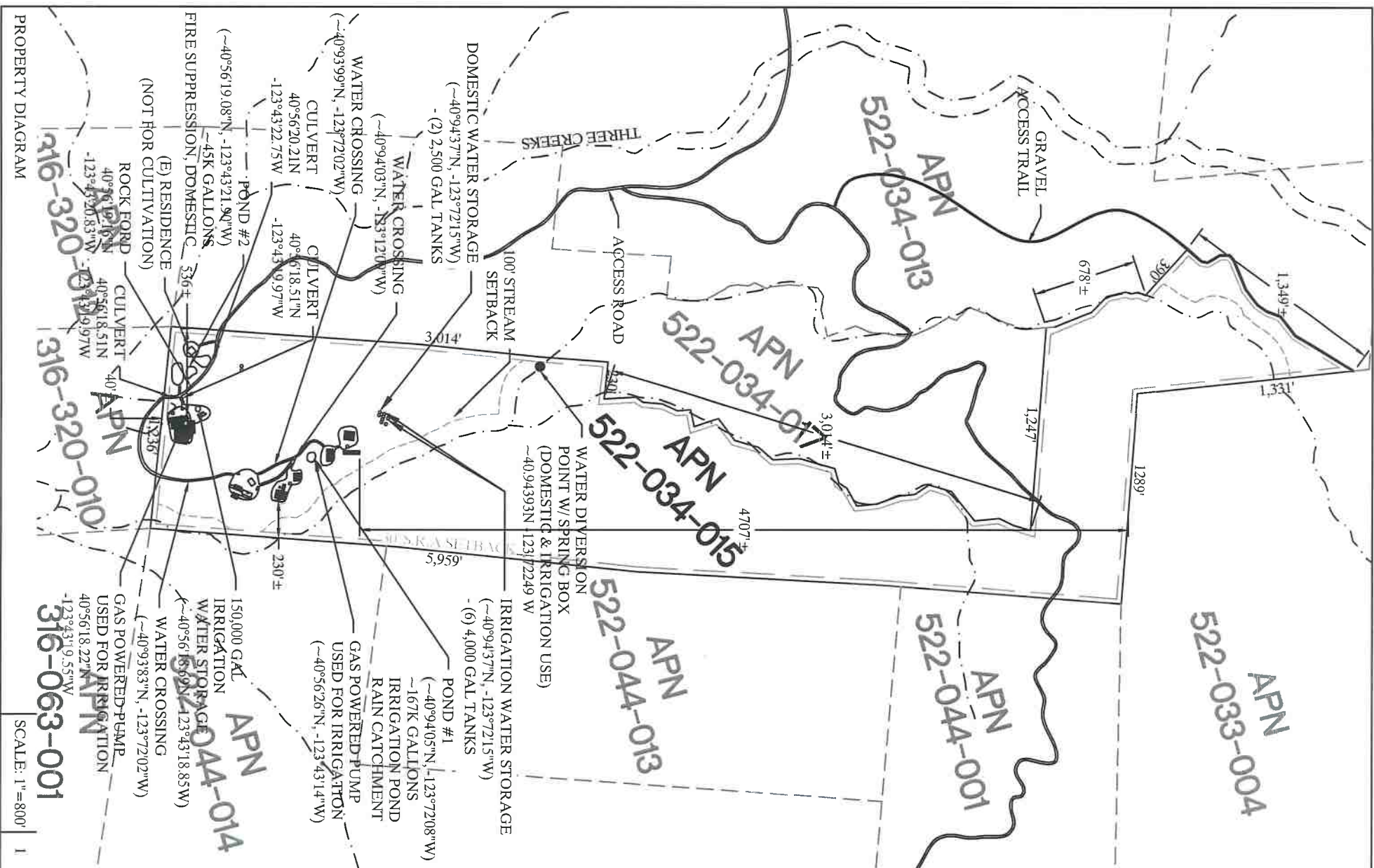
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**APN: 522-034-015  
T07N R04E S28; S33 HB&M (WILLOW CREEK)**

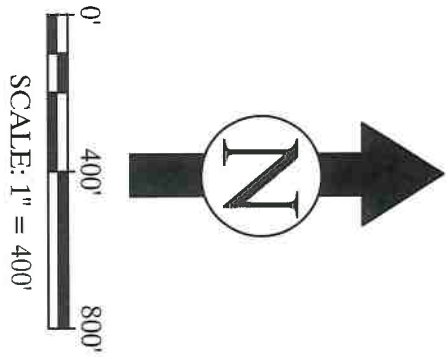
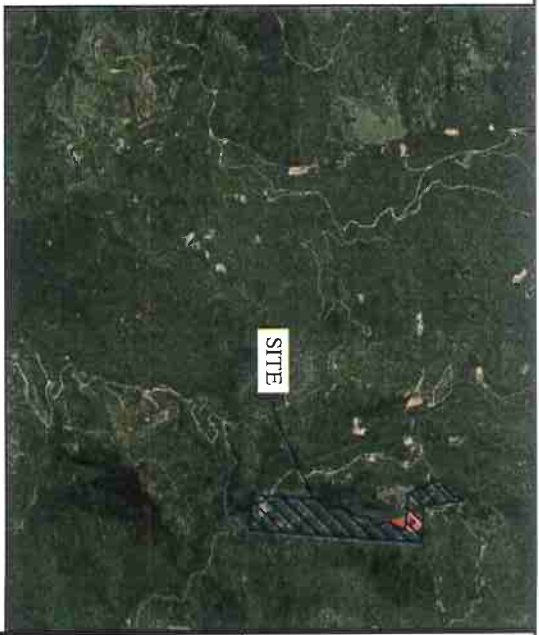
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.







- NOTES:
1. PROPERTY LINES AND BUILDING LOCATIONS ARE APPROXIMATE AND BASED ON HUMBOLDT COUNTY GIS AND GOOGLE MAPS AERIALS.
  2. ZONING: TPZ (SRA >1 ACRE)
    - 2.1. FRONT SETBACK = 20'
    - 2.2. REAR SETBACK = 30'
    - 2.3. SIDE SETBACK = 30'
  3. SITE AREA = 150.23 ACRES
  4. PROCESSING AND PACKAGING DONE OFF-SITE.
  5. (E) RESIDENCE LOCATED ON PARCEL IS NOT CULTIVATION RELATED AND IS LABELED AS SUCH ON THE PREMISE DIAGRAM.
  6. NO ON-SITE COMPOSTING



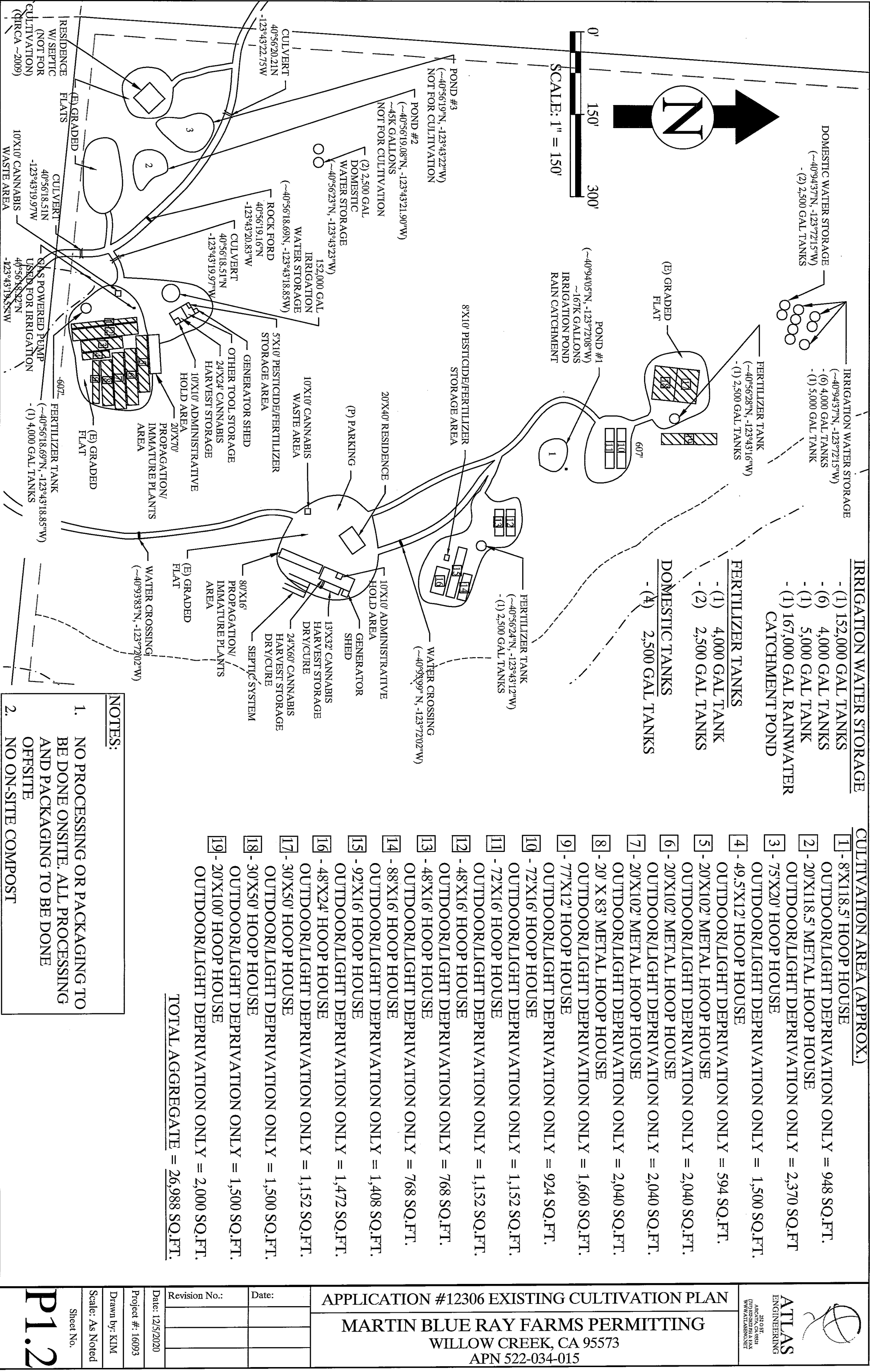
AGENT:  
ATLAS ENGINEERING  
252 G STREET  
ARCATA, CA 95521  
(707) 822-2822  
michael@atlaseng.net

**OWNER:**  
**BRADLEY MILLER**  
**P.O. BOX 290**  
**ARCATA, CA 95518**

CLIENT:  
MARTIN BLUE RAY FARMS  
P.O. BOX 290  
ARCATA, CA 95518

<div style="writing-mode: vertical-rl; transform: rotate(180deg);"> <b>P1.1</b> </div>	<div style="writing-mode: vertical-rl; transform: rotate(180deg);"> Sheet No. </div>	<div style="writing-mode: vertical-rl; transform: rotate(180deg);"> Scale: As Noted </div>	<div style="writing-mode: vertical-rl; transform: rotate(180deg);"> Drawn by: KIM </div>	<div style="writing-mode: vertical-rl; transform: rotate(180deg);"> Project #: 16093 </div>	<div style="writing-mode: vertical-rl; transform: rotate(180deg);"> Date: 12/5/2020 </div>	Revision No.:	Date:	<div style="text-align: center;"> <b>APPLICATION #12306 PLOT PLAN</b> </div>	
								<div style="text-align: center;"> <b>MARTIN BLUE RAY FARMS PERMITTING</b> </div>	
								<div style="text-align: center;"> <b>WILLOW CREEK, CA 95573</b> </div>	
								<div style="text-align: center;"> <b>APN 522-034-015</b> </div>	





- NOTES:**
- NO PROCESSING OR PACKAGING TO BE DONE ONSITE. ALL PROCESSING AND PACKAGING TO BE DONE OFFSITE
  - NO ON-SITE COMPOST



APPLICATION #12306 EXISTING CULTIVATION PLAN

MARTIN BLUE RAY FARMS PERMITTING

WILLOW CREEK, CA 95573

APN 522-034-015

Revision No.:	Date:

Date: 12/5/2020
Project #: 16093
Drawn by: KIM
Scale: As Noted
Sheet No.

P1.2

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

#### **A. General Conditions**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #17. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. Within 90-days of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall submit a revised plot plan prepared by a licensed surveyor showing the following, in addition to what is shown:
  - a. Designate an emergency Firetruck turnaround on the Site Plan which meets the Fire Safe Ordinance requirements.
7. Per the comments received from the Department of Public Works conditions of approval for the roadway include:
  - a. All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Slight Visibility Ordinance),
  - b. And that the access road shall be paved for a minimum of 20 feet and a length of 50 feet where it intersects the County road.
  - c. The applicant shall obtain all encroachment permits from the Department as necessary.

8. The applicant shall secure permits for grading, all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, nineteen (19) light-deprivation greenhouses, two (2) ancillary propagation greenhouses, one (1) 5'x10' Pesticide Storage, one (1) 8'x10' Pesticide/Fertilizer Storage Shed, two (2) Generator Sheds, one (1) 24'x60' Drying/Curing Harvest Storage building, one (1) 24'x24' Harvest Storage building, one 13'x32' Harvest Storage building, one (1) 20'x40' Residence used for on-site employee housing, one (1) 152,000 gallon water tank, and one (1) 167,000 gallon rainwater catchment pond. 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.
9. 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.
10. The applicant shall finalize the existing Onsite Wastewater Treatment System (OWTS) permit (17/18-1175) with the Division of Environmental Health (DEH) by completing the percolation test and septic design or any other reports deemed necessary by DEH. A letter or similar communication from DEH verifying that the OWTS is permitted will satisfy this condition.
11. In accordance with Section 55.4.10 (j) of the CMMLUO, the applicant is required to get a Timber Conversion Report prepared by a Registered Professional Forester (RPF) to evaluate site conditions and conversion history for the property. The applicant is conditioned to provide a Timber Conversion Report to the Planning Division containing the RPF's recommendations as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act, and to adhere to the recommendations within the report.
12. The applicant is conditioned to provide the Planning Department with a Streambed Alteration Agreement that includes the instream work that was done under the recommendation of the WRPP, or to submit a Lake or Streambed Alteration Notification or amend the existing agreement with Fish & Wildlife to include all instream work that has been done.
13. The project is conditioned to supply the Planning Division with the final Site Management Plan when available, and to adhere to any maintenance recommended within the report.
14. 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.
15. The project is conditioned to obtain a Noise & Light Attenuation Plan to show compliance with noise and light requirements, and submit to the Planning division when available.
16. 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.
17. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to

meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial light utilized in propagation greenhouses shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control 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.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.



11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
15. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. 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.
19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.



21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

25. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (5) Materials handling policies;
    - (6) Job hazard analyses; and
    - (7) Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.

- c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
  - b. Location where processing will occur
  - c. Number of employees, if any
  - d. Employee Safety Practices
  - e. Toilet and handwashing facilities
  - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
  - g. Drinking water for employees
  - h. Plan to minimize impact from increased road use resulting from processing
  - i. On-site housing, if any
30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the 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.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with 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.

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

**Informational Notes:**

- 36. 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.
- 37. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.
- 38. 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 MEDICINAL MARIJUANA LAND USE  
ORDINANCE**

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

**APN 522-034-015; Willow Creek Area  
County of Humboldt**

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

**March 2021**

## Background

### **Modified Project Description and Project History –**

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

The modified project involves a Conditional Use Permit for an existing 26,988 ft<sup>2</sup> of outdoor cannabis cultivation within nineteen (19) greenhouses utilizing light-deprivation techniques with no use of lights or fans. Ancillary propagation occurs within two (2) greenhouses totaling 2,680 ft<sup>2</sup>. The applicant is also applying for a Special Permit to reduce the 600 foot setback to Six Rivers National Forest. Water for irrigation is sourced from a rainwater catchment pond, and a permitted water diversion. Existing available water storage is within one 167,000 gallon rainwater catchment pond, one 152,000 gallon hard tank, one 5,000 gallon hard tank, and 24,000 gallons within six (6) hard tanks for a total of 348,000 gallons. Estimated annual water usage is 315,000 gallons (11.67 gal/ft<sup>2</sup>/year). Drying and bucking occurs on-site and all other processing will occur off-site at a licensed processing or manufacturing facility. The project operations will be conducted by the applicant and up to four (4) employees, for a maximum of five (5) operators during peak operations. There is one full-time employee that will reside within the 20'x40' Residence on-site. Power is provided by generators, but the applicant plans to transition to renewable energy source in the future.

The project is conditioned to obtain all grading and building permits for any grading that was done on-site, for the existing structures on-site, and for water storage structures that require permits. 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. The project was referred to the Department of Environmental Health (DEH) on November 1, 2017. Comments were received from DEH on July 13, 2018, recommending conditions of approval for the project. The applicant is conditioned to obtain a site suitability report showing that the existing septic system near the Drying/Curing Harvest Storage building can support the projects need.

A detailed review of aerial imagery shows that the southern portion of the parcel had significant amount of timber conversion between 2005 and 2016. In accordance with Section 55.4.10 (j) of the CMMLUO, the applicant is required to get a Timber Conversion Report prepared by a Registered Professional Forester (RPF) to evaluate site conditions and conversion history for the property. The applicant is conditioned to provide a written report to the Planning Division containing the RPF's recommendations as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act, and to adhere to the recommendations within the RPF report.

A Water Resource Protection Plan (WRPP) has been prepared by Timberland Resource Consultants in 2017 for the site, which outlines the need for the placement or replacement of up to seven (7) culverts on-site. The Streambed Alteration Agreement 1600-2015-00182-R1 did not include the replacement of culverts on-site, and all culverts have since been installed. The applicant is conditioned to provide the Planning Department with a Streambed Alteration Agreement that includes the instream work that

was done under the recommendation of the WRPP, or to submit a Lake or Streambed Alteration Notification or amend the existing agreement with Fish & Wildlife to include all instream work that has been done. The site has also enrolled in the State Water Resources Control Board Order WQ 2019-0001-DWQ, WDID: 1\_12CC416661. All cultivation areas and associated structures appear to be outside of all streamside management areas on the parcel. The applicant is required to have a Site Management Plan prepared for the project to meet State Water Board Compliance, and the project is conditioned to supply the Planning Division with the final Site Management Plan when available, and to adhere to any maintenance recommended within the report.

The project is located approximately 0.53 miles from the nearest Northern Spotted Owl activity center. The project is required to ensure that generators do not exceed 50 decibels at either 100 feet or the nearest canopy, whichever is closer. The combined decibel level for all noise sources shall not exceed 60 decibels at the property line. Generator sheds must also 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. As well, the project is required to adhere to International Dark Sky standards, and no light shall escape the propagation greenhouses between the hours of dusk and dawn. The project is conditioned to obtain a Noise & Light Attenuation Plan to show compliance with noise and light requirements, and submit to the Planning division when available.

Access to the site is via a driveway off of New Three Creeks Road from Brannon Mountain Road via Hwy 96. A Road Evaluation Report was prepared by Atlas Engineering on May 16, 2018, for approximately 2.04 miles of Brannon Mountain Road, and approximately 0.91 miles of New 3 Creeks Road to the project site. The Report identifies both roads as not being developed to a Category 4 road standard, but determines that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified. The RER also states that the existing roads have been resurfaced with new gravel within the last couple of years and are overall in good condition. Conditions of approval for the project include: all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Slight Visibility Ordinance), and that the access road shall be paved for a minimum of 20 feet and a length of 50 feet where it intersects the County road.

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 restocking 0.30 acres with timber that was converted after the CEQA baseline was established to remediate for loss of wildlife habitat, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

**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 30,000 square feet of cultivation with ancillary 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:

- Site Plan prepared by Atlas Engineering dated 12/5/2020 and received 3/12/2021.
- Cultivation and Operations Plan prepared by Atlas Engineering received 3/12/2021.
- Right to Divert and Use Water, Certificate H100407 with the State Water Resources Control Board, Division of Water Rights.
- Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- A Notice of Applicability letter dated September 6, 2019, for proof of enrollment in the State Water Board's Order WQ 2019-0001-DWQ.
- Streambed Alteration Agreement 1600-2015-00182-R1 dated September 4, 2015.
- A Parcel Boundary Survey conducted by Points West Surveying Co. in December of 2018.
- A Road Evaluation Report prepared by Atlas Engineering on May 16, 2018, for approximately 2.04 miles of Brannon Mountain Road, and approximately 0.91 miles of New 3 Creeks Road to the project site.
- A Biological Assessment (BA) prepared by Leopard Wildlife Associates in October of 2019.
- A Cultural Resource Investigation prepared by Nick Angleoff, M.A. with Archaeological Research and Supply Company conducted in June of 2017.

### **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. (Right to Divert and Use Water, Certificate H100407 – 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 filed with the State Water Resources Control Board Order WQ 2019-0001-DWQ, under WDID: 1\_12CC416661. (Attached)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2015-00182-R1 executed 9/4/2015 –Attached)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Project is conditioned to provide RPF Report – Not applicable at this time.)

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 Cultural Resource Investigation prepared by Nick Angleoff, M.A. with Archaeological Research and Supply Company conducted in June of 2017. (On-file and confidential)
16. A Road Evaluation Report prepared by Atlas Engineering on May 16, 2018, for approximately 2.04 miles of Brannon Mountain Road, and approximately 0.91 miles of New 3 Creeks Road to the project site. (Attached)
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
18. A Biological Assessment (BA) prepared by Leopard Wildlife Associates in October of 2019. (On-file and Confidential)
19. A Parcel Boundary Survey conducted by Points West Surveying Co. in December of 2018. (Attached)
20. Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants for the North Coast Regional Water Quality Control Board Order No. 2015-0023. (Attached)

**MARTIN BLUE RAY FARMS  
REVISED CULTIVATION OPERATIONS PLAN  
APN: 522-034-015**



**Project Description:** Martin Blue Ray Farms, LLC (Applicant) is seeking a conditional use permit for commercial cannabis cultivation with cultivation area of 26,998 sq. ft. of outdoor cultivation using light deprivation techniques in nineteen (19) greenhouses, with accessory propagation of 2,688 sq. ft. in two (2) greenhouses. Applicant's water sources include a 167,000-gallon rain catchment irrigation pond and a permitted surface water diversion. Total water storage for the cultivation operation is 350,000 gallons consisting of hard tank storage and rain catchment storage. Power is supplied from a Honda EU3000 generator at this time, with applicant eventually transitioning to renewable energy sources. Applicant anticipates one employee for the cultivation operation and on-site housing will be provided.

**Description of Water Storage:** Water storage on site consists of the following:

Type	Volume (gallons)	Number	Use
Pond	167,000	1	Irrigation
Tanks			
- Large	152,000	1	Irrigation
- Small	5,000	1	Irrigation
- Small	4,000	6	Irrigation
Type	Volume	Number	Use
Tanks			
- Small	5,000	1	Fertilizing
- Small	2,500	2	Fertilizing
Type	Volume	Number	Use
Tanks			
- Small	2,500	4	Domestic

Total storage volume for irrigation: 354,000 gallons

Total storage volume for fertilizing: 10,000 gallons

Total storage volume for domestic: 10,000 gallons

**Description of Water Source:** Water is sourced from an engineered rainwater catchment pond with 167,000-gallon capacity (Pond #1 labeled on Site Plan). Secondary water source includes a permitted surface water diversion (SWRCB Certificate #H100407). Surface diversion will occur outside of forbearance period and Applicant has sufficient storage to divert water outside of the forbearance period. Pond water is gravity fed to fertilizer tanks and then pumped to

greenhouses located to the north of the property. Please note, the ponds shown on the southern portion of the premises are for aesthetic and fire suppression uses only and are not used in the cultivation operation.

**Irrigation Plan:** Watering is done through a drip system to ensure water is applied at agronomic rates to avoid threat of excess runoff to surface waters.

**Water Use:** The below table breaks down anticipated water usage by month:

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water Usage (in thousand of gallons)	0	0	0	10	30	50	80	80	50	15	0	0

Total projected water usage for irrigation is 315,000 gallons.

These figures represent projects based on Applicant's watering schedule and actual usage is weather dependent. Applicant will install flow meters to measure amount of actual usage.

**Soils Management Plan:** All soil is reamended in place before each planting using a rototiller. Applicant does not dispose soil as all cultivation areas use the original soil in place.

**Description of Site Drainage:** Cultivation areas are located on flat ground and water is applied at agronomic rates via drip system to avoid excessive runoff. Areas around cultivation is equipped with French drains that divert any runoff to a nearby culvert.

**Runoff and Erosion Control Measures:** In addition to the French drains, Applicant places straw mulch around the cultivation sites to prevent runoff and erosion. Additionally, straw wattles are placed on sloped areas around the cultivation sites to prevent further erosion and runoff. Applicant has followed the recommendations made in its Water Resources Protection Plan prepared by Timberland Resource Consultants.

**Watershed and Habitat Protection Measures:** In addition to the French drains, straw mulching, and wattle placement, Applicant has located cultivation at a distance to discourage potential harm to watershed and habitat from the cultivation facilities. The cultivation sites are hydrologically disconnected from surface waters through the measures referenced above. All generators and fuel storage is equipped with spill trays and secondary containment vessels to

prevent spills and contamination of groundwater. Waste is kept in locked approved containers within a trailer located on site and disposed of weekly.

**Fertilizer, Pesticide and Regulated Product Storage Protocols:** All fertilizers and regulated products utilized are safe and non-toxic. Products are stored in locking structures with solid wooden floors in secondary containment. The location of these structures and their use are shown on Applicant's site plan. Fertilizers and amendments are applied according to manufacturer guidelines and used as sparingly as possible. Empty containers and waste are disposed of in accordance with local, state, and federal regulations.

**Description of Cultivation Activities:** Applicant is proposing 26,998 sq. ft. of outdoor cannabis cultivation using light deprivation techniques. No power is used in the cultivation activities themselves, however power is used in drying harvested cannabis product and supplied by a Honda EU3000 generator. This generator produces ambient noise levels below 50 dbs. Applicant will transition from generator power to renewable within five (5) years of project approval. Water sources for irrigation are a rainwater catchment pond and permitted surface water diversions. Applicant conducts nursery activities in two greenhouses with total nursery space totaling 2,688 sq. ft.

Applicant intends to employ one full-time employee for cultivation activities. Full-time employee will reside on-site in on-site housing. One parking space will be provided on site for employee. Average daily trips will not exceed two. Annual expected trips for distribution involve two to three trips. Annual trips for clone delivery will not exceed four trips. Annual trips for grow medium and/or amendments will not exceed one trip.

Plant material is harvested, dried, and cured on-site. Material is checked frequently throughout the drying process. Contaminated material is disposed of immediately. After drying process, material is transported off-site for processing. There are no processing activities conducted on-site.

**Monthly Schedule of Activities:**

- Jan: No activity.
- Feb: No activity.
- Mar: No activity.
- Apr: Raise clones and seed starts in nursery facility. Prepare cultivation sites by tilling and amending soils and installing drip lines.

- May: Plant in hoop houses at the beginning of the month.
- Jun: Begin covering hoop houses.
- Jul: Water and perform basic plant maintenance, bottom branching, etc.
- Aug: Harvest hoop houses in late July to August and prep for replanting. Replant hoop houses and begin covering hoop houses. Dry and cure harvested cannabis in preparation for processing.
- Sept: Continue watering, maintaining and supporting plants at all cultivation sites.
- Oct: Harvest hoop houses towards end of month.
- Nov: Ready all remaining cured cannabis for processing facility. Winterize property, plant cover crop at cultivation sites and perform end of season maintenance for any farm equipment used.
- Dec: No activity.

**Processing Plan:** No processing activities take place on-site. Only off-site processing will occur. See Cultivation Activities section.

**Security Plan:** The parcel is densely forested and remote and is located behind two locked community gates and a private locked gate across from the driveway leading to the parcel. There are sensors in place to alert to traffic on the driveway. During cultivation periods, staff is on-site at all times and multiple dogs to alert to visitors to the site. Visitors are admitted by appointment only. Neighbors actively communicate in the event of suspicious or unusual activity in the area. All structures are locked and secure. All cannabis and trash are kept in a locked and secure location. Fire extinguishers are strategically placed and available throughout the parcel. Defensible space around all buildings is maintained throughout fire season. In the event of an emergency, fire department and sheriff's department shall be contacted.



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H504237

CERTIFICATE H100407

Right Holder: *Bradley Miller*  
*PO Box 290*  
*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 12/06/2018. 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	Three Creeks	Willow Creek	40.943895	-123.722405	Humboldt	522-034-015

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	522-034-015	0.32405877

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 01/07/2019.  
The place of use is shown on the map filed on 01/07/2019 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.55 **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 0.55 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.**

5. No water shall be diverted or used under this right unless the water right holder is in compliance with all applicable conditions, 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 – 78, 82 – 94, 96, and 98 – 103.
- 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/water\\_issues/programs/cannabis/docs/policy.pdf](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf).

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.
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 the submittal of an annual report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current annual renewal 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: 01/07/2019 13:18:06

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**North Coast Regional Water Quality Control Board**

September 6, 2019

WDID:1\_12CC416661

BRADLEY MILLER  
PO BOX 290  
ARCATA, CA 95518

Subject: Notice of Applicability - Waste Discharge Requirements Water Quality  
Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov).

Sincerely,

Matthias St. John  
Executive Officer  
North Coast Regional Water Quality Control Board

190906\_1L\_1\_12CC416661\_1B16415CHUM\_Martin\_Blue\_Ray\_Farms\_NOA\_TW

**NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, BRADLEY MILLER, HUMBOLDT COUNTY APN(s) 522-034-015**

Bradley Miller (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on May 31, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1\_12CC416661**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B16415CHUM.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person or entity with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA.

**1. FACILITY AND DISCHARGE DESCRIPTION**

All dischargers enrolled under the North Coast Regional Water Board’s Order (R1-2015-0023) or the Central Valley Regional Water Board’s Order (R5-2015-0113) as of October 17, 2017, (the adoption date of the General Order) may retain the reduced setbacks applicable under the appropriate Regional Water Board order unless the Executive Officer for the appropriate Regional Board determines that the reduced setbacks applicable under their regional order are not protective of water quality. However, sites that expand their cannabis cultivation area or other cannabis related activities must comply with the riparian setbacks in the General Order.

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 Low Risk.

**2. SITE-SPECIFIC REQUIREMENTS**

The Policy and General Order are available on the Internet at:

[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_quality.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

Currently, the direct link to that application is as follows:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/190403/180731\\_031616\\_401\\_WQ2017-0023-Application.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf)

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/water\\_quality\\_certification/#401\\_calc](https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc)

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

### **3. TECHNICAL REPORT REQUIREMENTS**

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by August 28, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

### **4. MONITORING AND REPORTING PROGRAM**

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.  
[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2019/wq2019\\_0001\\_dwq.pdf#page=32](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wq2019_0001_dwq.pdf#page=32).



A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

[https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2019/19\\_0023\\_Regional%20Supplement%2013267%20Order.pdf](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf).

## **5. ANNUAL FEE**

According to the information submitted, the discharge is classified as Tier 1 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$600, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at [FeeBranch@waterboards.ca.gov](mailto:FeeBranch@waterboards.ca.gov) or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

## **6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION**

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov) so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board,  
[dwq.cannabis@waterboards.ca.gov](mailto:dwq.cannabis@waterboards.ca.gov)  
Cheri Sanville, California Department of Fish and Wildlife,  
[cheri.sanville@wildlife.ca.gov](mailto:cheri.sanville@wildlife.ca.gov)  
Cliff Johnson, Humboldt County Planning and Building,  
[cjohnson@co.humboldt.ca.us](mailto:cjohnson@co.humboldt.ca.us)

12354

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

RECEIVED

SEP 04 2015

CDFW – EUREKA



**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION NO. 1600-2015-00182-R1

Unnamed Tributary, Tributary to Three Creeks, Tributary to Willow Creek, Tributary to the Trinity River, Tributary to the Klamath River

Mr. Bradley Miller and Mr. Eric Finegan  
Water Diversion  
2 Encroachments

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Mr. Bradley Miller and Mr. Eric Finegan (Permittees).

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittees initially notified CDFW on May 27, 2015, that the Permittees intend 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 Permittees have reviewed the Agreement and accept its terms and conditions, including the measures to protect fish and wildlife resources.

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

**PROJECT LOCATION**

The project to be completed according to this Agreement is located within the Three Creeks watershed, approximately 4.7 miles west of the town of Willow Creek, County of Humboldt, State of California. The project is located in Sections 28 and 33, T7N, R4E, Humboldt Base and Meridian; in the Willow Creek U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 522-034-15; Points of Diversion located at latitude 40.9438 N and longitude 123.7223 W and at latitude 40.9563 N and 123.7236 W.

## PROJECT DESCRIPTION

The project is limited to two existing stream diversions on an Unnamed Tributary to Three Creeks for domestic use and irrigation. The work includes use and maintenance of the water diversion structure.

## PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), steelhead trout (*O. mykiss*), foothill yellow legged frog (*Rana boylei*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

### **Impacts to water quality:**

increased water temperature;

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

loss or decline of riparian and/or 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 Permittees shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittees 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 Permittees 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 Permittees, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Limitations of Authorization for Water Use. This agreement does not authorize any diversion, use, or storage of water unless already permitted by law.
- 1.4 Adherence to Existing Authorizations. All water diversion facilities that the Permittees own, operate, or control shall be operated and maintained in accordance with current law and applicable water rights.
- 1.5 Notification of Conflicting Provisions. The Permittees shall notify CDFW if the Permittees determine or learn that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency.
- 1.6 Project Site Entry. The Permittees agree 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 Permittees or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

## **2. Avoidance and Minimization Measures**

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

- 2.1 Permitted Project Activities. All work shall be conducted as specified in the Agreement Notification and all other supporting environmental documents, except where otherwise stipulated in this Agreement.
- 2.2 Work Period. All work, not including water diversion, shall be confined to the period June 1 through September 15 of each year, unless specified otherwise in this Agreement.
- 2.3 Incidental Take. This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.
- 2.4 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed 10 gallons per minute. The instantaneous diversion rate shall not exceed 10% of the total flow of the stream at any time. This condition is subject to modification should further analysis warranting such action become available at a later date.

- 2.5 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the storage system. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water pumped to and from the system on a weekly basis. Alternatively, the Permittee can record the frequency of pumping and the time to fill storage. Copies of the water diversion records shall be provided to CDFW at the 619 Second Street, Eureka, CA 95501 office no later than December 31 of each year.
- 2.6 Bypass Flow. The Permittees shall pass sufficient flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.7 Compliance with FGC Section 5901. All water diversion facilities shall be designed, constructed, and maintained so they do not prevent, impede, or tend to prevent or impede the passing of fish upstream or downstream, as required by Fish and Game Code Section 5901. This includes but is not limited to the supply of water at an appropriate depth, temperature, and velocity to facilitate upstream and downstream aquatic life movement and migration.
- 2.8 Forbearance Period. The Permittees shall add sufficient water storage and/or water conservation measures by May 15, 2016, and the Permittees shall forbear diverting stream flow from May 15 to October 15 of each year, except for emergencies.
- 2.9 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.
- 2.10 Fish Screening. A screen shall be installed at the pump intake to prevent the entrainment of fish into the intake pump. The fish screen shall meet the following criteria:
- a) Surface Area: The minimum unobstructed screen surface shall be 40 square inches.
  - b) Material: The screen material shall be wire mesh, perforated plate, wedge wire or slotted pipe. Round openings in the mesh shall not exceed 3/32 inches (2.38 millimeters) in diameter, square openings shall not exceed 3/32 inches diagonally, and slotted openings shall not exceed 0.069 inches (1.75 millimeters) in width.
  - c) Placement: Where possible, the screen should be placed in flowing water with a minimum of three inches of water over the top of the screen.
  - d) Maintenance: The Permittee shall inspect, maintain, and clean the screen as needed to ensure proper operation and fish protection.

- 2.11 Water Conservation. The Permittees shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.12 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittees shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.13 Removal of Structures. Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high water mark before such flows occur or the end of the yearly work period, whichever comes first.
- 2.14 Water Contamination. Refueling of equipment, adding or draining lubricants, coolants and/or hydraulic fluids shall not take place within any stream or where activities could risk contamination of a stream. All such fluids and containers shall be disposed of at an appropriate waste facility. Equipment placed adjacent to the stream shall use drip pans as needed to prevent soil and water contamination.
- 2.15 State Water Code. This Agreement does not constitute a valid water right. The Permittees 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](http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf).

### **3. Reporting Measures**

- 3.1 The Permittees shall, concurrently, submit to CDFW all compliance reports submitted to the State Water Resources Control Board.

### **CONTACT INFORMATION**

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

#### To Permittees:

Mr. Bradley Miller and Mr. Eric Finegan  
P.O. Box 290  
Arcata, California 95520

To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2015-0182-R1

## **LIABILITY**

The Permittees shall be solely liable for any violation of the Agreement, whether committed by the Permittees or any person acting on behalf of the Permittees, 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 Permittees to proceed with the project. The decision to proceed with the project is the Permittees' alone.

## **SUSPENSION AND REVOCATION**

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittees 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 Permittees 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 Permittees an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to the Permittees, 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 Permittees 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 Permittees or any person acting on behalf of the Permittees, 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 Permittees or any person acting on behalf of the Permittees, 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 Permittees or any person acting on behalf of the Permittees, 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 Permittees may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittees. To request an amendment, the Permittees 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 Permittees 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 Permittees 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 Permittees 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 Permittees 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 Permittees fail to submit a request to extend the Agreement prior to its expiration, the Permittees 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](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 Permittees 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 Permittees, the signatory hereby acknowledges that he or she is doing so on the Permittees' behalf and represents and warrants that he or she has the authority to legally bind the Permittees to the provisions herein.

## AUTHORIZATION

This Agreement authorizes only the project described herein. If the Permittees begin or complete a project different from the project the Agreement authorizes, the Permittees 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 Mr. Bradley Miller / Mr. Eric Finegan**

Bradley Miller

Bradley Miller

9/2/15

Date

ERIC FINEGAN

Eric Finegan

9/2/2015

Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

Gordon Leppig

Gordon Leppig

Senior Environmental Scientist (Supervisor)

9/9/15

Date

Prepared by: David Manthorne, Environmental Scientist, August 4, 2015





# ATLAS ENGINEERING

252 G ST.

ARCATA, CA 95521

(707) 822-2822 PH & FAX

WWW.ATLASENG.NET

CA LIC. NO. C68893

RECEIVED

MAR - 6 2020

Humboldt County  
Planning Division

May 16, 2018

Humboldt County Land Use Division  
3033 H Street, Room 17  
Eureka, CA 95501

RE: Martin Blue Ray Farms  
Road Survey  
APN 522-034-015

The existing roads being surveyed, Brannon Mountain Road and New Three Creeks Road, are approximately 2.05 and .9 miles long, respectively, for a total of 2.95 miles (156,000 feet). They have an average width of at least twelve feet (12') and have a gravel surface from STA 0+00 to STA 156+00. There are a small number of steep sections as follows: for approximately 50' from STA 1+00 to STA 1+50 the slopes vary from 15% to 16%, for less than 50' at STA 2+50 the slope is 18%, for approximately 150' from STA 8+50 to 9+50 the slopes vary from 15% to 17%, for less than 100' from STA 15+00 to STA 15+50 the slopes vary from 15% to 17%, for less than 50' at STA 28+00 the slope is 15%, for less than 50' at STA 32+50 the slope is 15%, for less than 50' at STA 48+00 the slope is 16%, for less than 50' at STA 52+00 the slope is 15%, for approximately 200' from STA 59+00 to STA 61+00 the slopes vary from 15% to 18%, for less than 50' at STA 69+00 the slope is 16%, for approximately 100' from STA 71+00 to STA 72+00 the slopes vary from 15% to 17%, for less than 50' at STA 73+00 the slope is 17%, for less than 50' at STA 77+50 the slope is 17%, for approximately 50' from STA 145+50 to STA 146+00 the slopes vary from 15% to 19%, and for approximately 150' from STA 148+00 to 149+50' the slopes vary from 15% to 19%.

The roads provide access to five residential units/driveways. Assuming a maximum number of trips of 10 per day per single-family dwelling unit (9.57 per Institute of Transportation Engineers), there are only 50 trips per day. If Martin Blue Ray Farms employs four people per day and they average four trips per employee to arrive, leave, and go to lunch, that is an additional 40 trips per day. The new total Average Daily Trips (ADT) number would be 90, far less than the 400 ADT that qualifies for Very Low-Volume Local Roads.

The existing roads have been resurfaced with new gravel within the last couple of years and overall are in good condition. The roads would require very significant improvements to reach the conditions for Category Four status (revising driveway aprons, widening of the road/grading, paving, and revising the existing drainage facilities). We recommend upgrading the roads to meet the design standards of a Category Two road. Each section of the road is presently wider than 10'. Any potholes shall require infilling and compaction on the existing gravel roads. There are numerous locations for possible 10'x80' turnouts with flared ends parallel to the existing gravel road and each location is detailed on the attached plans. They are located approximately 1/4 mile apart. A roadway turnaround Slip-T near the commercial cannabis structure shall be constructed.

Feel free to give us a call with any questions or if you require additional information. We look forward to speaking with you soon.

Sincerely,

Michael Taylor



5/17/18

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: BRAD MILLER

APN: 522-034-015

Planning & Building Department Case/File No.:

Road Name: BRANNON MOUNTAIN ROAD

(complete a separate form for each road)

From Road (Cross street):

To Road (Cross street): NEW 3 CREEK ROAD

Length of road segment: ~2.04 miles Date Inspected: 3/28/18

Road is maintained by: ☐ County ☒ Other NON-COUNTY MAINTAINED  
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

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

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

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

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

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

Signature

6/27/18  
Date

Name Printed

Michael Taylor

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



**PART B:**

*Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.*

Road Name: BRANNON MOUNTAIN ROADDate Inspected: 3/28/18APN: 522-034-015

From Road:

(Post Mile 0+00)

Planning &amp; Building

Department Case/File No.:

To Road:

NEW 3 CREEKS ROAD(Post Mile 108+00)

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

Number of other known cannabis projects included in ADT calculations:  
(Contact the Planning & Building Department for information on other nearby projects.)

ADT: 90

Date(s) measured:

Method used to measure ADT: ☐ Counters ☒ Estimated using ITE Trip Generation Book

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

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

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

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400)* for guidance.)

A. Pattern of curve related crashes.

Check one: ☒ No. ☐ Yes, see attached sheet for Post Mile (PM) locations.

B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles

Check one: ☒ No. ☐ Yes, see attached sheet for PM locations.

C. Substantial edge rutting or encroachment.

Check one: ☒ No. ☐ Yes, see attached sheet for PM locations.

D. History of complaints from residents or law enforcement.

Check one: ☒ No. ☐ Yes (☐ check if written documentation is attached)

E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)

Check one: ☒ No. ☐ Yes.

F. Need for turn-outs.

Check one: ☐ No. ☒ Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:

☐ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.

☒ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (☐ check if a Neighborhood Traffic Management Plan is also required and is attached.)

☐ The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

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

Signature of Civil Engineer

Date

6/27/18

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: BRAD MILLER

APN: 522-034-015

Planning & Building Department Case/File No.:

Road Name: NEW 3 CREEKS ROAD

*(complete a separate form for each road)*

From Road (Cross street): BRANNON MOUNTAIN ROAD

To Road (Cross street):

Length of road segment: ~.91 miles

Date Inspected: 3/28/18

Road is maintained by: ☐ County ☒ Other NON-COUNTY MAINTAINED

*(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)*

Check one of the following:

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

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

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

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

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

Signature

6/27/18  
Date

Name Printed

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

**PART B:**

Engineer licensed by the State of California. Complete a separate form for each road.

Part B is to be completed by a Civil

Road Name: NEW 3 CREEK ROAD

Date Inspected: 3/20/18

APN: 522-034-015

From Road: BRANNON MOUNTAIN ROAD (Post Mile 108100)

Planning & Building

Department Case/File No.:

To Road: (Post Mile 156100)

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

Number of other known cannabis projects included in ADT calculations:

(Contact the Planning & Building Department for information on other nearby projects.)

ADT: 90

Date(s) measured:

Method used to measure ADT: ☐ Counters ☒ Estimated using ITE Trip Generation Book

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

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

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

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT  $\leq 400$ ) for guidance.)

A. Pattern of curve related crashes.

Check one: ☒ No. ☐ Yes, see attached sheet for Post Mile (PM) locations.

B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles

Check one: ☒ No. ☐ Yes, see attached sheet for PM locations.

C. Substantial edge rutting or encroachment.

Check one: ☒ No. ☐ Yes, see attached sheet for PM locations.

D. History of complaints from residents or law enforcement.

Check one: ☒ No. ☐ Yes (☐ check if written documentation is attached)

E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)

Check one: ☒ No. ☐ Yes.

F. Need for turn-outs.

Check one: ☐ No. ☒ Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:

☐ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.

☒ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (☐ check if a Neighborhood Traffic Management Plan is also required and is attached.)

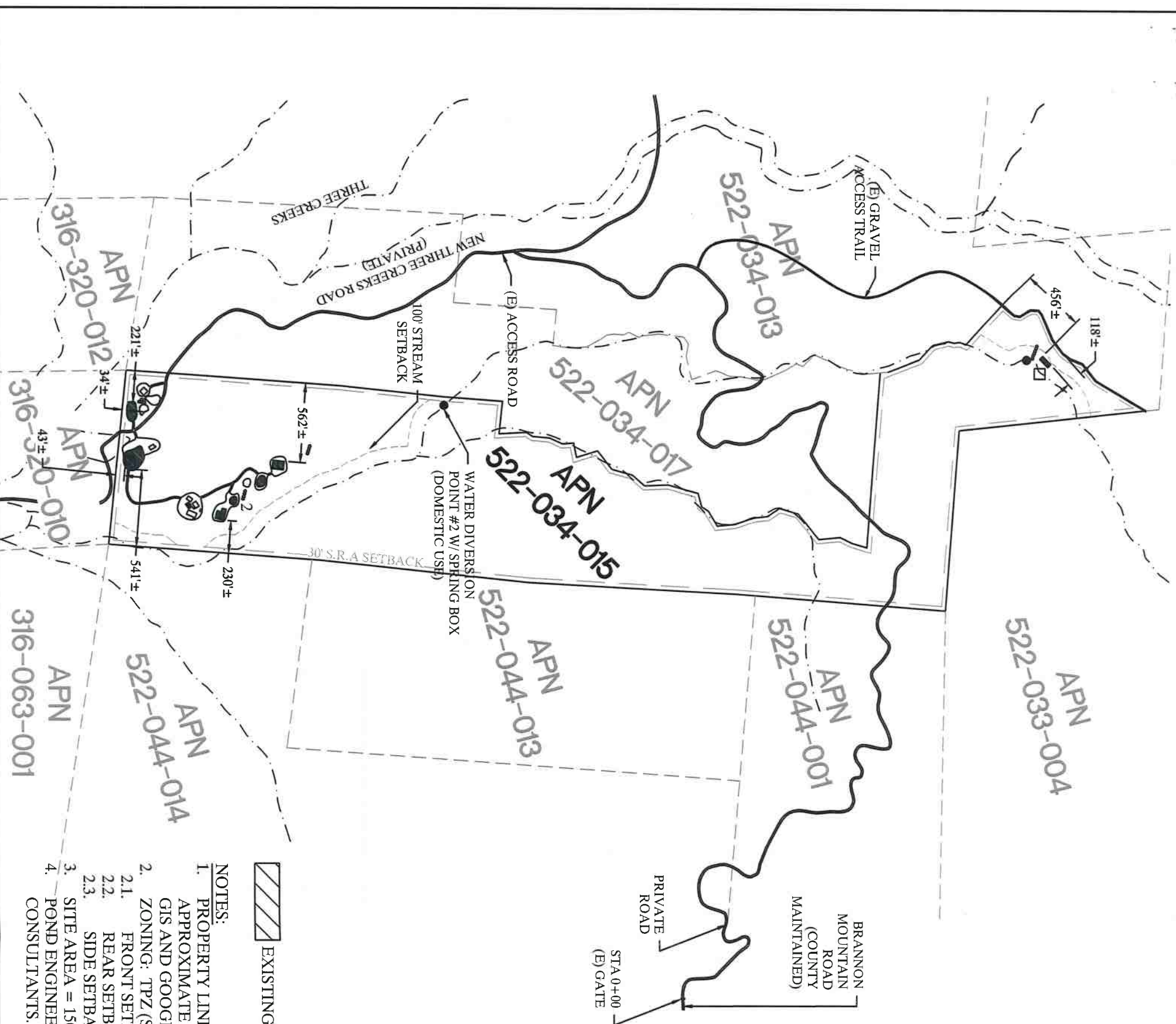
☐ The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

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

Signature of Civil Engineer

Date 6/27/18





VICINITY MAP  
N.T.S.

EXISTING CULTIVATION AREA (APPROX.)

AREA [ ] REFERS TO APP. #12306/MILLER (SEE P1.2)

- 13,200 SQ.FT. TOTAL
- 3,200 SQ.FT.
  - 5,700 SQ.FT.
  - (1) 25'X60' METAL GREENHOUSE = 1,500 SQ.FT.
  - (1) 35'X80' METAL GREENHOUSE = 2,800 SQ.FT.

AREA [ ] REFERS TO APP. #12354/FINEGAN (SEE P1.3)

- 12,002 SQ.FT. TOTAL
- (2) 40'X60' METAL HOOP HOUSES = 4,800 SQ.FT.
  - (1) 2,000 SQ.FT. OUTDOOR CULTIVATION
  - (1) 1,152 SQ.FT. OUTDOOR CULTIVATION
  - (1) 30'X80' METAL HOOP HOUSE = 2,400 SQ.FT.
  - (1) 30'X55' METAL HOOP HOUSE = 1,650 SQ.FT.

AREA [ ] REFERS TO APP. #12354/FINEGAN (SEE P1.4)

- 3,000 SQ.FT. TOTAL
- (1) 30'X100' GREENHOUSE = 3,000 SQ.FT.

[ ] EXISTING CULTIVATION AREA

NOTES:

1. PROPERTY LINES AND BUILDING LOCATIONS ARE APPROXIMATE AND BASED ON HUMBOLDT COUNTY GIS AND GOOGLE MAPS AERIALS.
2. ZONING: TPZ (SRA > 1 ACRE)
  - 2.1. FRONT SETBACK = 20'
  - 2.2. REAR SETBACK = 30'
  - 2.3. SIDE SETBACK = 30'
3. SITE AREA = 150.23 ACRES
4. POND ENGINEERED BY TRINITY VALLEY CONSULTANTS. (E) POND TO BE IMPROVED W/ (N) BERM



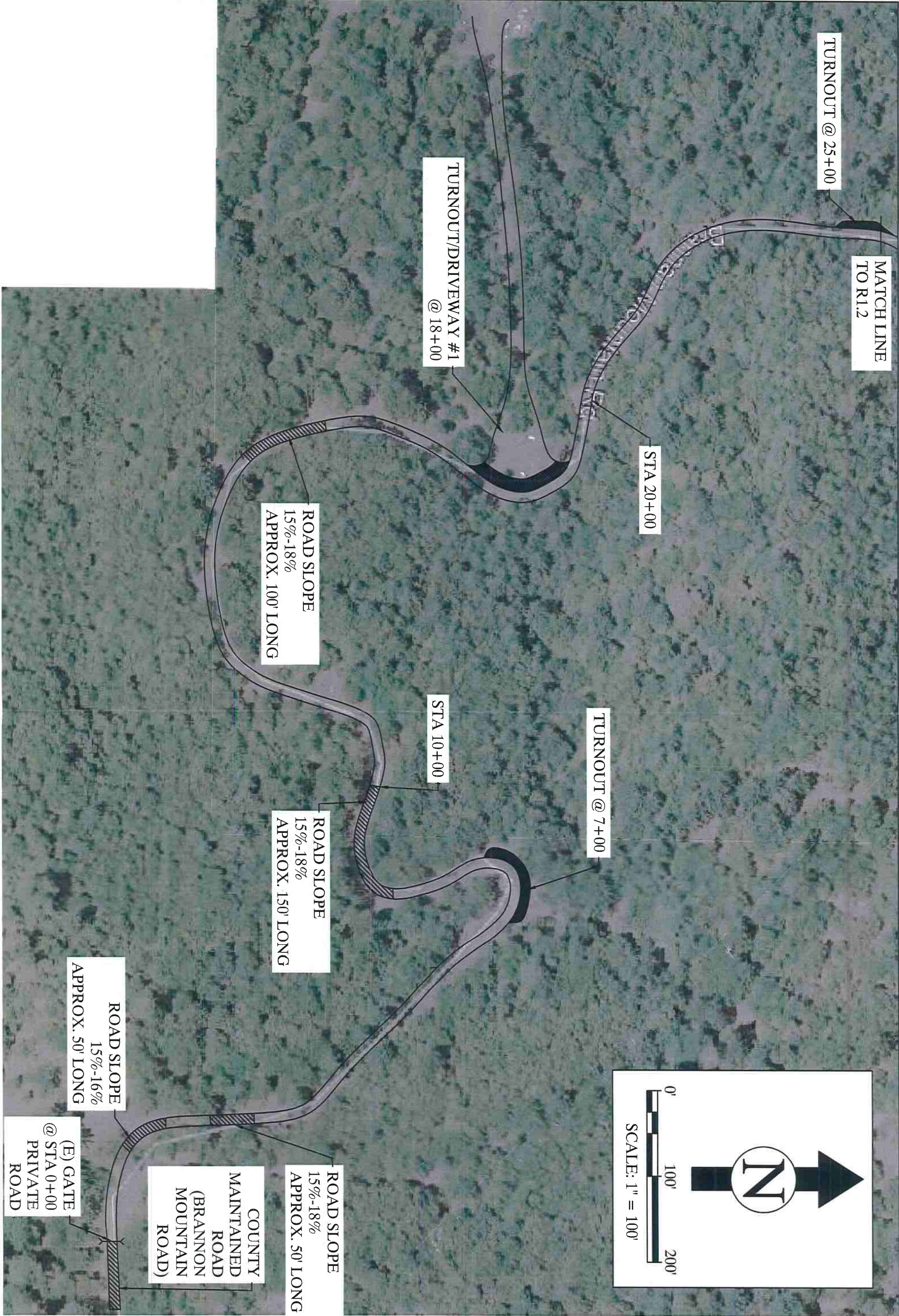
AGENT:  
ATLAS ENGINEERING  
252 G STREET  
ARCATA, CA 95521  
(707) 822-2822  
michael@atlaseng.net

OWNER:  
BRADLEY MILLER  
& ERIC FINEGAN  
P.O. BOX 290  
ARCATA, CA 95518

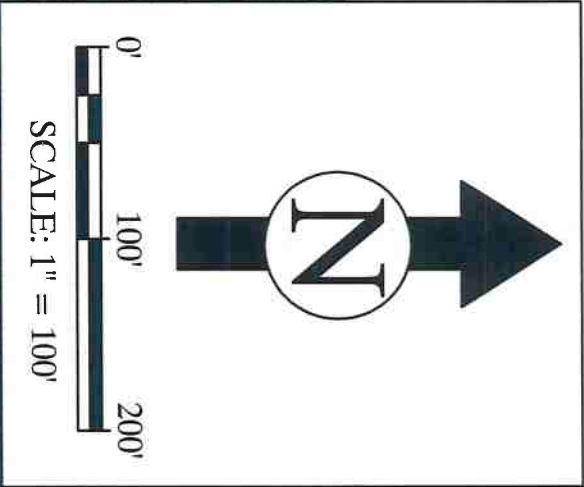
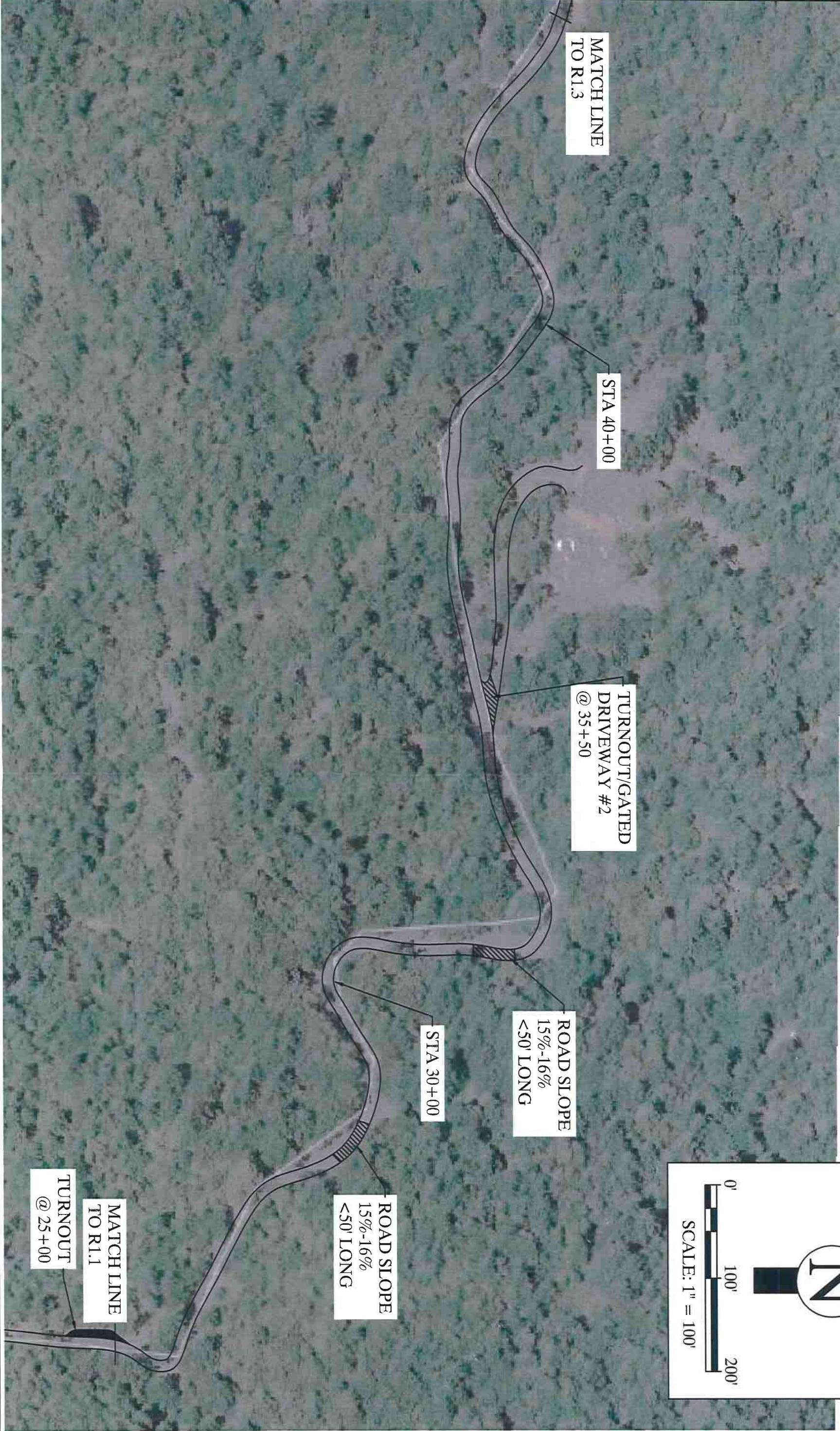
CLIENT:  
MARTIN BLUE RAY FARMS  
P.O. BOX 290  
ARCATA, CA 95518

 <b>ATLAS</b> ENGINEERING 252 G ST ARCATA, CA 95521 (707) 822-2822 WWW.ATLASNG.NET	<b>EXISTING CULTIVATION PLAN</b>	
	<b>MARTIN BLUE RAY FARMS PERMITTING</b> WILLOW CREEK, CA 95573 APN 522-034-015	
Date: 6/27/2018	Revision No.: 1	Date: April 15, 2021
Project #: 16093	Drawn by: JOH /KCB	PLN-12306-CUP Martin Blue Ray Farms, LLC
Scale: As Noted	Sheet No.	<b>P1.1</b>





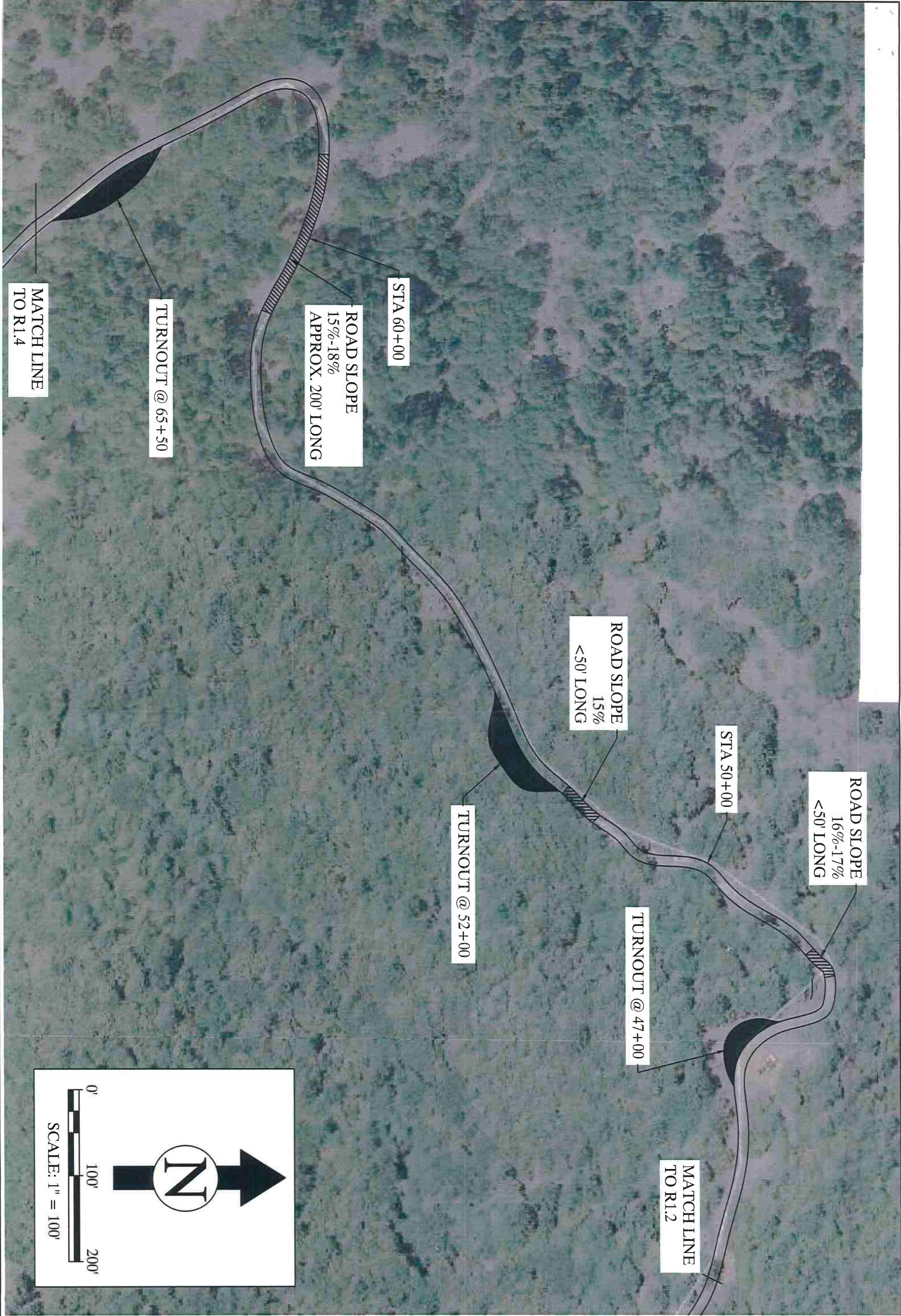




Revision No.:	Date:

Date: 6/27/2018  
Project #: 16093  
Drawn by: JOH /KCB  
Scale: 1" = 100'





**ROAD SURVEY**  
**MARTIN BLUE RAY FARMS PERMITTING**  
**WILLOW CREEK, CA 95573**  
**APN 522-034-015**

April 15, 2021

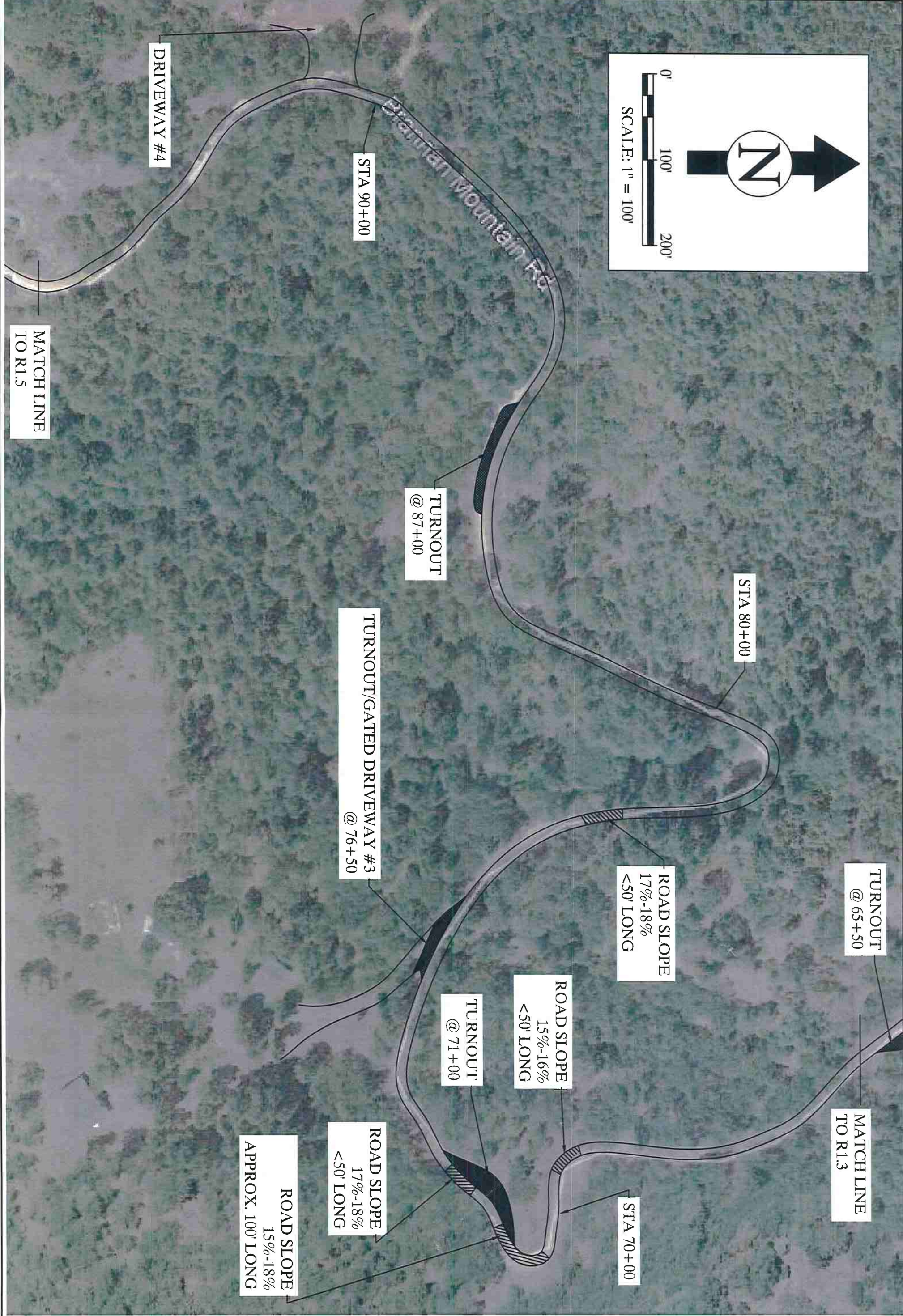
Revision No.:	Date:

Date: 6/27/2018  
Project #: 16093  
Drawn by: JOH  
/KCB  
Scale: 1" = 100'  
Sheet No.

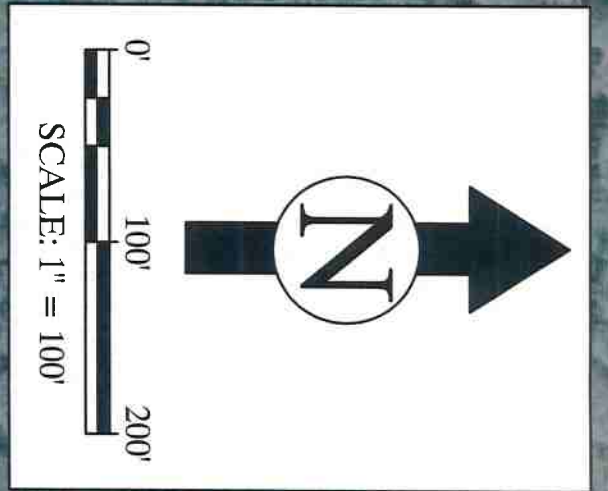
**R1.3**

PLN-12306-CUP Martin Blue Ray Farms, LLC









# MATCH LINE TOR1.4

STA 100+00

NEW 3 CREEKS ROAD

TURNOUT @ GRAVEL QUARRY  
@ 108+50

# MATCH LINE TO R1.6

## ROAD SURVEY

MARTIN BLUE RAY FARMS PERMITTING  
WILLOW CREEK, CA 95573  
APN 522-034-015

~~April 15, 2021~~



**ATLAS**  
ENGINEERING

253 OST.  
ARCATA, CA 95521  
(707) 822-2822 PH & FAX  
WWW.ATLASENG.NET

Page 62

Revision No.:	Date:
Ray Farms, LLC	

Date: 6/27/2018

Project #: 16093

Drawn by: JOH  
/KCB

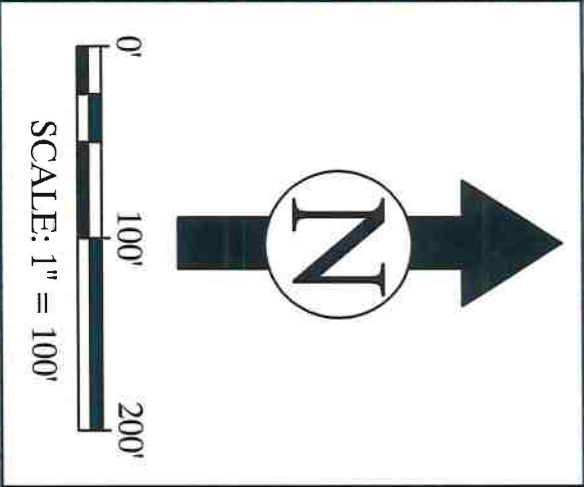
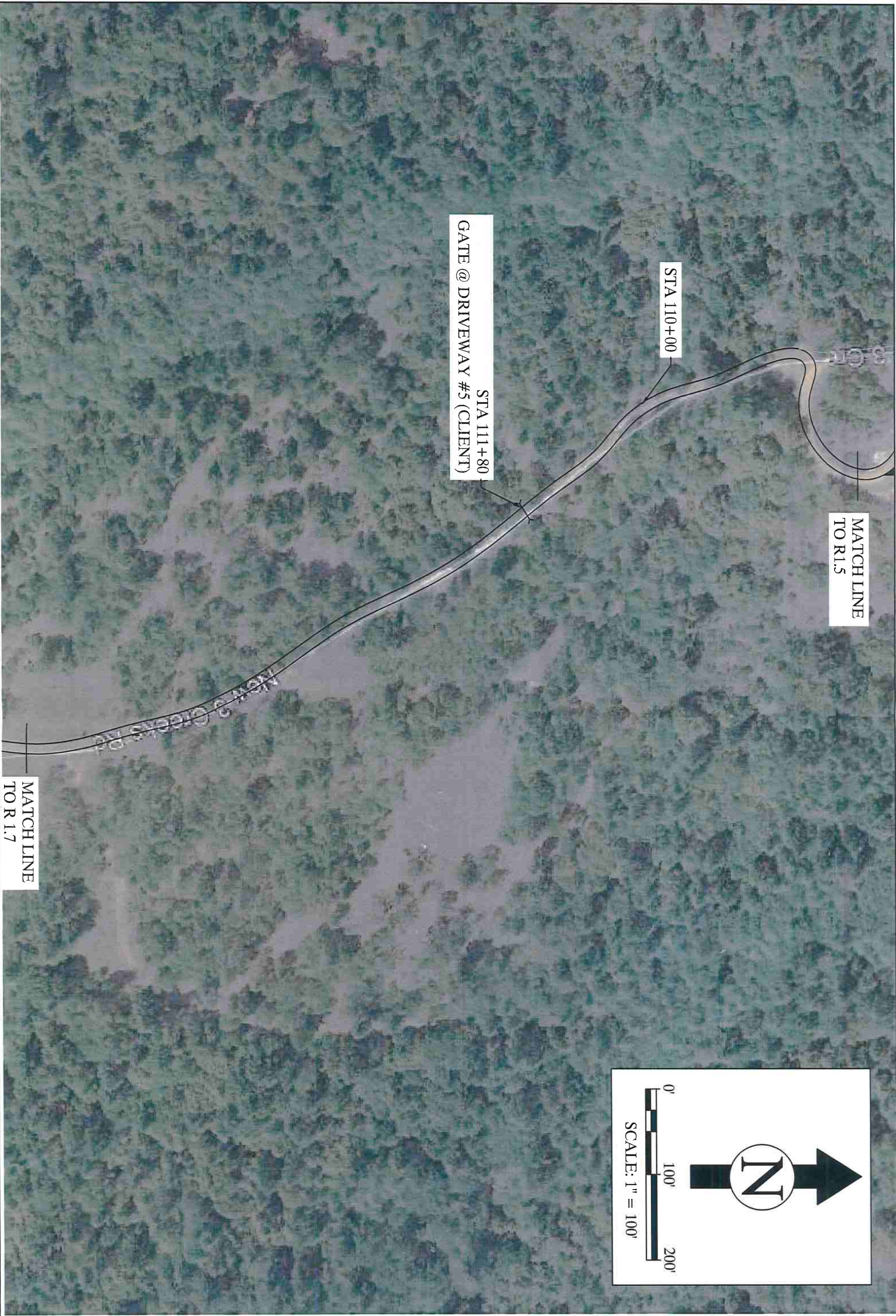
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Sheet No.

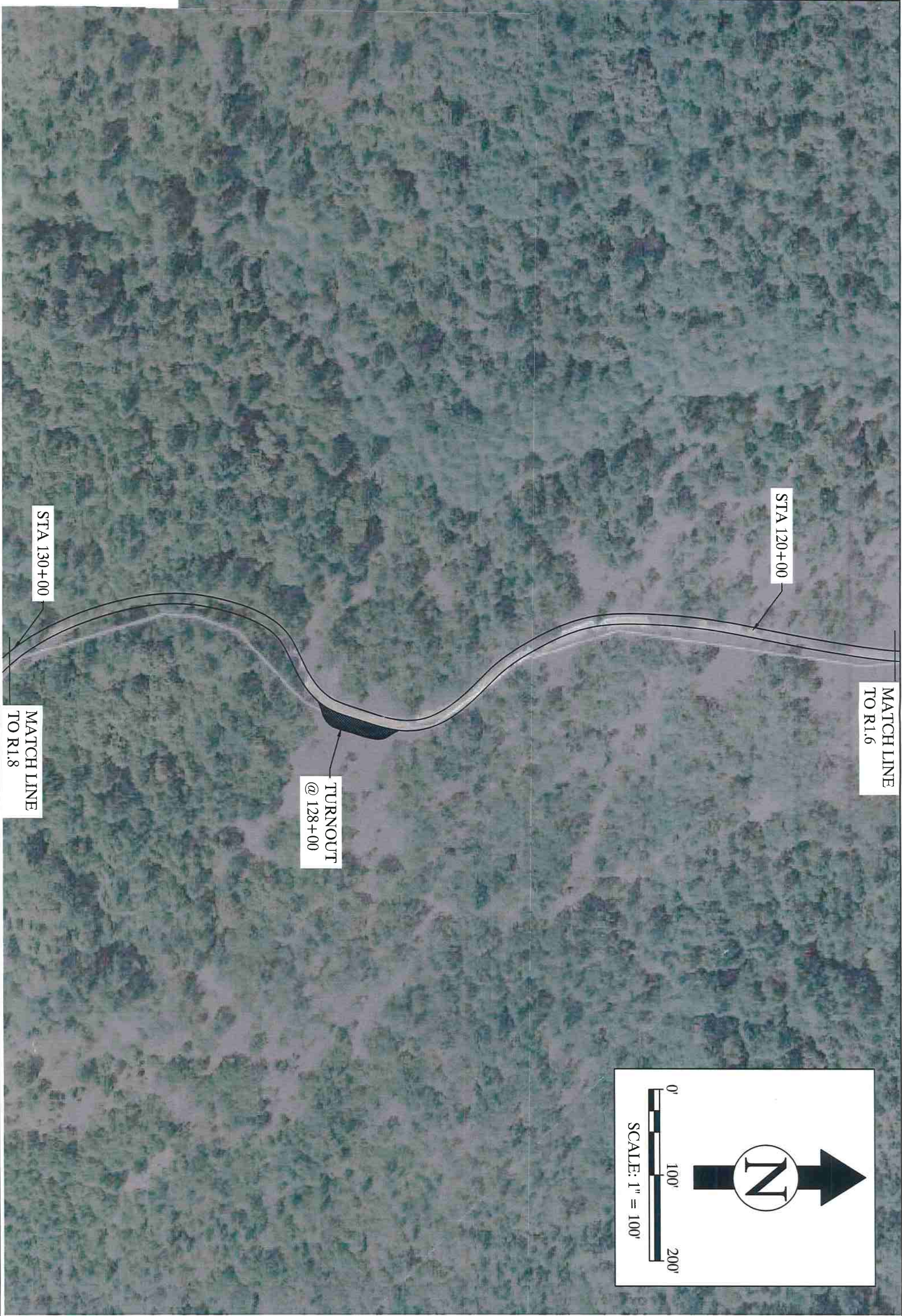
## RT5

PLN-12306-CUP Martin Blue Ray Farms, LLC









ATLAS  
ENGINEERING  
2405 S. MAIN  
ARIZONA, AZ 85113  
(602) 952-3222 PH & FAX  
WWW.ATLAS-ENG.NET

ROAD SURVEY

MARTIN BLUE RAY FARMS PERMITTING  
WILLOW CREEK, CA 95573  
APN 522-034-015

Revision No.:	Date:

Date: 6/27/2018

Project #: 16093

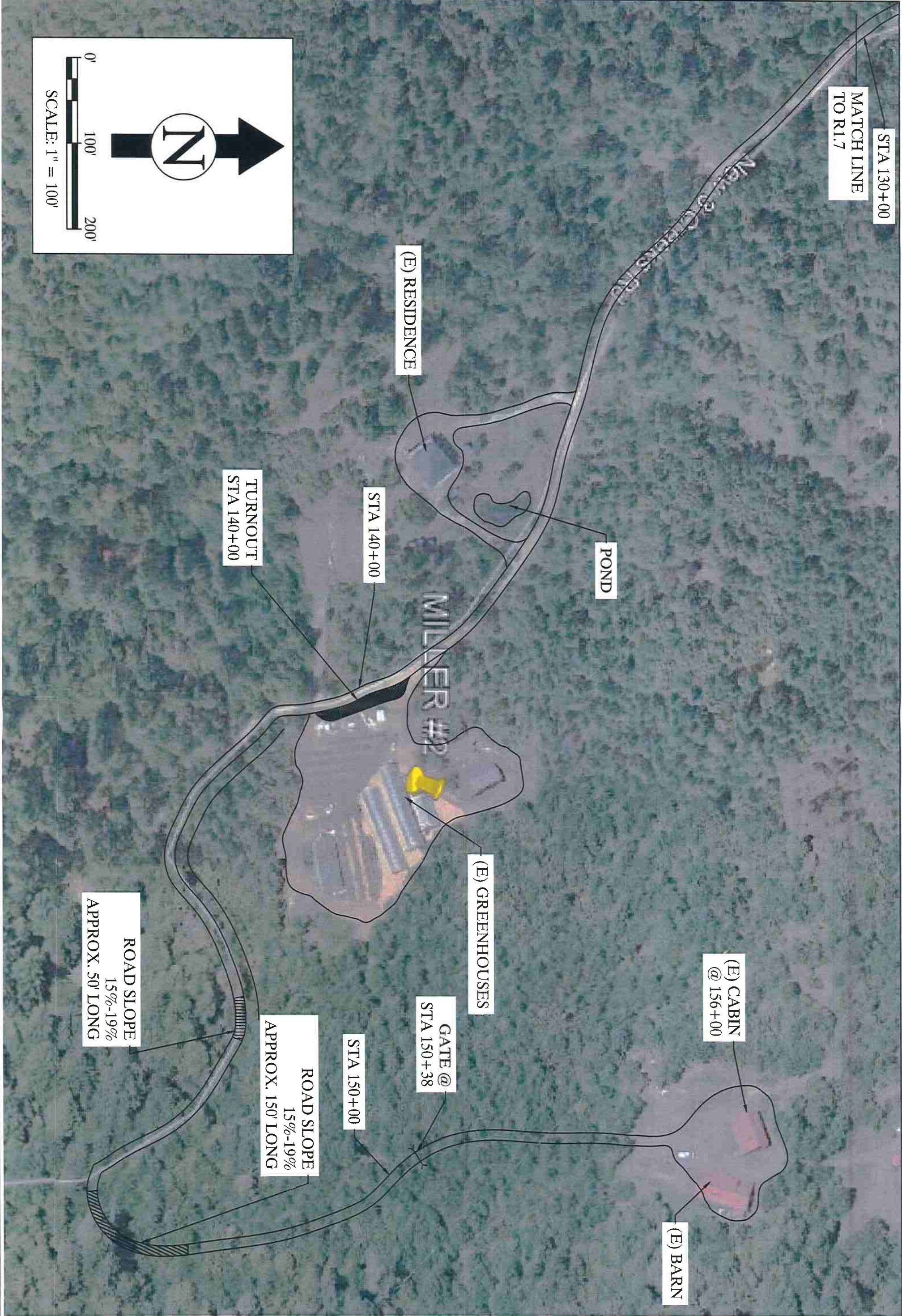
Drawn by: JOH  
/KCB

Scale: 1"=100'

Sheet No.

R1.7





ATLAS  
ENGINEERING  
30 ST  
ARTIST  
(707) 222-2222 FAX  
WWW.ATLASING.NET

ROAD SURVEY

MARTIN BLUE RAY FARMS PERMITTING  
WILLOW CREEK, CA 95573  
APN 522-034-015

April 15, 2021

Revision No.:	Date:

Date: 6/27/2018

Project #: 16093

Drawn by: JOH

/KCB

Scale: 1" = 100'

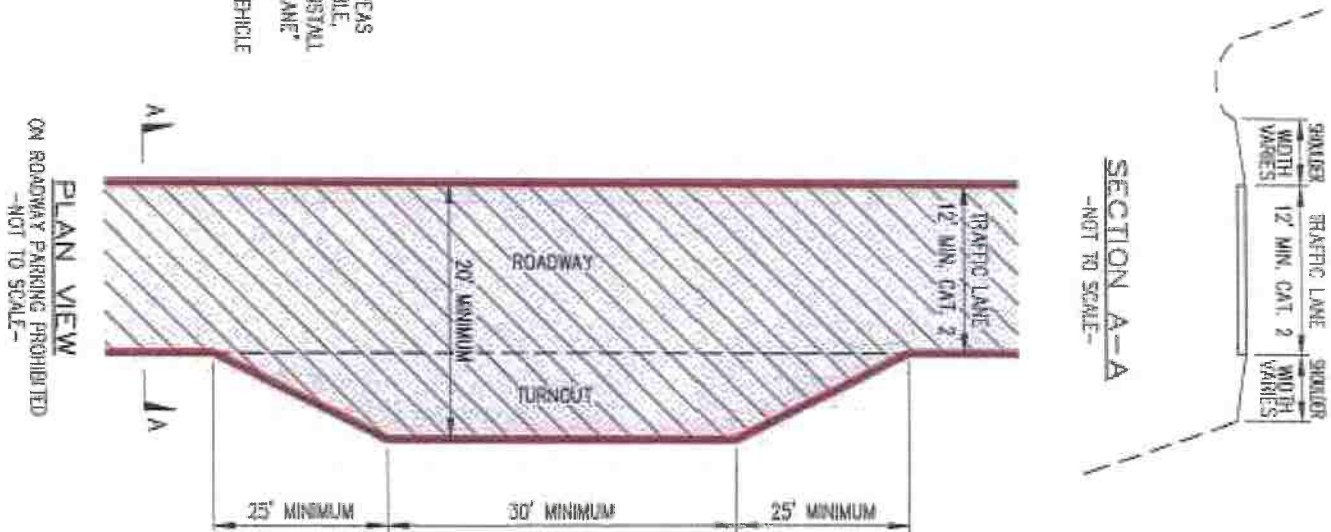
Sheet No.

R1.8



Turnouts shall be designed in conformance with the County Roadway Design Manual. Turnouts shall be required on roadways constructed to the standard of Road Category 2 and at locations as specified in these regulations. Turnouts shall be a minimum of twenty (20) feet wide, to include width of adjacent traffic lane, and thirty (30) feet long with a minimum of 25 foot taper on each end (eighty (80) feet total length). Turnout designs shall conform to the diagram below. (Ord. 1952, § 1, 12/17/1991; amended by Ord. 2540, Section 1, 11/17/2015)

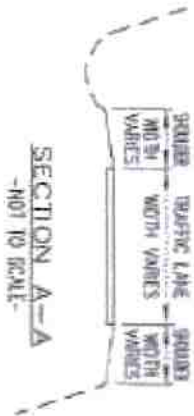
FIGURE 3112-8  
Roadway Turnout



- REFERENCES**  
COUNTY CODE SECTIONS:  
3111-11 DEFINITIONS  
3112-3 ROADWAY WIDTHS  
3112-3 SHOULDER WIDTHS  
3112-4 ROADWAY SURFACE  
3112-5 ROADWAY GRADES  
3112-6 ROADWAY RADII  
3112-8 TURNOUTS  
3112-12 DRIVEWAYS  
3113-7 SIGNS

**NOTES**  
NO PARKING IS ALLOWED ON ROADWAY IN AREAS WHERE PARKING ON THE ROADWAY IS PROBABLE. PAINT CURB RED (WHEN PRESENT) AND/OR INSTALL CA-MATCHED SIGN(CA) "NO STOPPING - FIRE LANE" SIGNS, AS DIRECTED BY COUNTY REFERENCE CA-MATCHED SECTION 28.46 AND CALIFORNIA VEHICLE CODE SECTION 22500.1

- LEGEND**
- ROADWAY AREA
  - TRAFFIC LANE
  - PARKING RESTRICTION

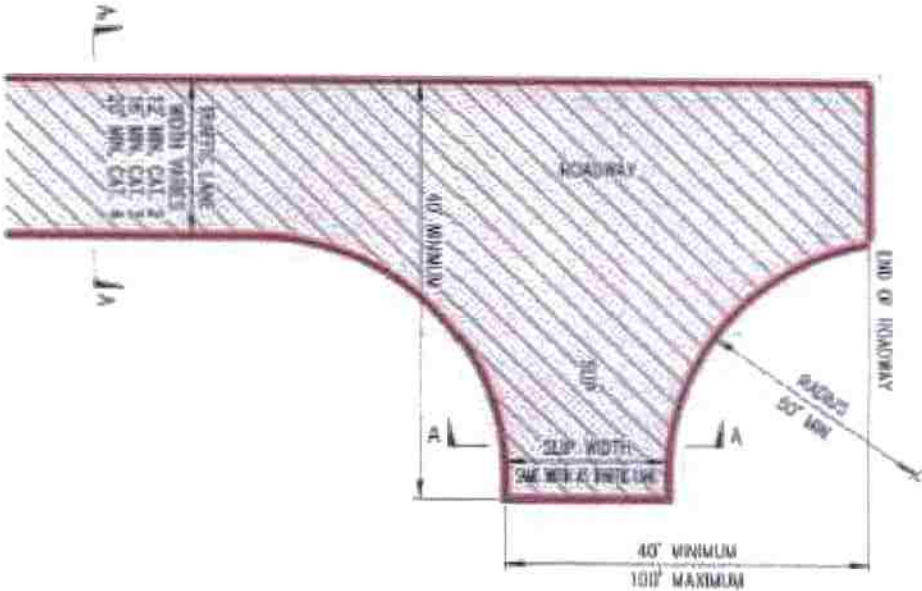


- REFERENCES**  
COUNTY CODE SECTIONS:  
3111-11 DEFINITIONS  
3112-3 ROADWAY WIDTHS  
3112-3 SHOULDER WIDTHS  
3112-4 ROADWAY SURFACE  
3112-5 ROADWAY GRADES  
3112-6 ROADWAY RADII  
3112-7 ROADWAY TURNAROUNDS  
3112-11 DEAD-END ROADS  
3112-12 DEFINITIONS  
3112-13 DATES  
3113-7 SIGNS

**NOTES**  
NO PARKING IS ALLOWED ON ROADWAY IN AREAS WHERE PARKING ON THE ROADWAY IS PROBABLE. PAINT CURB RED (WHEN PRESENT) AND/OR INSTALL CA-MATCHED SIGN(CA) "NO STOPPING - FIRE LANE" SIGNS, AS DIRECTED BY COUNTY REFERENCE CA-MATCHED SECTION 28.46 AND CALIFORNIA VEHICLE CODE SECTION 22500.1

- LEGEND**
- ROADWAY AREA
  - TRAFFIC LANE
  - PARKING RESTRICTION

**PLAN VIEW**  
ON ROADWAY PARKING PROHIBITED  
-NOT TO SCALE-



Type 1  
On-Street Parking Prohibited





## 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	✓	No Comments	Attached
Northwest Information Center	✓	Further Study	On file and confidential
US Forest Service	✓	Recommend denial	Attached
Tsnungwe Council		No response	
Hoopla Valley Tribe		No response	
California Department of Fish & Wildlife		No response	
Klamath-Trinity Unified School District		No response	
County Counsel		No Response	
Humboldt County Sheriff		No Response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	



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

**PROJECT REFERRAL TO:** Health and Human Services Environmental  
Health Division

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Tsnungwe Council, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, SWRCB - Division of Water Rights, Sheriff, Klamath-Trinity Joint USD School District

DEH received  
12-5-17

17/18-1175

**Applicant Name** Summit Creek LLC **Key Parcel Number** 522-034-015-000

**Application (APPS#)** 12354 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-643

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**

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

**We have reviewed the above application and recommend the following:**

Conditional Approval

**Comments:**

DEH recommends approval with the following conditions:

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

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

DISTRIBUTED  
7-17-18

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

**Response Date:** 7/13/2018 **Recommendation By:** Adam Molofsky

PLN-12306-CUP Martin Blue Ray Farms, LLC

April 15, 2021

2746  
Page 69



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

DEH received  
11-1-17

**PROJECT REFERRAL TO: Health and Human Services Environmental Health Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Tsnungwe Council, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, SWRCB - Division of Water Rights, Sheriff, Klamath Trinity Jount USD School District

17/18-0995

**Applicant Name** Martin Blue Ray Farms **Key Parcel Number** 522-034-015-000

**Application (APPS#)** 12306 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-615

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

**We have reviewed the above application and recommend the following:**

Conditional Approval

**Comments:**

DEH recommends approval with the following conditions:

(1) Prior to reissuance of annual permit **provide an invoice, or equivalent documentation to DEH** to confirm the continual use of portable toilets or provide an approved means of sewage disposal to serve the needs of the cultivation staff.

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

**Response Date:** 7/13/2018 **Recommendation By:** Adam Molofsky





DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

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

DATE: *06-06-2018*

RE:

Applicant Name	<i>MARTIN BLUE RAY FARMS</i>
APN	<i>522-034-015</i>
APPS#	<i>12306</i>
CASE#	<i>CUP16-615</i>

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

*In addition, access requires use of USFS road.*

// END //



## Public Works Recommended Conditions of Approval

APPS # 12306

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

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

// END //



Exhibit "B"

Additional Information is Requested

(All checked boxes apply)

APPS # 12306

Please re-refer the project to the Department when all of the requested information has been provided.



COUNTY ROADS- MISSING/INCOMPLETE ROAD EVALUATION REPORT(S)

Road Evaluation Report(s) for the following County maintained road(s) were not provided:

Road Name	Part B Road Evaluation Report Required?
BRANNON MTN ROAD (7MI00)	<input checked="" type="checkbox"/> YES
(FROM CREEKSIDE LANE TO END OF COUNTY MAINTAINED ROAD)	<input type="checkbox"/> YES
	<input type="checkbox"/> YES
	<input type="checkbox"/> YES
	<input type="checkbox"/> YES

The Department cannot recommend approval of the project until the Road Evaluation Report(s) adequately address the County road(s).



COUNTY ROADS- INADEQUATE ROAD EVALUATION REPORTS:

The Department cannot support the proposed recommendations within the Road Evaluation Reports for the following County maintained roads:

The Department cannot recommend approval of the project until the Road Evaluation Reports adequately addresses the County road. The applicant's civil engineer is advised to contact the Department for details.



COUNTY ROADS- ON-SITE PARKING & INTERNAL TRAFFIC CIRCULATION PLAN:

The Department has reviewed the proposed on-site parking area(s) and internal traffic circulation plan(s) pursuant to County Code Section 313-109.1.3.2.5 (Coastal) and 314-109.1.2.2.5 (inland). The Department cannot support the proposed parking area and traffic circulation plan. The applicant must submit a realistic parking plan to the Department for review.

// END //

Exhibit "D"

Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

ABCDDD	
A 3 M 0 2 0	Murray Road
F 6 B 1 6 5	Alderpoint Road
6 C 0 4 0	Thomas Road

Exhibit "D"

Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the green heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the red heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

**Note: As stated above, County maintained roads with a painted centerline strip are roads considered meeting or exceeding Road Category 4 standards, and are not necessarily listed below.**

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Dean Creek Road	6B198	State Hwy 101 to P.M. 0.48 [End of County maintained]
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg- Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Johnson Road	4G060	State Hwy 36 to P.M. 1.69 [End County maintained]
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Lighthouse Road	1D010	Mattole Road to State Park boundary
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All



"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Kings Peak Road	C4A020	P.M. 1.0 to P.M 12.20
McCann Road	6D090	P.M.1.0 to P.M.2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[End of County maintained]
Sprowel Creek Road	6B095	P.M 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M 0.00 to 3.25[End of County maintained]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //



**From:** [Poli, Chris@CALFIRE](mailto:Poli,Chris@CALFIRE)  
**To:** [HUU.CEQA@CALFIRE](mailto:HUU.CEQA@CALFIRE)  
**Cc:** [Planning Clerk](#)  
**Subject:** CUP; APN 522-034-015-000; APPS#12354; willow creek; Summit Creek LLC  
**Date:** Tuesday, December 12, 2017 7:47:08 AM

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No comments at this time

Chris Poli  
Forester I - RPF #2930  
***CAL FIRE***  
Trinidad Resource Management  
Humboldt-Del Norte Unit  
P.O. Box 749  
Trinidad, CA 95570  
Office [\(707\) 677-0761](tel:(707)677-0761)  
Cell [\(707\) 599-0609](tel:(707)599-0609)

Every Californian should conserve water. Find out how at:  
[SaveOurWater.com](http://SaveOurWater.com) · [Drought.CA.gov](http://Drought.CA.gov)





**File Code:** 1500  
**Date:** September 11, 2018

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




Dear Humboldt County Planner,

The USDA Forest Service (Forest Service) recommends denial of Application #12306 to Martin Blue Ray Farms for a County Condition Use Permit because the operation would involve the cultivation and transportation of cannabis across National Forest System (NFS) lands.

Cannabis is a Schedule 1 drug under Title II of the Comprehensive Drug Abuse Protection and Control Act of 1970. Use, cultivation, and transportation of cannabis on NFS lands is therefore illegal. In this case, the applicant, Martin Blue Ray Farms, will be using an access road across National Forest Service lands to transport cultivation equipment and supplies onto their property, and ultimately transport cannabis product out to market over National Forest System lands.

Enclosed is a copy of a letter previously submitted to Humboldt County Planning that further explains our position on the subject.

Sincerely,

  
for TED O. MCARTHUR  
Forest Supervisor

Enclosure: Letter to Humboldt County Planning August 29, 2018  
cc: Colegrove, Nolan





EAST FORK





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

8/28/2018

RECEIVED  
AUG 30 2018

**PROJECT REFERRAL TO: Six Rivers National Forest**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Tsnungwe Council, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, SWRCB - Division of Water Rights, Sheriff, Klamath Trinity Joint USD School District, Six Rivers National Forest

BY: \_\_\_\_\_

**Applicant Name** Martin Blue Ray Farms **Key Parcel Number** 522-034-015-000

**Application (APPS#)** 12306 **Assigned Planner** Caitlin Castellano (707) 268-3731 **Case Number(s)** CUP16-615

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

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

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

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

**Return Response No Later Than 9/12/2018**

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

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

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

☐ Other Comments: \_\_\_\_\_



DATE: 9/11/2018

PRINT NAME: Michael A Green



United States  
Department of  
Agriculture

Forest  
Service

Pacific Southwest Region  
Six Rivers National Forest

1330 Bayshore Way  
Eureka, CA 95501  
707-442-1721  
TDD: 707-442-1721  
Fax: 707-442-9242

File Code: 1500

Date: August 29, 2018

Michelle Nelson  
Planning and Building Department  
Humboldt County  
3015 H Street  
Eureka, CA 95501

Dear Ms. Nelson:

Thank you for providing the USDA Forest Service with the opportunity to provide input to Humboldt County's land use regulations governing cannabis cultivation on private property as they relate to National Forest System (NFS) lands.

The use, cultivation and transportation of cannabis on Forest Service lands is illegal. The Comprehensive Drug Abuse Protection and Control Act of 1970, and more specifically Title II of the act (the Controlled Substances Act), lists cannabis as a Schedule 1 drug. The Forest Service does not have discretion to permit activities on NFS lands that will violate the Controlled Substances Act or any other federal law. The Forest Service cannot authorize any activities related to cannabis operations on public land, such as the cultivation, production, transportation, or distribution of supplies or product.

We recommend that applicants for county cannabis permits who are adjacent to or near Forest Service lands have their parcels surveyed by a professional land surveyor to ensure their operations are not trespassing upon or causing impacts to federal lands. Individuals that cause resource damage, including soil erosion and contamination to Forest Service administered lands from illicit acts including the manufacture of cannabis, may be subject to federal criminal and/or civil action. Permit applicants should be aware that transporting cannabis across an existing right of way on federal lands to access a private parcel, is also illegal under federal law, and violators could face federal criminal action.

We appreciate the opportunity to comment on the county's cannabis-use regulations. If you need further information on this subject, please contact me at (707) 441-3531.

Sincerely,

MICHAEL A. GREEN  
Acting Forest Supervisor

