



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: January 21, 2021

To: Humboldt County Planning Commission

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

Subject: **Rolling Meadow Ranch, LLC, Conditional Use Permits**
Record Number: PLN-12529-CUP
Assessor's Parcel Numbers (APNs): 217-201-001, 217-181-027, 217-181-028, 217-182-001, 217-024-011, 217-024-006, 217-024-010, 217-024-003, 217-025-001
2189 & 2487 McCann Road and the properties know to be in Sections 35 & 26, Township 01 South, Range 03 East, H. B. & M., Blocksburg/Myers Flat area

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Please contact Meghan Ryan, Senior Planner, at (707) 445-7541 or by email at planningclerk@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date January 21, 2021	Subject Conditional Use Permits	Contact Meghan Ryan
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Project Description: Six Conditional Use Permits for 5.73 acres of mixed light cultivation and processing facilities located in four distinct cultivation areas. The proposed cannabis operation will be primarily located on APNs 217-181-028 and 217-201-001. Cultivation would occur in as many as 16 greenhouses. Operations would occur year-round and there will be a maximum of four cultivation cycles annually. Annual water use is approximately 4,628,200 gallons (18.4 gallons/sf). Water will be provided by three existing groundwater wells. There will be 320,000 gallons of hard-sided tank storage that will store rain from rooftop runoff. Processing, including drying, curing and trimming, will take place on site within 5 proposed processing structures totaling 33,750 square feet. There will be a maximum of 30 employees during peak operations. The proposed project includes development of power from P. G. & E. The overall development will total 8.50 acres, including on-site propagation facilities. The project is accessed by McCann Road using the McCann Bridge. At the property entrance, employees will park their vehicles and an electric bus or similar type vehicle will be used to transport employees to the cultivation and processing areas. Access through Alderpoint Road will be utilized during the rainy season when the low-water bridge is not in use until such time as the year-round bridge is completed (expected in 2025).

Project Location: The project is located in Humboldt County, in the Blocksburg/Myers Flat area, on both sides of McCann Road, approximately 2.15 miles east from the intersection of Dyerville Loop Road and McCann Road, on the properties known as 2189 & 2487 McCann Road and the properties know to be in Sections 35 & 26, Township 01 South, Range 03 East, H. B. & M.

Present Plan Land Use Designation: Agriculture Grazing (AG), Density: Range is 20 to 160 acres per unit, 2017 General Plan, Slope Stability: Moderate Instability (2) and High Instability (3).

Present Zoning: Agriculture Exclusive with a Special Building Site combining zone; Timber Production (AE-B-5(160); TPZ).

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Assessor Parcel Numbers: 217-201-001, 217-181-027, 217-181-028, 217-182-001, 217-024-011, 217-024-006, 217-024-010, 217-024-003, 217-025-001.

Applicant	Owner	Agent
Rolling Meadow Ranch, Inc. 3060 Airport Road Vero Beach, FL 32960	Rolling Meadow Ranch, Inc. 3060 Airport Road Vero Beach, FL 32960	Four Star Reality Attn: Jim Redd 331 Harris Street Eureka, CA 95503

Environmental Review: An Initial Study/Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387).

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

Major Issues: None.

Rolling Meadow Ranch, LLC

Record Number: PLN-12529-CUP

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217-024-006, 217-024-010, 217-024-003, 217-025-001

Recommended Commission Action:

1. Describe the application as a Public Hearing;
2. Request staff to present the project;
3. Open the public hearing and receive public testimony; and
4. Close the public hearing and *adopt the resolution to take the following actions:*
 - (a) *Adopt the Mitigated Negative Declaration prepared for the Rolling Meadows project pursuant to Section 15074 of the State CEQA Guidelines;*
 - (b) *Make all required findings for approval of the Conditional Use Permits; and*
 - (c) *Approve the Rolling Meadows Conditional Use Permits as recommended by staff and subject to the recommended conditions.*

Executive Summary: The applicant is applying for six Conditional Use Permits for 5.73 acres of new, mixed light cannabis cultivation occurring in four distinct cultivation areas in accordance with the County's Commercial Medical Land Use Ordinance (CMMLUO). The subject parcels are located within a 7,110-acre ranch that historically has been used for ranching and timber operations. The parcels are currently undeveloped. The project includes the following proposed development:

Cultivation Area	Proposed Structures*	Total Square Footage (sf)
1	Greenhouses (2 x 19,656 sf) Processing Facility	39,312 sf 4,500 sf
2	Greenhouses (3 x 19,584 sf) Processing Facility	58,752 sf 6,000 sf
3	Greenhouses (3 x 17,280 sf) Processing Facility	51,480 sf 8,250 sf
4	Greenhouses (5 x 19,485 sf and 1 x 17,568 sf) Processing Facility (1 x 8,000 sf and 1 x 7,000 sf)	114,993 sf 15,000 sf

* Onsite Wastewater Treatment Facilities will also be developed in each cultivation area.

In addition to the greenhouses and processing facilities, Onsite Wastewater Treatment Systems (OWTS) and water storage tanks that will capture rain from the roof runoff, and parking facilities are proposed. The overall footprint of the cultivation areas would be 5.73 acres and with all the associated development will be 8.50 acres. Hours of operation will be 7am to 7pm daily. There will 22 employees maximum on site on any given day. Power is proposed by PG&E with generator backup.

Estimated annual water usage is 4,628,200 gallons of water for both irrigation and domestic use. Water for irrigation is estimated to be 4,555,200 (approximately 18.4 gallons/sf). The applicant will utilize drip irrigation to conserve water and ensure there is minimal to no run-off. The proposed project includes rain catchment systems to capture runoff and will be stored near each greenhouse site in hard-sided water storage tanks. Each greenhouse will have 20,000 gallons of water stored in four (4) 5,000 gallons storage tanks. There will be 320,000 gallons of hard sided storage tanks for rainwater catchment on site. This stored rainwater water will be generally used for summertime landscaping and lawn maintenance around the facilities as well as

fire protection and supplemental water for dust mitigation. Average annual rainfall is approximately 55 inches per year during an average year. Each processing facility will be larger than 4,000 square feet, therefore, more than 137,060 gallons of water could be captured by each of the facilities. Based on average annually rainfall and size of the processing facilities, 320,000 gallons of rain catchment can easily be collected.

Irrigation is proposed from three permitted groundwater wells. The well completion logs (see Appendix E in the draft Initial Study/Mitigated Negative Declaration), aerial analysis using the Humboldt County WebGIS and review of the site plans indicate the following:

Well Number	APN	Distance to Nearby Watercourses	Depth to First Water (ft)	Length and depth of Screen Casing
1	217-173-002	140 feet south	65	180 ft 60 ft to 240 ft
2	217-024-010	460 feet north	42	150 ft 40 ft to 190 ft
3	217-181-028	>100 feet	152	200 ft 70 ft to 270 ft

An examination of the well logs indicates that the depth and screening intervals are such that the wells are not connected to any surface water features, and as such do not require water rights for diversion and use from the State Water Resources Control Board.

Security lighting and cameras will be placed around all processing buildings. Processed cannabis will be stored in the processing buildings until it is taken off site. The buildings will always be locked. Each site will be fenced. A security gate with a guarded entrance will be placed on the private road that continues East off McCann Road East that leads to Facilities #1 and #2. This security guard will have a small 6-foot by 4-foot structure to provide shelter (See Figure 13 for guard gate location). This security guard position will be staffed 24 hours a day. Another security gate will be placed on the road that leads to Facilities #3 through #16. This gate will be locked at all times. There will be cameras at both gates.

Biological Resources

As stated in the *Biological Resources* evaluation contained in the draft Initial Study/Mitigated Negative Declaration (IS/MND), the project location is on the north side of the main stem Eel River within a mosaic of redwood forest, mixed evergreen forest and coastal prairie and nonnative grassland, with inclusions of black oak woodland. These forested areas have been extensively logged by previous property owners and are largely composed of even-aged stands of second or third-growth trees. The proposed project footprint lies almost entirely within the prairie and grassland portions of this area. The nearest Northern Spotted Owl (NSO) positive observation is located 1 mile to the northeast of Cultivation Area 1 on APN 217-181-028. According to the Biological Resources section of the IS/MND, there are four NSO activity centers within 1.3 miles of the cultivation areas. Although NSO surveys conducted by the applicant have not detected any NSO in the vicinity there is NSO habitat. Conditions of approval for noise require the applicant to limit the use of heavy equipment to week-day hours and limit noise from the project to no more than 50 db at 100 feet from the noise source or edge of habitat, whichever is closer. No rodenticides will be used on site at any time. If rodents become an issue in the buildings, trapping or other non-poison methods will be used to remove them as stated in the IS/MND project description.

Golden eagles: Concern regarding impacts to Golden eagle have been raised by a large number of public commenters and by the California Department of Fish and Wildlife. Golden eagle surveys were conducted from July 2 through July 16, 2018. No eagles were observed until the final survey (July 16), when

a single bird was observed. This detection was made from a flat near the barn at the proposed site of Facilities #9-#16, when the eagle was observed flying from the northeast ridge in a southwesterly direction over the Eel River before disappearing over the next ridge. There was no indication this eagle was nesting or foraging in the project areas. In 2019, surveys were again conducted in the project areas. Surveys for golden eagles were conducted from April 9 through June 14, 2019. Due to heavy, late rains, access to the parcel via the McCann ferry was delayed, resulting in a delay in surveying during the CDFW recommendation of at least 1 survey from January 15 to February 15, however mitigation is proposed such that no construction will be allowed within the breeding season unless pre-construction surveys during the CDFW recommended early portion of the breeding season have occurred which show no active nests in the area surrounding the project site. A total of three surveys were conducted in 2019 and no golden eagles were detected. Golden Eagle survey results can be found in Appendix G of the IS/MND. The only known historic or active nest in the vicinity is identified per the CNDDDB as the Sonoma 6 nest. This nest was last documented to be active in 2003 prior to the area being heavily logged and is the only known historic or active nest site within 2 miles of the project site. All potential trees fitting the nest tree descriptions (both from the CNDDDB specific to the Sonoma 6 nest and the more generalized description of nest trees in the area as described above) were attempted to be located and any potentially suitable nest trees were reviewed for signs of use (white wash, prey remains). No trees were found that appeared to have hosted or currently host a large raptor nest, and no white wash or prey remains were found. CNDDDB records indicate that this nest was located in a broken top 72-foot tall Douglas fir with a 68-inch dbh. On November 11, 2020, NRM wildlife biologists Michelle McKenzie and Thomas Kirk conducted a site visit to the area of the historic nest site to investigate any potential signs of recent nesting in the surrounding area and to locate the Sonoma 6 nest tree. No signs of nesting were found and the Sonoma 6 nest tree was not located and does not appear to exist anymore.

The center of the circle in the following image identifies the location of Sonoma 6 nest tree per the CNDDDB, which is approximately 500 feet from the timber harvest area that is due east.





Photo 1. Most large Douglas-firs removed



Photo 2. Open forests with few large trees

There were only 3 trees large enough to meet the CNDDB description (Photo 3); all were Douglas-fir, none observed with a broken top. As this visit occurred prior to any significant rainfall, it was assumed that an active nest site would reveal prey remains in the vicinity of the base of the tree. No animal remains or whitewash were observed anywhere during the site visit. In addition, no trees were marked in any way identifying them as a wildlife tree. Several older large stumps were observed across the survey area. The Douglas-fir in Photo 3 (below) was representative of the size of trees observed within the 500-foot radius circle; Photo 4 represents the view towards Rolling Meadow Ranch from the tree in Photo 3.



Photo 3. Largest Douglas-fir observed in the area



Photo 4. The view towards Rolling Meadow Ranch

Based on these efforts, it is the opinion of the NRM biologists that the forest the CNDDB indicated as having previously supported nesting golden eagle has changed in structure starting in 2004, with multiple clear cuts and timber harvest operations adjacent to and above the nest tree.

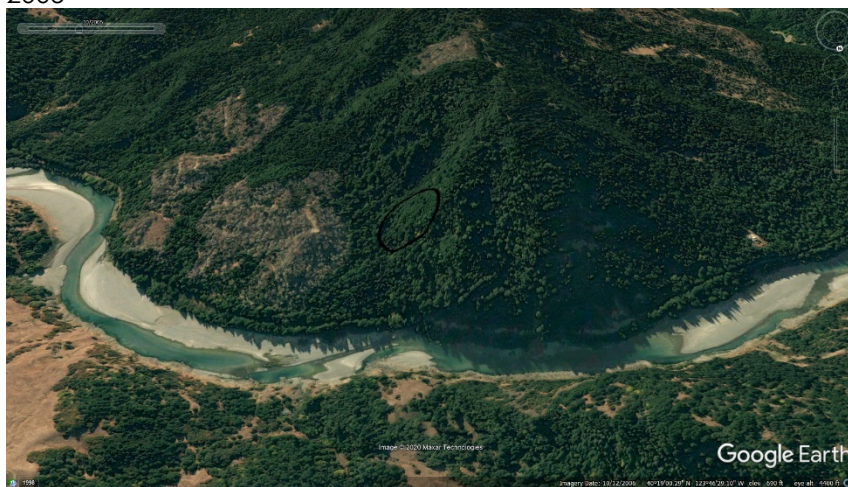
The following images (Google Earth 2020) are a birds-eye view of the historic nest site, looking south:



2004



2005



2006

Above photos show a series of timber harvest activity (2004-2006) in the vicinity of the historic golden eagle nest site.

This timber harvest activity may have degraded the habitat or discouraged eagles from nesting in this area, as no nest tree or evidence was found to suggest golden eagles are currently nesting in the vicinity of the historic location. (see draft IS/MND Appendix G Supplemental Nest Location Survey Report, routes and notes).

Botanical resources: A *Botanical Survey Report* was prepared by NRM, dated July 20, 2018, for the subject parcels. The purpose of the report was to identify special status plant species or communities on the subject parcels. According to the report, the current inventories of the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Plants of California (CNPS 1, 2018), and the CDFW California Natural Diversity Database (CNDDDB, 2018) were consulted to determine which special status plant species may occur within the project area and to compile a target species list. A nine-Quad query of CNDDDB and CNPS Inventory records resulted in 39 listed vascular and nonvascular plant species and one Sensitive Natural Community. The report concluded that development at all sites would impact small stands of *Danthonia californica* Prairie (S3), and development in Tract 1/4 would impact several small stands of *Elymus glaucus* (S3). *Mitigation Measure – Biological Resources -5* requires that prior to construction seed from *Danthonia californica* and *Elymus glaucus* will be collected from the site (alternatively it can be collected from other locations on the Ranch). The mitigation measures will guide the successful enhancement and restoration of a total of approximately 0.97 acres (42,446 square feet) of *Danthonia californica* prairie and approximately 0.89 acres (38,925 square feet) of *Elymus glaucus* prairie. Appendix L of the IS/MND describes the mitigation and monitoring plan for enhancement of the grasslands on the subject parcels.

The Project as designed will directly impact approximately 0.48 acres of seasonal wetlands and/or riparian channel (See IS/MND - *Biological Resources*, Figures 40 through 43). These potential wetlands are within the project development footprint and 30-foot construction impact buffer, and completion of the project will result in unavoidable but mitigatable impacts. These potential small, depressional, seasonal wetlands provide stormwater infiltration, seasonal surface water, and contribute to groundwater recharge, but are adjacent to a vast array of wetland/riparian complexes of similar type over the surrounding land ownership. Therefore, impacts to these small pockets of habitat will not significantly reduce habitat or wetland hydrologic function in the area. New wetlands will be created at a ratio of 3:1.

Because there is potential habitat for several wildlife and plant species, 16 mitigation measures are included in the IS/MND to ensure the project has a less than a significant effect on biological resources. See the *Biological Resources* Section of the IS/MND for a complete discussion. The mitigation measures include preconstruction surveys, wetland creation/restoration, and revegetation and monitoring associated with plant restocking. Adhering to the Mitigation and Monitoring Reporting Program for the life of the project is a condition of approval.

Access

The access for the project is located off McCann Road. According to the Department of Public Works, this road is not developed to category 4 standards but is developed to an adequate functional classification for the proposed project. This County road currently crosses the Eel River using McCann Bridge, a low-water bridge. When the Eel River flow volume increases to 3,500 cubic feet per second (cfs), typically late November through late April, Humboldt County closes the McCann Bridge and vehicle traffic across the bridge is not possible. The County will be replacing the low-water bridge with a year-round bridge with an estimated completion date of 2025 (www.mccannbridge.com). Once McCann Road (West) reaches the property line, the roads become private ranch roads, which are classified as driveways under the Humboldt County Code. A gate with a guard station, bus drop off and turn-around, and 15 parking spaces will be built just after the entrance to the property (see draft IS/MND - Figure 13). Employees will enter the property and park their personal vehicles at this location. An electric bus will transport the employees to and from the work sites. This will greatly limit the traffic on the private roads.

Alderpoint Road will provide cannabis project access when the low water bridge over the Eel River (McCann access) is not available (typically late November through late April). Alderpoint Road is a major rural collector for Humboldt county with speeds up to 45 mph. From the intersection of Alderpoint Road, project traffic accesses the project areas through a combination of travel on-property roads and deeded easements. From Alderpoint Road, the length traveled on interior project roads and easements to the nearest Facility (Facility #16) is 8 miles; the length of the interior roads traveled to the furthest Facility (Facility #1) is approximately 12.3 miles.

Environmental Review

Environmental review for the proposed project included the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). The IS/MND was circulated from July 17, 2020, to August 17, 2020, at the State Clearinghouse. Due to substantial and informative comments received from the California Department of Fish and Wildlife and adjacent landowners, the project was revised and additional information was submitted. As a result of the project revisions and additional submitted information the draft IS/MND was revised and was recirculated from December 1, 2020, to December 30, 2020.

A substantial number of public comments were received on this revised and recirculated IS/MND and on the proposed project (see Attachment 5) as well as comments from the California Department of Fish and Wildlife. Comments continue to be submitted as of the date of this staff report and any additional comments received after the date of the staff report will be submitted for Planning Commission consideration as a supplemental item.

Substitution of Mitigation Measure

After the beginning of re-circulation of the IS/MND on December 1, 2020 the Planning Department had a conference with members of the California Department of Fish and Wildlife (CDFW) and the US Fish and Wildlife Service (USFWS) to discuss concerns about potential impacts to Golden Eagles. In particular, Planning staff was informed that the 660-foot setback from Golden Eagle nests referenced in the draft IS/MND mitigation measure BIO-16 does not reflect current recommendations from the USFWS for protection of potential impacts to Golden eagle nests. Based on the available information and evidence, there does not appear to be nesting eagles present in the vicinity, however the presence of potential nesting habitat does indicate that a nesting pair of eagles could choose to nest in the area during any particular breeding season and construction activity associated with the project does have the potential to disrupt breeding and nesting activities. Accordingly, planning staff is recommending a replacement mitigation measure BIO-16 to reflect current USFWS guidance for protection against impacts to nesting Golden eagles. The replacement mitigation measure is informed by and developed after the discussion with USFWS staff and from consideration of the document published by the USFWS on December 2017 entitled "*Recommended Buffer Zones for Ground-based Human Activities around Nesting Sites of Golden Eagles in California and Nevada*". This document is attached to this staff report in Attachment 3.

MM- Bio -16: Construction shall occur outside of the Golden Eagle breeding season unless pre-construction Golden Eagle surveys have been conducted which demonstrate that no active nests are present within a 1-mile radius of the Project within the Rolling Meadow Ranch boundaries (an approximately 2,900-acre area). The surveys shall be completed during at least two separate non-consecutive days, with at least one survey occurring between January 15 and February 15. Survey results shall be submitted to the Humboldt County Planning Department.

This substitution mitigation measure is more effective in mitigating the potential significant impacts that were identified and does not in itself cause any potentially significant impacts on the environment. The substituted mitigation measure does not affect the conclusions of the document and does not require recirculation pursuant to Section 15073.5 of the CEQA Guidelines.

Public and Agency Comments

A large number of comments have been submitted for this project in response to both the Notice of Availability and Intent to Adopt the Mitigated Negative Declaration and the Notice of Public Hearing.

The California Department of Fish and Wildlife submitted comments on the IS/MND dated December 30, 2020 which included the following comments/concerns.

- Clarification of CEQA Document Type. CDFW asks for clarification of whether the document was an Initial Study Checklist or a IS/MND given the title of the document and the minor error on page 33 of the CEQA document. The environmental document type used to evaluate the proposed project is an Initial Study and Mitigated Negative Declaration (IS/MND). The document type was stated in the Notice of Availability and Intent to Adopt a Mitigated Negative Declaration that was sent to CDFW and published on the state CEQA clearinghouse website.
- CDFW has requested protocol-level surveys for golden eagles prior to the completion of CEQA and suggests that there are potential impacts to golden eagles from the project. Much of these comments are in relation to the fact that there is a nest site identified in the vicinity of the project that was last known to be active in 2003. As discussed in the IS/MND, the nest identified by CDFW was unable to be located by the applicant's retained consultant and it appeared that no trees meeting the description of the nest tree were in existence in 2020. Nonetheless, CDFW continues to make comments regarding a one-mile radius and potential impacts associated with this potential nest location. CDFW states that the project is within the line of sight of the nest, but how this was determined is unclear given that it does not appear that this nest is in existence at all. CDFW has also expressed concern that there may be additional unknown nest sites in the vicinity and staff is in agreement. For this reason staff has recommended the adoption of a substituted mitigation measure for Golden Eagle protection which is that construction shall occur outside of the Golden Eagle breeding season unless pre-construction Golden Eagle surveys have been conducted which demonstrate that no active nests are present within a 1-mile radius of the Project within the Rolling Meadow Ranch boundaries. CDFW expresses concern that even with this substituted mitigation measure the project could have an impact on foraging habitat for Golden eagles. While a concern, the appropriate CEQA threshold in this case is whether the project would "substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species." – CEQA Guidelines Section 15065 (Mandatory Finding of Significance). As noted in the IS/MND, even incorporating the extent of the meadows (33 acres) in which the facilities are located, the project can be conservatively estimated to impact 33 acres of habitat. The vast majority of the ranch, 7,077 acres will remain in its current undeveloped state. There is no indication that the removal of 33 acres of foraging habitat would cause the Golden eagle population to drop below self-sustaining levels or substantially reduce the habitat of the Golden eagle.
- CDFW has additionally raised concerns regarding cumulative impact to grassland prairies that may be located within 1 or 2 miles of Golden Eagle nests as a result of the commercial cannabis application that have been submitted to Humboldt County. However, the vast majority of these applications that CDFW references are existing cultivation applications which would be considered as part of the environmental baseline under CEQA. CDFW also has raised concerns regarding the cumulative impacts of various projects on other sensitive plant and animal species that utilize grassland prairies, however as noted the amount of actual disturbance to these grassland prairies is very low compared to the amount available in the surrounding area.
- CDFW raises concerns that the wells may be hydrologically connected to surface water and that by extension the large amount of proposed water use (4.6 million gallons) could have an adverse impact on aquatic resources. As noted in the IS/MND these wells are all deep groundwater wells that have screening intervals that strongly indicate that they are not connected to the underflow of any surface water features which would indicate no direct impacts to aquatic resources. This analysis was performed by staff and is also supported by the opinion of the well driller, Dave Fisch, who has extensive expertise of installing and working with wells in Humboldt County.
- CDFW has requested a requirement for the project to be reclaimed and the sites restored if the project permanently ceases. This has been added as a recommended condition of approval.
- CDFW states that botanical surveys did not occur for the entire project area, specifically Facilities #6 through #9. However, botanical surveys have been completed for the entire project area with the exception of a survey for rare plants within the road to Alderpoint, as this is an existing road.

Botanical surveys were completed for facilities #6 through #9 however the complete early season survey was not completed for these facilities only and therefore a mitigation measure is proposed that the late season pre-construction be completed and if anything sensitive or rare is found that these facilities will not be constructed.

- CDFW indicates that the project does not comply with the Humboldt County General Plan wetland setbacks however this is incorrect. All wetland setbacks of the general plan are proposed to be met. Some wetlands on the site are proposed to be filled and mitigated for, however once filled there is no wetland and are no setbacks to apply. CDFW opposes the filling of these wetlands, however as noted in the IS/MND the filling of these wetlands will be mitigated to a less than significant level through the creation of new wetlands at a nearly 3:1 ratio. CDFW does not suggest that this is a potentially significant impact under CEQA.
- CDFW raises concern regarding the two proposed greenhouses within the 100-year flood zone. Based on previous comments from CDFW regarding flood plain development, Greenhouse #3 and the processing building previously proposed near Greenhouses #1 and #2 were relocated outside of the 100-year flood plain. The October 2020 grading plan for Facilities #1 and #2 show the Base Flood Elevation (BFE) and states an estimated 700 cubic yards of cut, 2,000 cubic yards of fill, and 10-foot retaining walls that will bring Greenhouses #1 and #2 above the BFE and protect them and the fill from flood impacts as required by the California Building Code.
- CDFW raises concern regarding potential growth inducing impacts from the extension of PG&E power to the site. The site is zoned Agricultural Exclusive and TPZ, meaning that development potential is limited to those allowed consistent with the County's Open Space Action Program, of which agriculture such as cannabis is a compatible use. Substantial commercial, industrial or residential development expansion would not be permitted within these zone districts.
- CDFW expresses concern regarding the mixed-light cultivation and requests compliance with dark-sky standards. This is a condition of the ordinance.
- CDFW requests a mitigation measure of condition of approval to implement an invasive species management plan. This has been added as a recommended condition of approval.
- CDFW recommends a condition of approval to prohibit rodenticides and similar harmful substances on the parcels. This has been added as a recommended condition of approval.

Staff wishes to point out that while the comment letter from CDFW raises concerns, it does not indicate that there are potentially significant impacts that would require the preparation of an EIR. This is important to note because some of the public comments, particularly the comments from the Holder Law Group, refer to these CDFW comments as substantial evidence that an EIR should be prepared.

Multiple letters have been submitted by The Holder Law Group (HLG), representing an adjacent property owner, which raise a substantial number of concerns and comments. These letters are included in Attachment 5.

Staff notes that the HLG makes multiple statements and assertions that reference the August 20, 2020 Planning Commission staff report and the initial IS/MND. The initial CEQA document and Planning Commission staff report do not reflect all currently available information and are not proposed for adoption or consideration by the Planning Commission. The revised IS/MND and staff report for the January 21, 2021 Planning Commission hearing reflects the currently proposed project and all currently available information.

Some statements in the HLG letter dated December 30, 2020 are also inaccurate or misleading for other reasons. For example, on Page 30 the Holder letter alleges that the wetland delineation report depicts the location of wetlands on the project site differently than does the revised IS/MND because the revised IS/MND Figures 40 and 42 do not match the location of wetlands shown in the wetland delineation in Appendix M figures 2 and 4. This is a misinterpretation of these figures. Figures 2 and 4 in Appendix M do not suggest and are not intended to portray the location of the delineated wetlands. Figures 7 and 8 of Appendix M show the location of the wetlands. These figures are consistent with figures 40 and 42 regarding the boundaries of wetlands within the proposed project areas.

Additionally, HLG references previous letters sent to the applicant by the county and comments from the county's peer review consultant that are outdated and do not apply to the project as currently proposed or the current information and technical studies. For example, the letter states that the county asked for information regarding the potential hydrologic connectivity of the wells and the county then failed to obtain this information. These statements made by the county regarding connectivity were prior to the wells being installed as there were no well logs or specific locational information to review to determine potential hydrologic connectivity. After the wells were installed this information was made available to the county and utilized as the basis for concluding that the wells are groundwater wells. Similarly, the letter relies on previous county correspondence requesting information regarding the road network to allege that this information does not exist or is otherwise insufficient, however the applicant responded to this referenced county correspondence by providing a thorough road evaluation of all proposed and existing roadways by a licensed engineer.

The concerns raised by the HLG letters are generally summarized and addressed below:

Locational Concerns

- HLG states that the project is unsuitable in this location. The proposed project is a large-scale industrial size operation in a rural area with resource and access issues. The proposed cannabis project is agricultural and is authorized under the Commercial Medical marijuana land Use Ordinance, which allows for multiple acres of new mixed-light cannabis cultivation on parcels over 320 acres in size. The project complies with the access standards of the CMMLUO and the Initial Study and Mitigated Negative Declaration identifies that resource impacts, after mitigation, are not significant under CEQA.

Procedural Issues

- HLG alleges that the documents Referenced in Revised IS/MND were not made available for public review during the comment period. The Holder Law Group asserts that because a July 30, 2018 version of the Biological report that they obtained through a Public Records Act (PRA) request was referenced in the revised IS/MND and not made publicly available, the County has violated Section 21092(b)(1) of the Public Resources Code. Both the revised and original biological report were made available as the Holder Law Group indicates that they obtained a copy of both. Nonetheless, the ISMND references the revised biological report because it is specifically that updated and revised report that is utilized for the project's analysis. The fact that a technical report that is submitted and then revised and updated with new information prior to incorporation within the IS/MND does not violate the procedural requirements of CEQA.
- Appendix does not include important biological information such as the revised Botanical Report or the Golden Eagle Survey data, or the wetland data that supports the wetland report. These botanical surveys and golden eagle studies are attached in the appendix to the ISMND. These comments in large part utilize CDFW comments made on the original IS/MND, rather than the revised and recirculated IS/MND that is the subject of the Planning Commission's review.

Assertion that Substantial Evidence Supports Fair Argument of Significant Environmental Impacts

- HLG states that the county is relying on Mr. Dave Fisch's letter regarding potential hydrologic connectivity of the wells to determine whether there is a hydrologic connection to surface water from the wells. This is incorrect. An examination of well logs was also utilized in determining that the wells are unlikely to be hydrologically connected to surface water. Mr. Fisch's opinion is also referenced however it is not the sole reason for this determination by staff.
- HLG states that the depth at which the wells is drawing water indicates that it is connected to surface water features, however this conclusory statement includes no relevant data to support the contention. Staff's analysis of the depth and location of the wells relative to surface water features indicates that it is not hydrologically connected to surface water features.

- HLG appears to misrepresent the qualifications of the parties they present as experts in hydrogeology. On page 25 of the letter they state that they retained hydrogeologists to review the adequacy of the IS/MND statements regarding the groundwater wells. The two parties they represent as hydrogeologists are listed in the PWA letter as geologists. Staff contacted them to verify qualifications and did not receive a response, however their letter does not state that they are hydrologists. In their letter they refer to themselves as geologists.
- The geologists that HLG retained to review the IS/MND information raise questions regarding the fact that the well production tests were not performed during the dry weather testing season set by the Department of Environmental Health. This does not preclude the well production information from being utilized for review purposes.
- The primary contention of substantial evidence of a potential hydrologic connection to surface water made in the recent HLG letter appears to be the reference to the USGS report on Geology and Groundwater Features in the Eureka area (1959). HLG states that this study covers the project area, however page 3 of this report clearly identifies the project area as including an approximately 425 square mile area between 40 degrees 30 minutes North latitude and 41 degrees 0 minutes north latitude and between 123 degrees, 55 minutes west longitude and 124 degrees 25 minutes west longitude. The project site is at approximately 40 degrees 19 minutes north latitude and 123 degrees 47 minutes west longitude. The study area is represented in the following figure, from Page 4 of the 1959 USGS study referenced in the HLG letter. The blue dot is added to show the location of the Rolling Meadows project site. The project site is both south and east of the referenced study area. In addition to being substantially outdated this study is not applicable to the location of the proposed project.

4 GEOLOGY AND GROUND WATER, EUREKA AREA, CALIF.

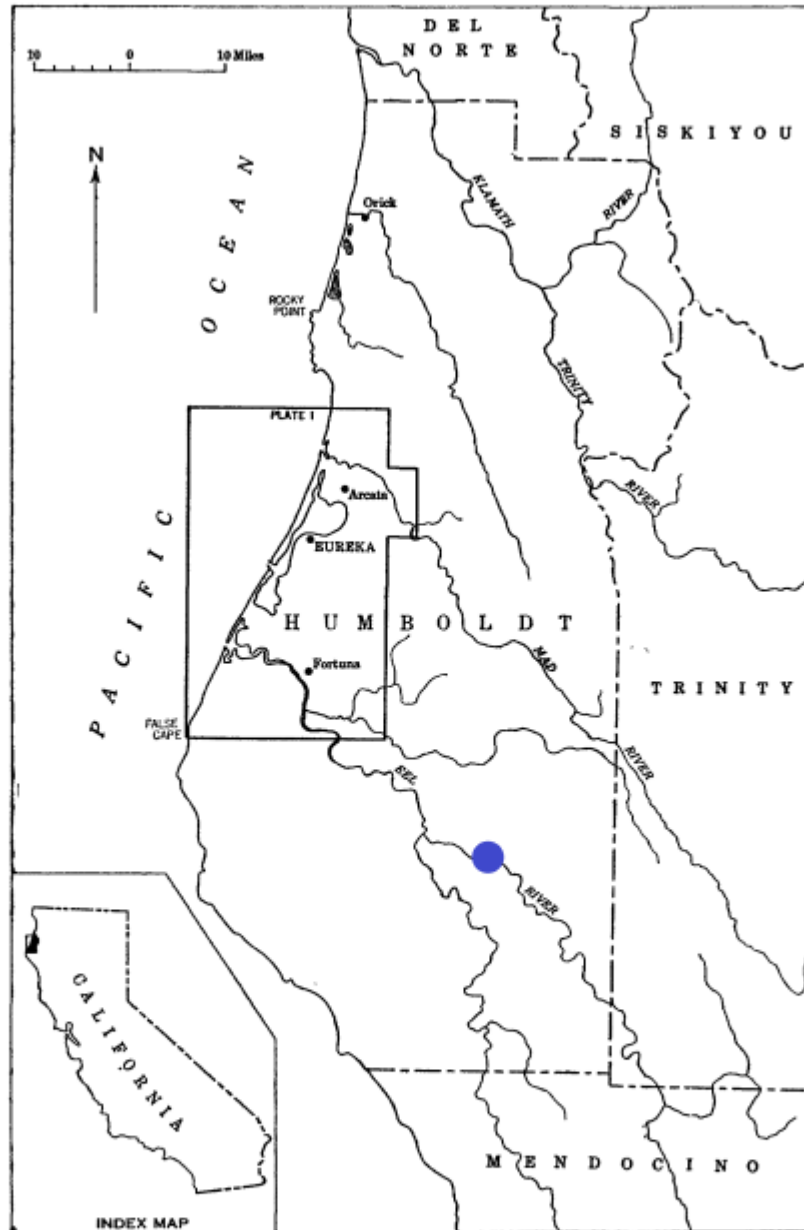


FIGURE 1.—Index map showing report area.

Within each 40-acre tract the wells are numbered serially, as indicated by the final digit of the well number. Thus, well 3N/1W-34J1 is the first well listed in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 34, T. 3 N., R. 1 W. Township and range numbers are from the Humboldt base line and meridian.

- HLG includes references to the fact that the existing and proposed roads would not be a Category 4 or equivalent and includes a letter from a local civil engineer that states that McCann Road does not meet the requirements for Category 4 or a functional equivalent. There is no requirement for a Category 4 road in the county Commercial Medical Marijuana Land Use Ordinance. The Department of Public Works states that the road is developed to an adequate functional classification for the project, particularly given the low traffic volume of the road.
- HLG inaccurately suggests that the project is not consistent with applicable regulatory requirements for setbacks from wetlands and watercourses because it does not meet the setbacks requested by the California Department of Fish and Wildlife in their review letter. It is not unusual for CDFW to request larger than regulatory setbacks. The project complies with the regulatory requirements of CDFW, the County, and the state Water Board as discussed in the IS/MND and staff report.
- HLG asserts that the wetland study prepared for the project is inadequate and to demonstrate this includes comments from Pacific Watershed Associates that states that the National Wetlands Inventory (NWI) identifies a wetland that may be located in the project area but is not listed in the wetland study prepared for the project. The NWI is a mapping prepared primarily on aerial analysis to identify possible wetlands and should not be considered as evidence to contradict a ground-based assessment. The PWA letter also is used to assert that the wetland analysis is incomplete because it did not include a full delineation of all wetlands on the site. This is also not a flaw in the wetland analysis because there is no requirement to fully delineate wetlands that are outside of the regulatory buffers from the proposed development.
- HLG states that the analysis of special status species and aquatic resources is incomplete and inaccurate. However, plant surveys have been completed for all portions of the project site and proposed roads and improvements with the sole exception of the existing road to Alderpoint as that is an existing road.
- HLG states that it does not include an analysis of the biological impacts for the improvements necessary to bring the various roads up to a Category 4 standard. As mentioned previously, McCann road providing access to the property is functionally appropriate for the proposed project and the various ranch roads on the property are classified as "driveways" under the Humboldt County Code and are not required to be brought up to Category 4 standards.

Comments received from the public are in opposition to the project and voiced concerns with the proposed project that are similar to those raised by CDFW and HLG, and also include the following:

- Size and scale of the project;
- Impacts to biological resources, including, but not limited to: wetlands, Golden Eagles and overall degradation to the Eel River watershed;
- Water source, use and impacts to water quality;
- Access roads – Increase traffic, condition of access roads as related to water quality;
- Increased fire hazards, including lack of suitable ingress and egress for emergency responders and employees;
- Ability of P. G. & E. to adequate supply power needs for the project;
- Greenhouse gas emissions;
- Community safety;
- Non-local investments/local equity;
- Air Quality

While some of these comments and concerns are addressed in the response to comments from CDFW and The Holder Law Group, as well as in the ISMND prepared for the project, the following addresses some of the primary public concerns not addressed in the above responses to CDFW and HLG.

Increased fire hazards, including lack of suitable ingress and egress for emergency responders and employees

The applicant is required to adhere to all CAL FIRE regulations regarding fire safety. Rainwater captured from greenhouse roofs will be utilized in part for fire protection purposes.

Size and scale of the project

Concern has been raised regarding the multiple acres of cannabis proposed and the "industrial" scale of the project. Section 55.4.8.2.1.1 of the Commercial Medical Land Use Ordinance (CMMLUO) states, "...On parcels 320 acres or larger in size, in the eligible zoning districts described in 55.4.8.2.1, one additional cultivation area permit of up to one acre each for each one hundred acre increment (e.g. 3 for a 320 acre parcel, 6 for a 600 acre parcel, etc.), up to a maximum of 12 permits, may be issued with a Use Permit, subject to the limitations contained in section 55.4.8.10. No more than 20% of the area of Prime Agricultural soils on the parcel may be utilized for commercial medical marijuana cultivation activities." The subject parcels are located within a 7,110-acre ranch historically used for timber production. The parcels are split-zone Agriculture Exclusive and Timberland Production (AE/TPZ). All proposed cultivation will be occurring on the AE-zoned portion of the parcels as required by the CMMLUO. There is 1,289,668 square feet of prime agricultural soil of which 257,998 square feet is 20%. The cultivation area proposed is 5.73 acres (or 249,598 square feet), which equals 19.3% of the prime agricultural soil area. All cultivation areas will be located on Slopes of less than 15%. Therefore, the project meets the CMMLUO requirements for new cultivation.

Cultivation Practices

Concern is raised regarding improper or impactful cultivation practices. The proposal for consideration is for plants to be grown either inground, or in bags or pots set on the native soil surface or on benches. Drip irrigation will be used. As stated in the Executive Summary of the IS/MND, various natural fertilizer and pesticide products will be used in cultivation; only pesticide products that are citrus or neem-seed based and/or permitted for use in organic farming will be used on the site. These materials will be kept in the processing buildings and will be returned to storage immediately after use. No rodenticides will be used on site at any time. If rodents become an issue in the buildings, trapping or other non-poison methods will be used to remove them. Soils in the project will be amended in situ and reused. Soils will always be kept inside the greenhouses.

Ability of P. G. & E. to adequate supply power needs for the project

According to the project description in the IS/MND the power source is provided by P. G. & E. No other power source would be authorized by the permit. The applicant is required to demonstrate that P. G. & E. is installed as described by the project description prior to use of any power use for the proposed project. Generators are to be authorized for emergency backup purposes only.

Community Safety

Concern is raised regarding criminal activity associated with the proposed commercial cannabis facility. However, legal cannabis cultivation is a highly regulated industry. As described by the Project Description, security lighting and cameras will be placed around all processing buildings. Processed cannabis will be stored in the processing buildings until it is taken off site. The buildings will be locked at all times. Each site will be fenced. A security gate with a guarded entrance will be placed on the ranch road that continues East off of McCann Road East before Facilities #1 - #2. This security guard will have a small 6-foot by 4-foot structure to provide shelter (See Figure 13 for guard gate location). This security guard position will be staffed 24 hours a day. Another security gate will be placed on the ranch road off of the Alderpoint Road entrance. There will be cameras at both gates.

The applicant will have inspections a minimum of one time per year by the Planning Department and California Department of Food and Agriculture. Other State or local agencies may also inspect the site. Any issues of non-compliance should be reported to the Humboldt County Code Enforcement Unit for additional investigation.

Aesthetics

Concerns have been raised regarding views from the Eel River and from the future Great Redwood Trail. A vegetation barrier (brush and mature trees) exists between the Eel river and project location and would screen and possibly eliminate full views of proposed Facilities #1 - #2. This conclusion is supported by additional ground truth investigation in which photographs were taken at suspected viewing points at proposed Facilities #1-5 (Viewshed Groundtruth, Appendix J of IS/MND). The photographs reveal that Facilities #3 - #5 will be viewable at times to recreators on the river and across the valley. Facilities #1 - #2 will be effectively blocked from view by stands of mature trees along the river's edge. Nonetheless, any

peek through views from the river have the potential to impact enjoyment of Humboldt County's natural beauty and agricultural setting. Agricultural development is an important part of the county's aesthetic setting. While agricultural resources are an important part of the county's scenic quality, large retaining walls proposed to support facilities 1 and 2 are not typical agricultural features and therefore have potential adverse aesthetic impacts if glimpses from the river do occur. Therefore, mitigation in the form of an architectural treatment for the proposed retaining walls is appropriate to reduce any potential impacts to a less than significant level.

The Great Redwood Trail is proposed for old railroad right-of-ways along the Eel River. The IS/MND evaluated potential impacts to aesthetics from the Eel River and Figure 18 in the IS/MND is a viewshed map based on a 3D terrain analysis using 5 different potential Eel River "recreator" locations. This analysis provides the potential views that a recreator standing at the assigned points could have of the surrounding area based on terrain. The "recreator" points were assigned a value of 5-feet above the ground surface. The points are numbered 1-5 and East (upstream) to West (downstream), which follows the likely visual path of a boating recreator. From 5 locations, only two points, points 4 and 5 resulted in views of the project. And only one point, Point 4, resulted in full views of proposed project facilities (Facility #1- #5 and a processing building midslope). Therefore, the potential impact on river recreators is limited to one, in a 2,500-foot-long stretch of river. Because Greenhouses #1 and #2 will be constructed within the 100-year flood zone, they are required to be raised above the Base Flood Elevation (BFE). *Mitigation Measure Mitigation Measure – Aesthetics 1* requires retaining walls proposed for Facilities 1 and 2 shall include an architectural treatment, such as in-wall plantings or an equivalent treatment, to soften the visual impact of the walls. As mitigated the impacts of views from the river and by extension the proposed trail along the river are less than significant.

Equity for local cultivators

Multiple comments raise concerns regarding the applicant residing out of the county. There are no provisions within the CMMLUO that give preference to landowners residing within Humboldt County.

Air Quality

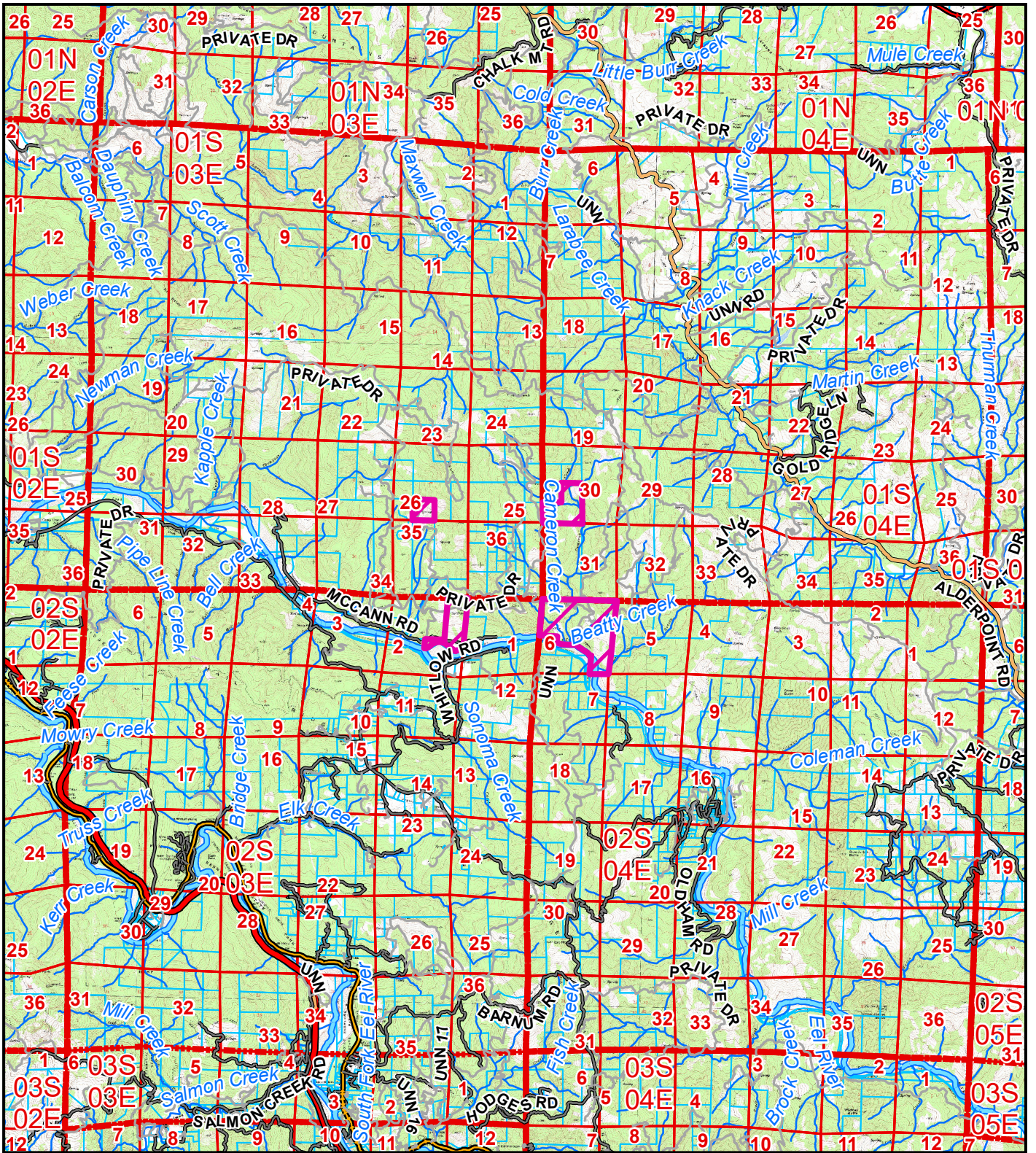
Commenters have expressed concern regarding potential impacts on air quality related to dust generation including the potential for air quality impacts from driving across the river bar portion of McCann Road. The dust generated by construction, and vehicle traffic would primarily be PM10 emissions and the North Coast Air Basin is in non-attainment for PM10. However, the IS/MND has measures in place to address air quality and the dust that could be generated would be below the amount identified by the North Coast Air Quality Management Board as triggering the need for additional mitigation measures. Typically, projects are compared to their local air district's thresholds of significance to projects in the review process; however, the District has not formally adopted significance thresholds. Instead, they utilize the Best Available Control Technology emission rates for stationary sources as defined and listed in the Air District's Rule 110 - New Source Review and Prevention of Significant Deterioration. This rule states a significance threshold of 15 tons per year of PM10 emissions per emissions unit for determining if Best Available Control Technology (BACT) is required. The amount of pm10 generated from the proposed project is expected to be significantly below this threshold.

The comments received do not affect the conclusions of the document and do not require recirculation pursuant to Section 15073.5 of the CEQA Guidelines.

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 approving the conditional use permits. As discussed above, a significant amount of concern and opposition to this project has been raised by members of the public. While staff believes that the project complies with the ordinance and general plan requirements, the Planning Commission should take these concerns into consideration when determining whether the project would potentially have a negative impact on the public welfare.

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. 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.

Staff prepared a thorough environmental analysis which included the preparation of an IS/MND pursuant to the CEQA Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant unmitigable impacts.

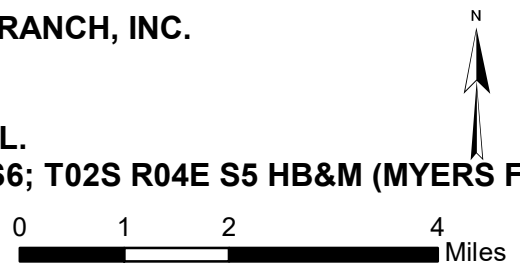


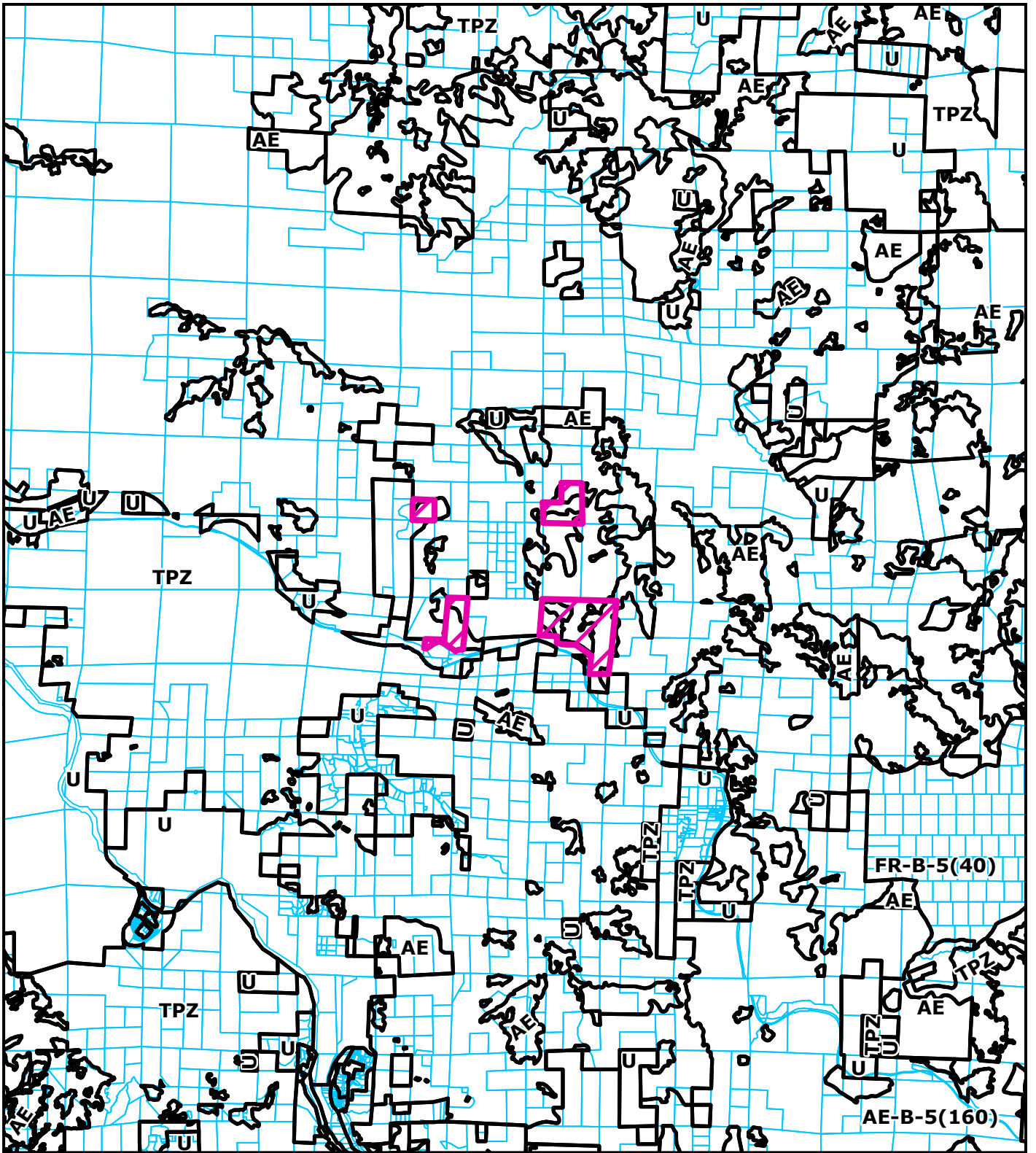
TOPO MAP
PROPOSED ROLLING MEADOWS RANCH, INC.
MYERS FLAT AREA
PLN-12529-CUP
APN: 211-281-006; ET AL.

Project Area =

T01S R03E S26; T01S R04E S30; T02S R03E S2; T02S R04E S6; T02S R04E S5 HB&M (MYERS FLAT)

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.



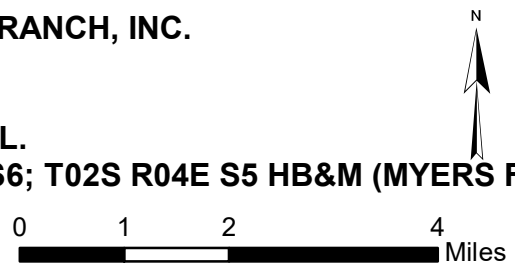


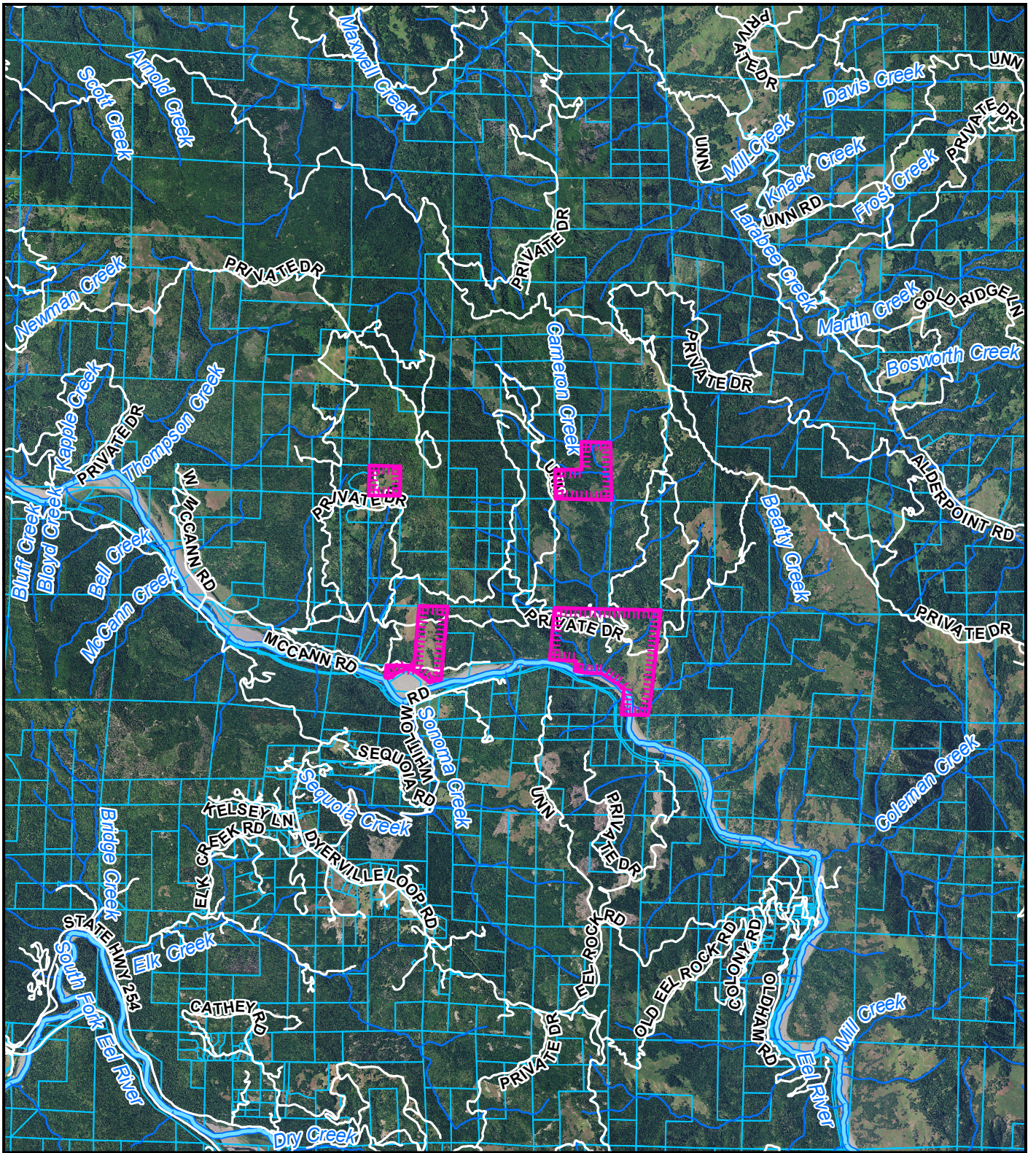
**ZONING MAP
 PROPOSED ROLLING MEADOWS RANCH, INC.
 MYERS FLAT AREA
 PLN-12529-CUP
 APN: 211-281-006; ET AL.**

Project Area = 

T01S R03E S26; T01S R04E S30; T02S R03E S2; T02S R04E S6; T02S R04E S5 HB&M (MYERS FLAT)

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





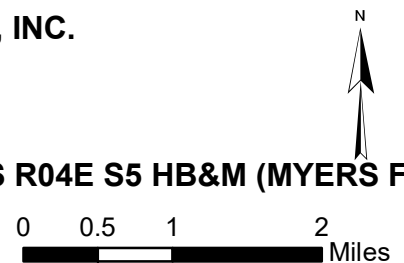
**AERIAL MAP
 PROPOSED ROLLING MEADOWS RANCH, INC.
 MYERS FLAT AREA
 PLN-12529-CUP**

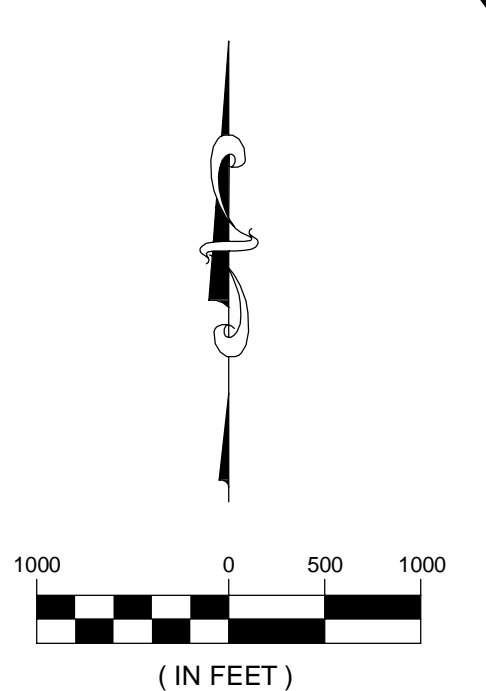
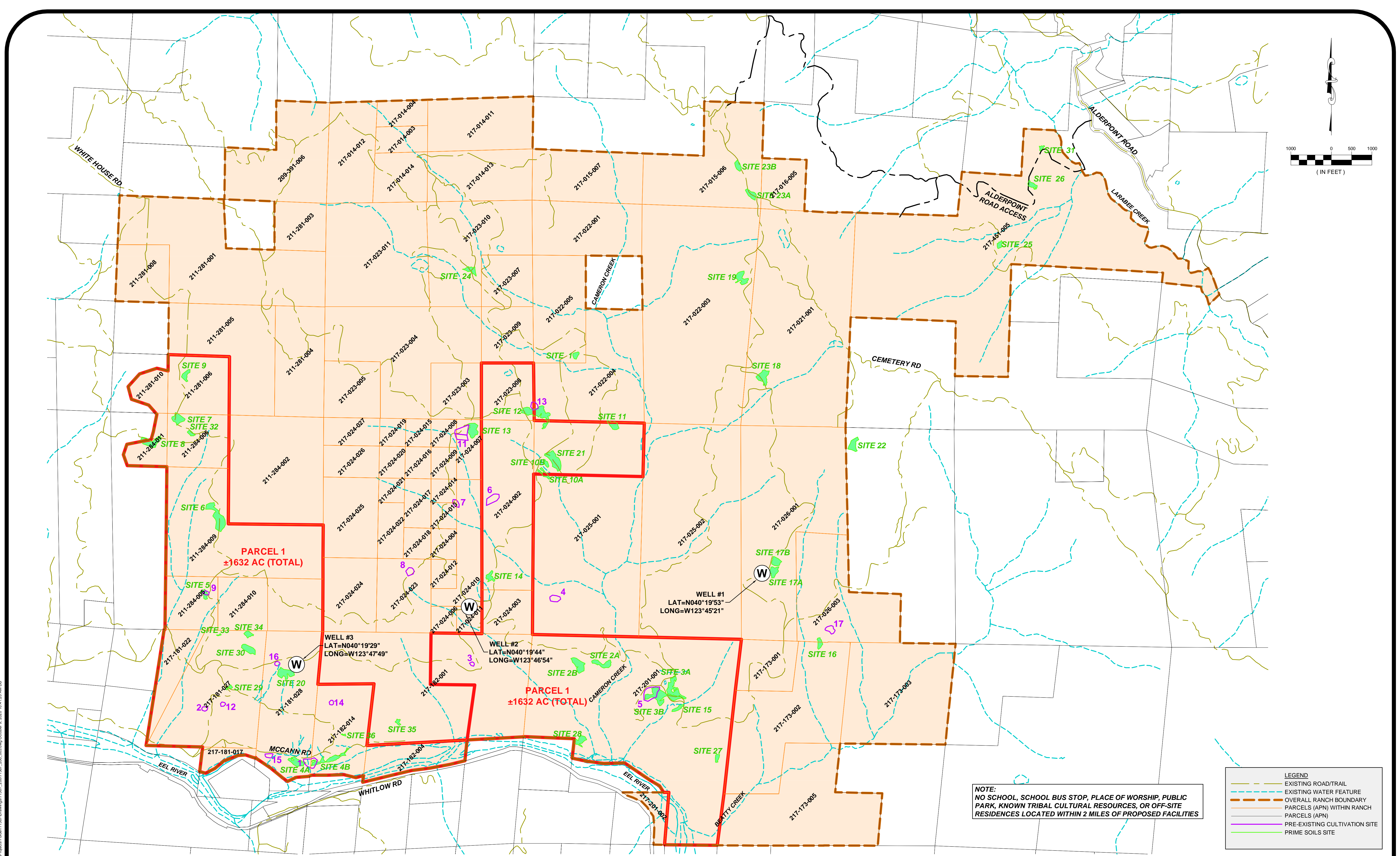
Project Area = 

APN: 211-281-006; ET AL.

T01S R03E S26; T01S R04E S30; T02S R03E S2; T02S R04E S6; T02S R04E S5 HB&M (MYERS FLAT)

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.





PARCEL 1
±1632 AC (TOTAL)

PARCEL 1
±1632 AC (TOTAL)

WELL #3
LAT=N040°19'29"
LONG=W123°47'49"

WELL #2
LAT=N040°19'44"
LONG=W123°46'54"

WELL #1
LAT=N040°19'53"
LONG=W123°45'21"

NOTE:
NO SCHOOL, SCHOOL BUS STOP, PLACE OF WORSHIP, PUBLIC PARK, KNOWN TRIBAL CULTURAL RESOURCES, OR OFF-SITE RESIDENCES LOCATED WITHIN 2 MILES OF PROPOSED FACILITIES

LEGEND	
	EXISTING ROAD/TRAIL
	EXISTING WATER FEATURE
	OVERALL RANCH BOUNDARY
	PARCELS (APN) WITHIN RANCH
	PARCELS (APN)
	PRE-EXISTING CULTIVATION SITE
	PRIME SOILS SITE

ROLLING MEADOW RANCH
HUMBOLDT COUNTY, CA



B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING - LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901 PHONE: (321) 725-3674 FAX: (321) 723-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

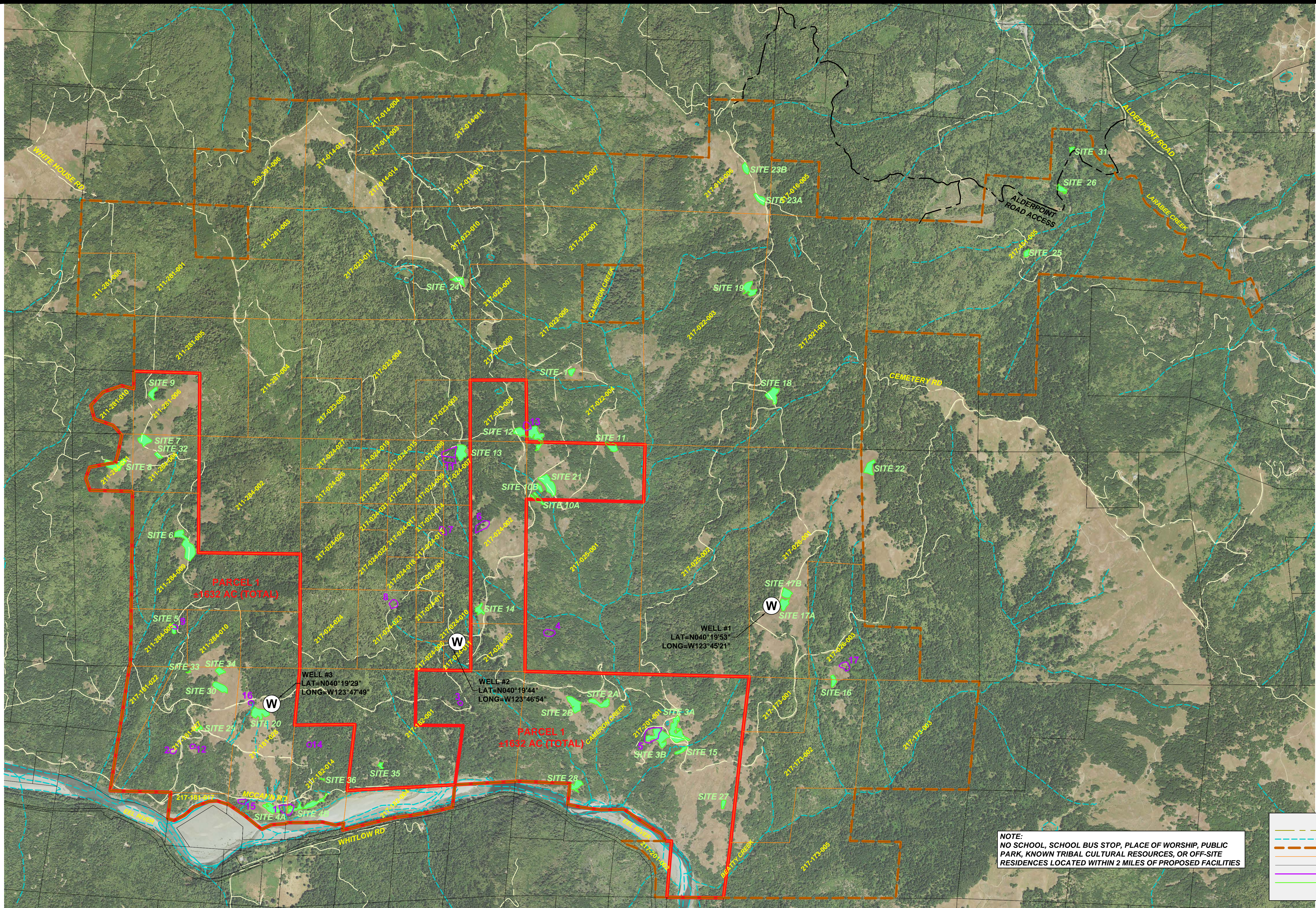
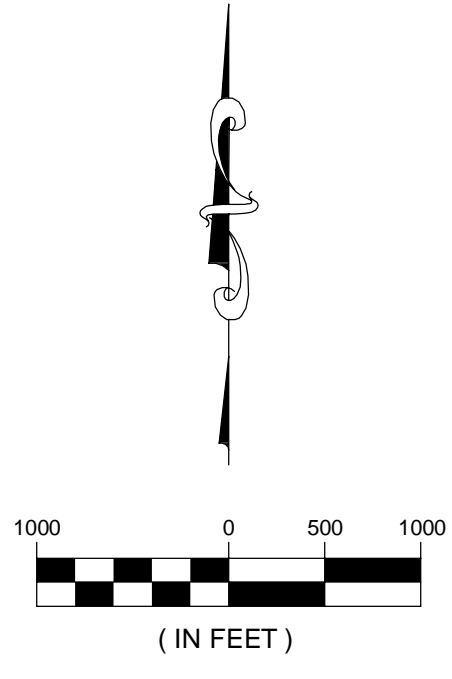


OVERALL CANNABIS
DEVELOPMENT

DRAWING NO.
11367_200_003
SHEET
1 of 1
PROJECT NO.
11367

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DESIGN/DRAWN: SMG/DRB	11/08/19
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PARCEL 1
+1652 AC (TOTAL)

PARCEL 1
+1637 AC (TOTAL)

WELL #3
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LONG=W123°47'49"

WELL #2
LAT=N040°19'44"
LONG=W123°46'54"

WELL #1
LAT=N040°19'53"
LONG=W123°45'21"

NOTE:
NO SCHOOL, SCHOOL BUS STOP, PLACE OF WORSHIP, PUBLIC PARK, KNOWN TRIBAL CULTURAL RESOURCES, OR OFF-SITE RESIDENCES LOCATED WITHIN 2 MILES OF PROPOSED FACILITIES

LEGEND	
	EXISTING ROAD/TRAIL
	EXISTING WATER FEATURE
	OVERALL RANCH BOUNDARY
	PARCELS (APN) WITHIN RANCH
	PARCELS (APN)
	PRE-EXISTING CULTIVATION SITE
	PRIME SOILS SITE

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DESIGN/DRAWN: SMG/DRB	11/06/19
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**ROLLING MEADOW RANCH
HUMBOLDT COUNTY, CA**

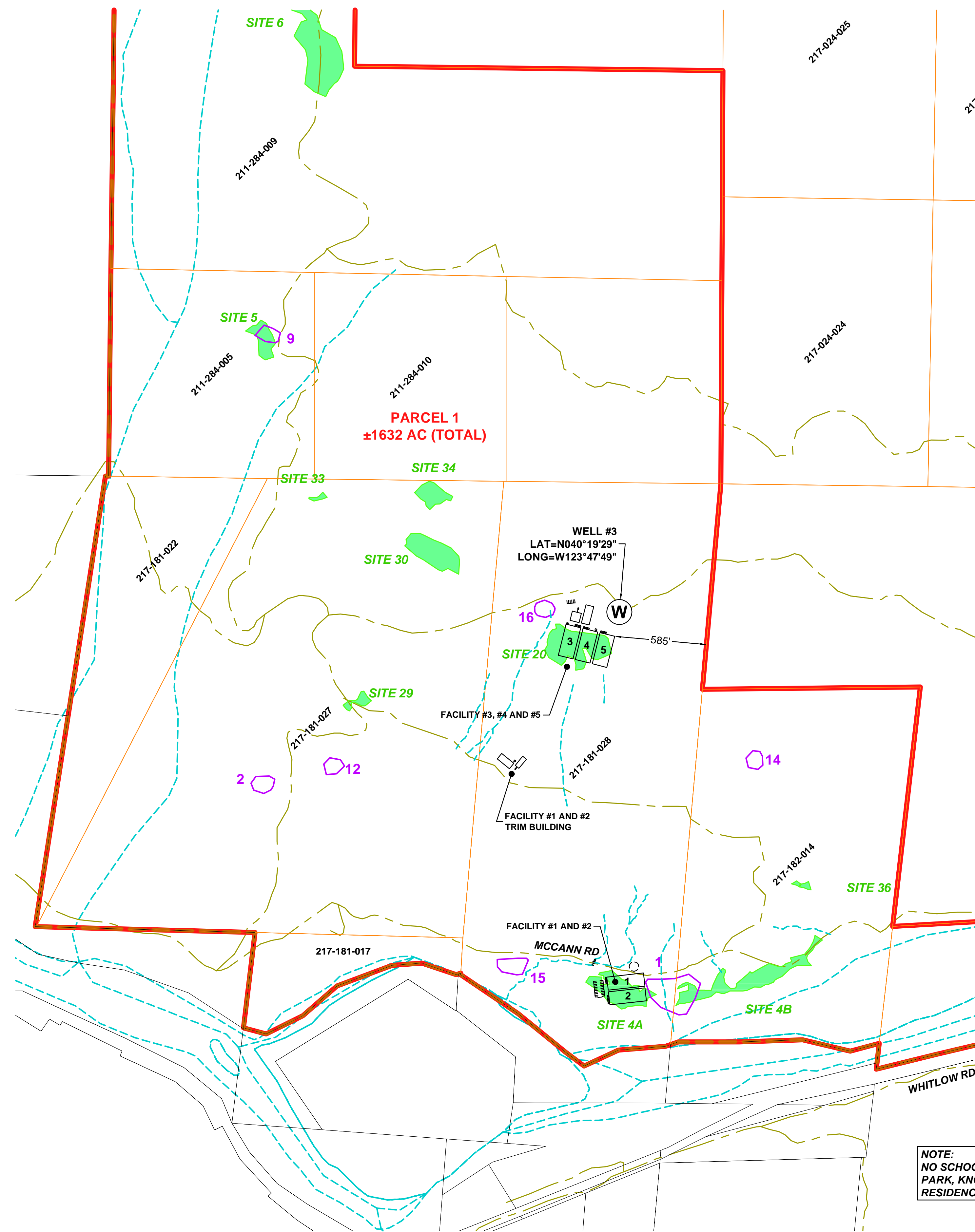


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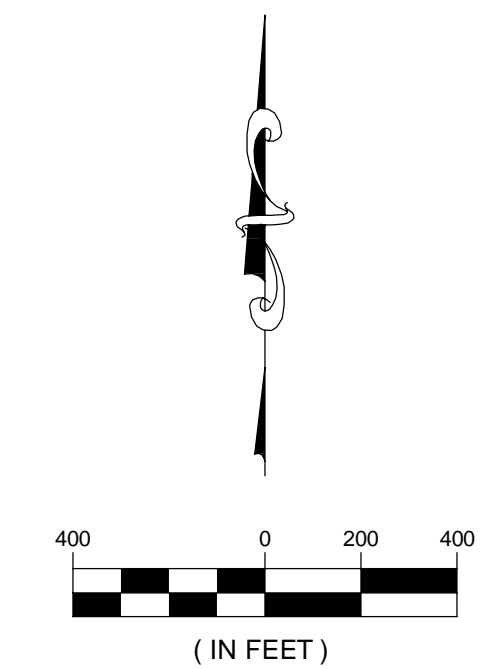


**OVERALL CANNABIS
DEVELOPMENT (AERIAL)**

DRAWING NO.	11367_200_003
SHEET	1 of 1
PROJECT NO.	11367



NOTE:
NO SCHOOL, SCHOOL BUS STOP, PLACE OF WORSHIP, PUBLIC PARK, KNOWN TRIBAL CULTURAL RESOURCES, OR OFF-SITE RESIDENCES LOCATED WITHIN 2 MILES OF PROPOSED FACILITIES



LEGEND	
	EXISTING ROAD/TRAIL
	EXISTING WATER FEATURE
	OVERALL RANCH BOUNDARY
	PARCELS (APN) WITHIN RANCH
	PARCELS (APN)
	PRE-EXISTING CULTIVATION SITE
	PRIME SOILS SITE

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DESIGN/DRAWN: SMG/DRB	11/08/19
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**ROLLING MEADOW RANCH
HUMBOLDT COUNTY, CA**

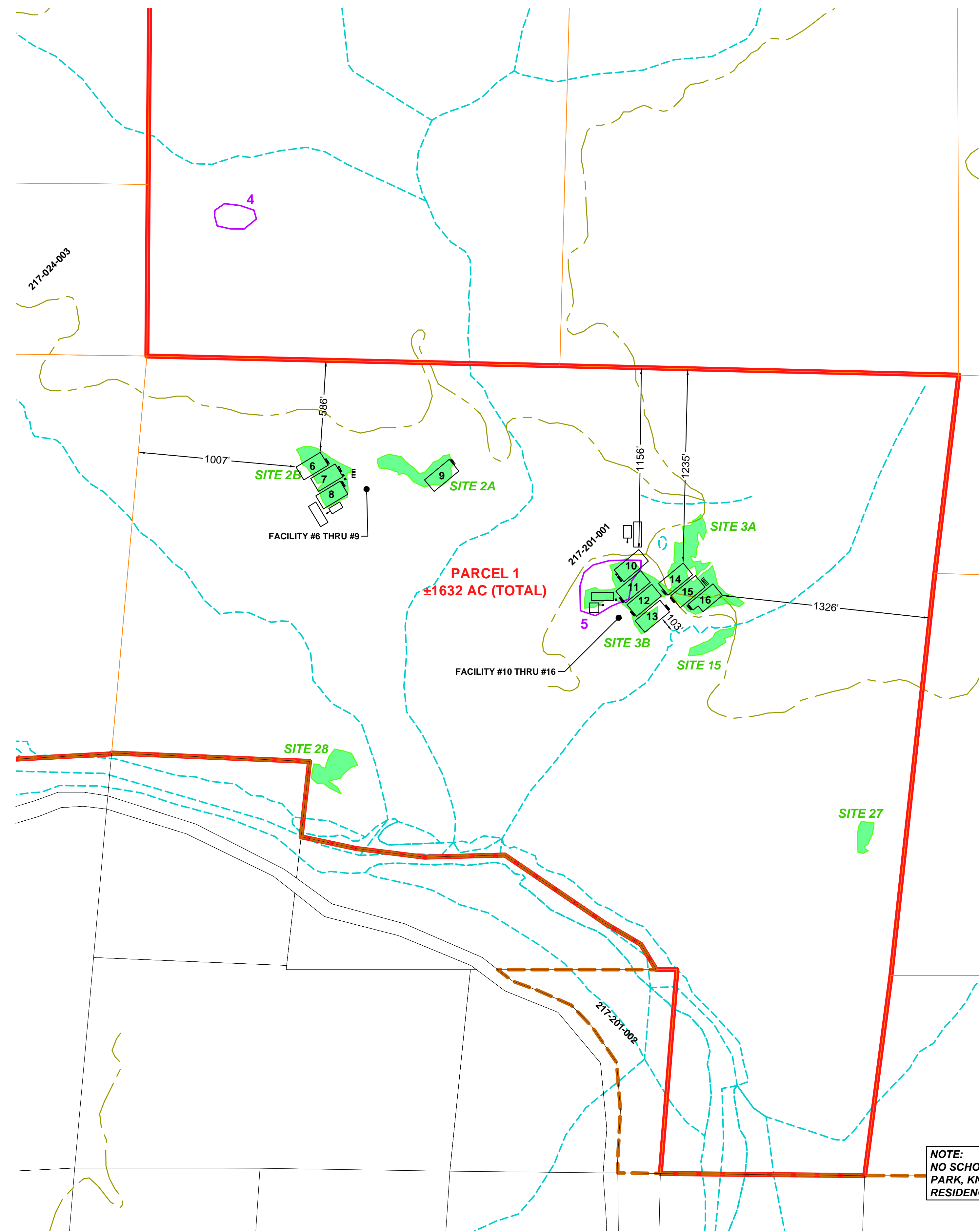


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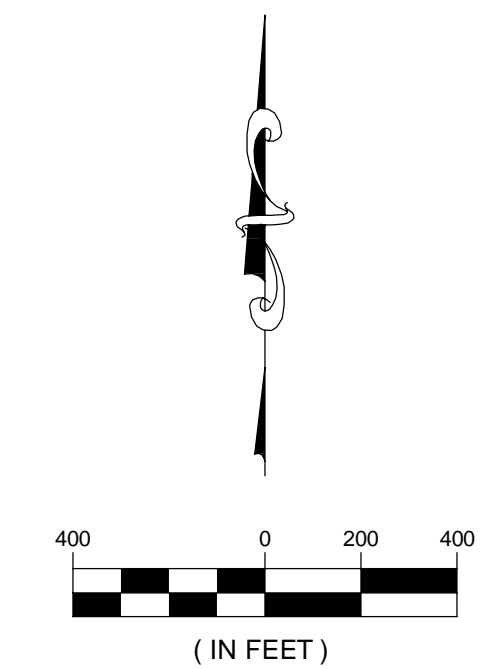


**PARCEL 1
FACILITY #1 THROUGH #5**

DRAWING NO.
11367_200_003
SHEET
1 of 1
PROJECT NO.
11367



NOTE:
 NO SCHOOL, SCHOOL BUS STOP, PLACE OF WORSHIP, PUBLIC PARK, KNOWN TRIBAL CULTURAL RESOURCES, OR OFF-SITE RESIDENCES LOCATED WITHIN 2 MILES OF PROPOSED FACILITIES



LEGEND	
	EXISTING ROAD/TRAIL
	EXISTING WATER FEATURE
	OVERALL RANCH BOUNDARY
	PARCELS (APN) WITHIN RANCH
	PARCELS (APN)
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	PRIME SOILS SITE

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DESIGN/DRAWN: SMG/DRB	11/06/19
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**ROLLING MEADOW RANCH
 HUMBOLDT COUNTY, CA**

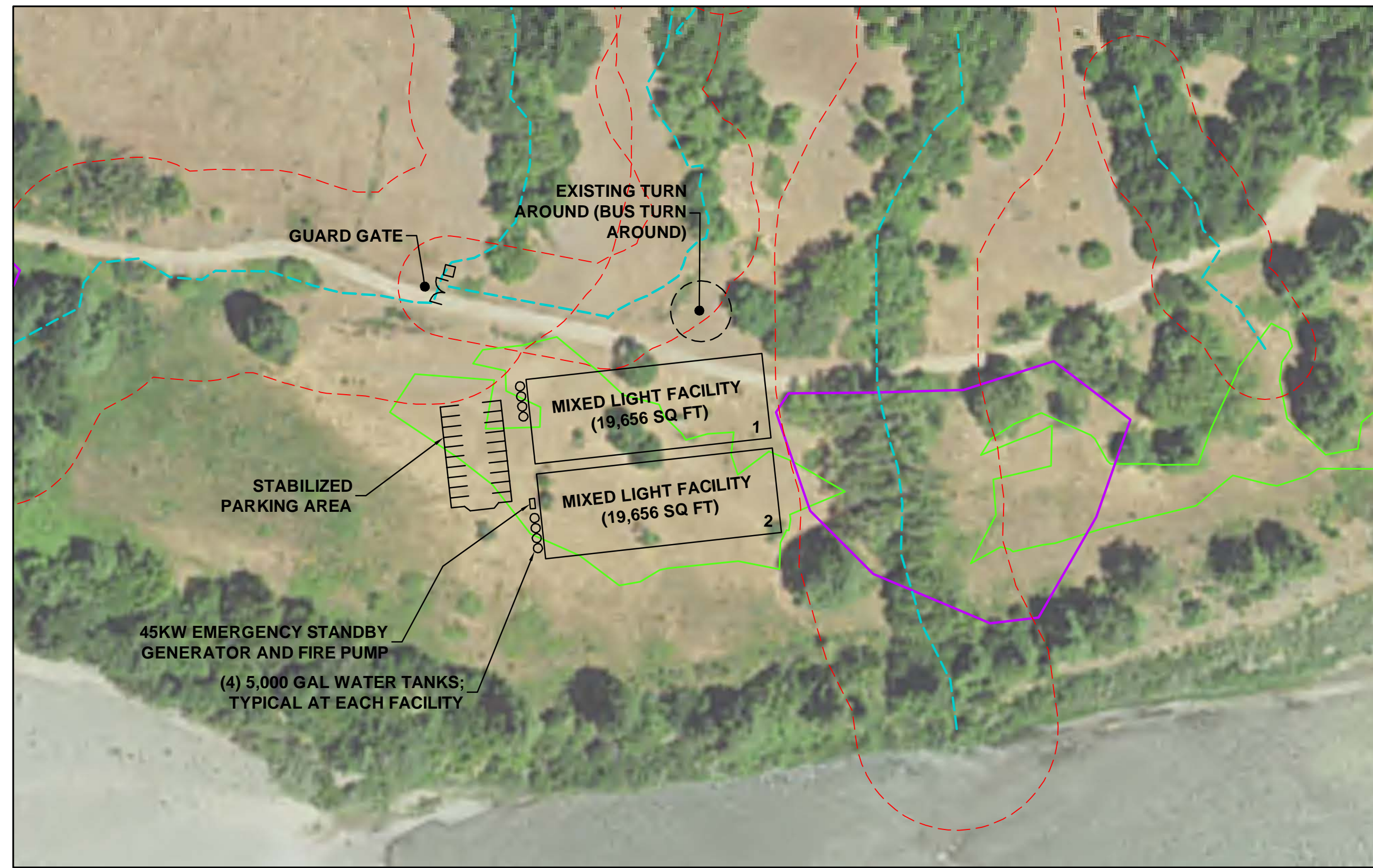


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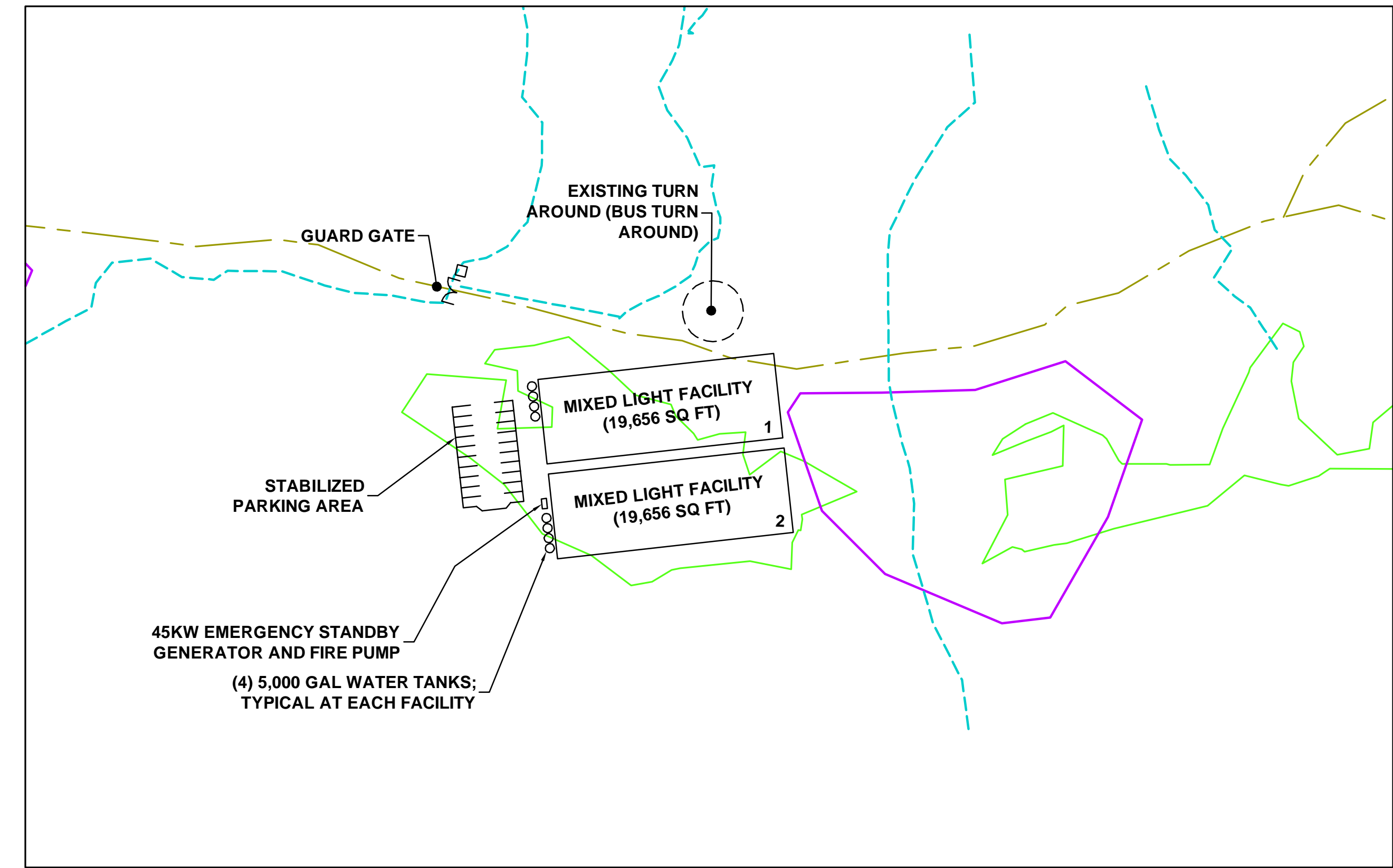


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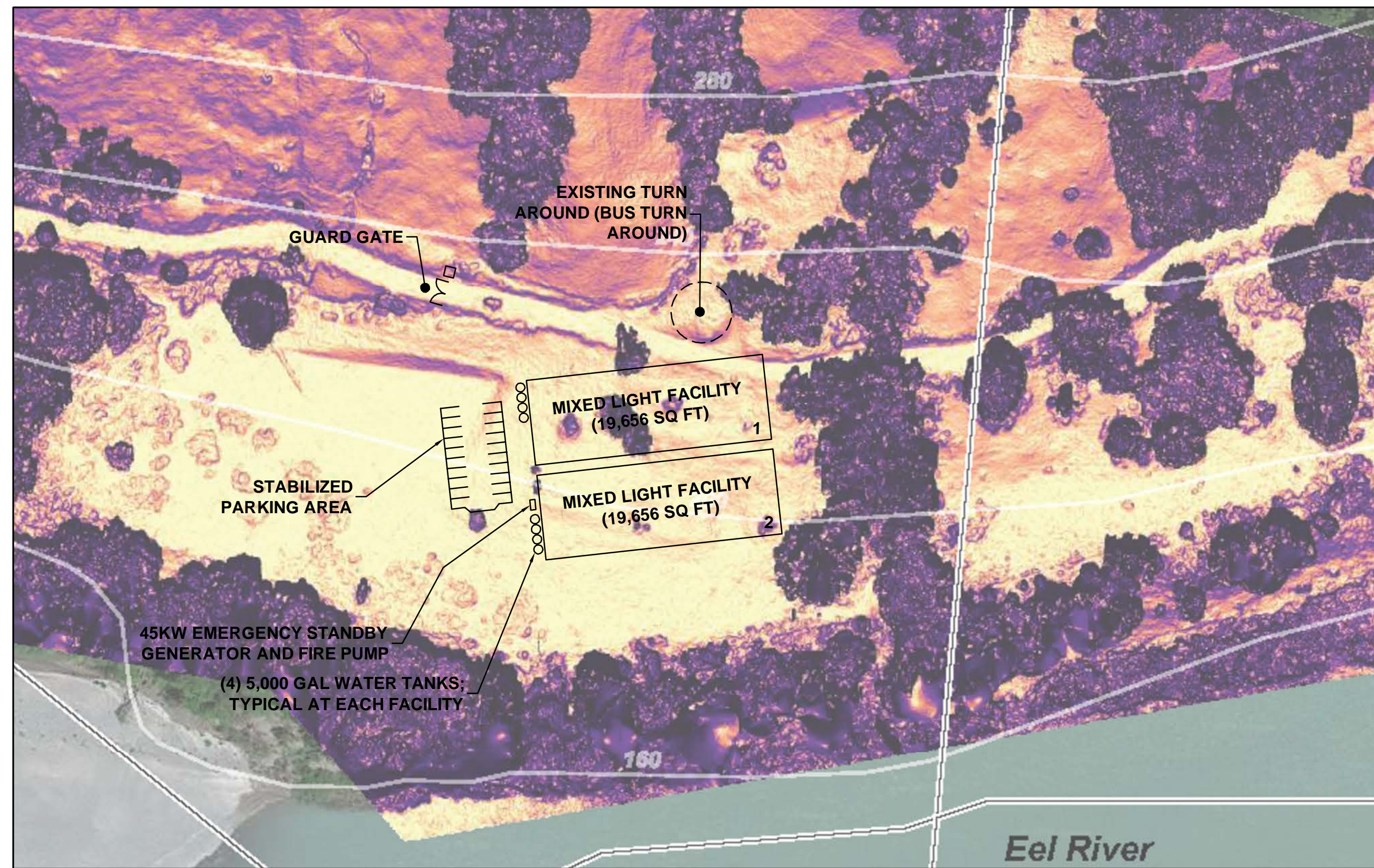


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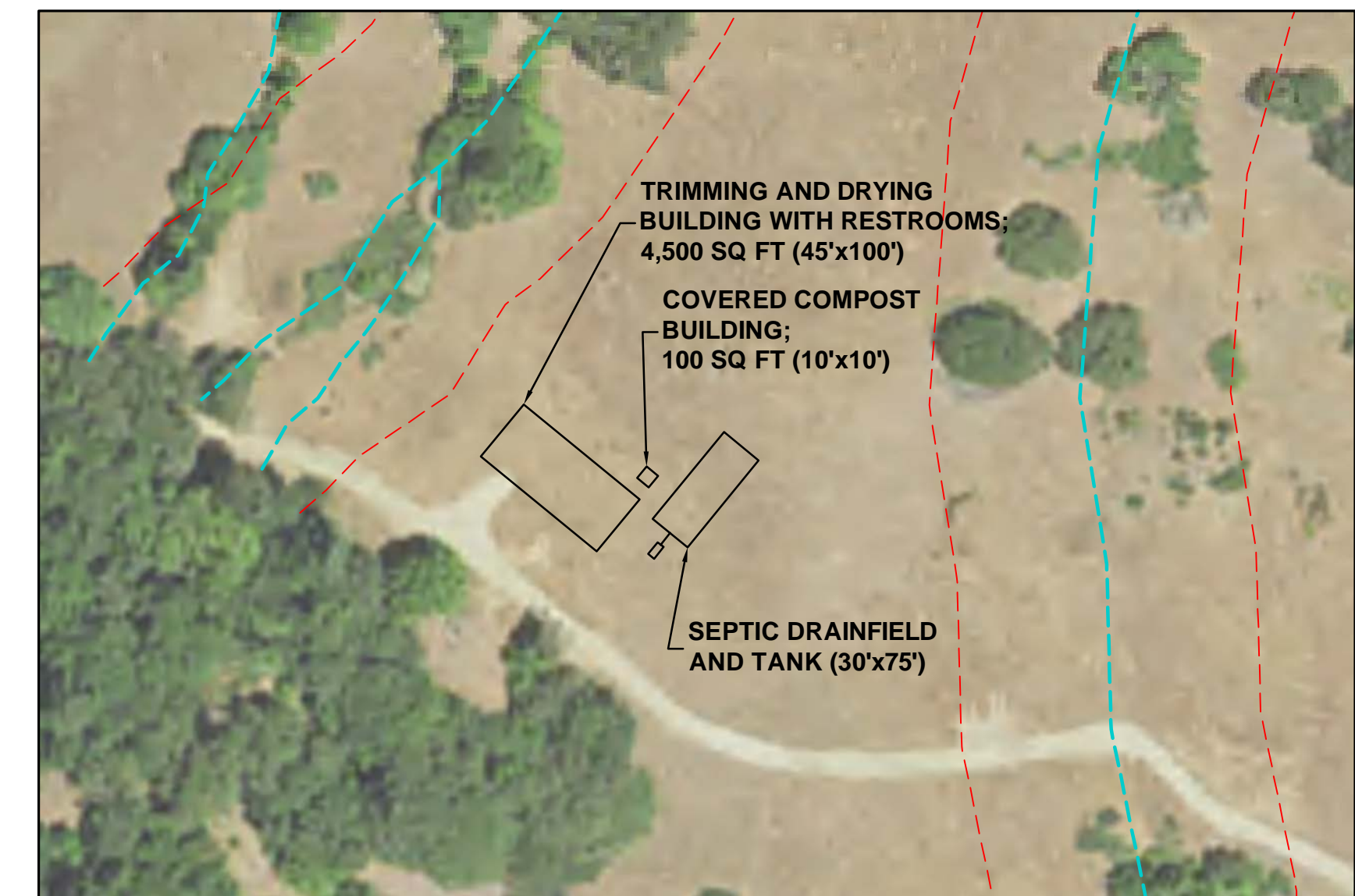
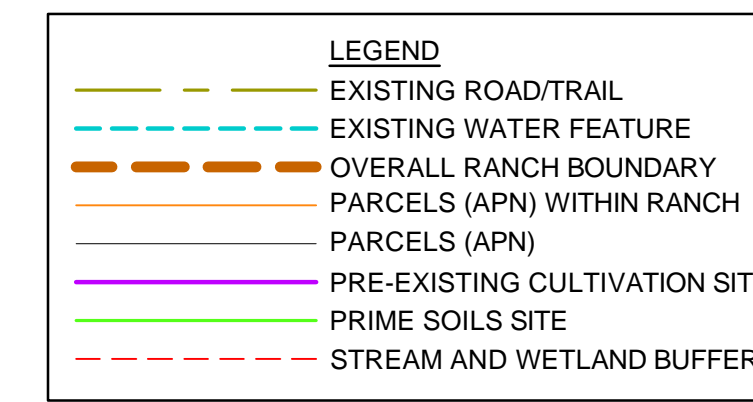
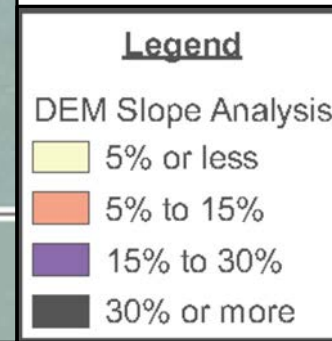


0 100
(IN FEET)

NOTE: SITE FACILITIES TO BE ENCLOSED BY PERIMETER FENCING



0 100
(IN FEET)



0 100
(IN FEET)

BACKGROUND AERIAL IMAGE AND SLOPE DATA PROVIDED BY PLAN IT TECHS, LLC DEC. 2019; JOSHUA ALLEN; FAA PART 107 #4152800

DISCLAIMER: THIS IS NOT A LEGAL MAP. IMAGERY DERIVED FROM ON-SITE UAS PHOTOGRAMMETRY ACQUIRED WITH A DJI INSPIRE PRO 17MM LENS AND ANALYZED BY A LICENSED FAA UAS REMOTE PILOT WHO IS A QUALIFIED PLANNER WITH EXPERIENCE IN GEOGRAPHIC INFORMATION SYSTEMS (GIS).

ROLLING MEADOW RANCH HUMBOLDT COUNTY, CA



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CERTIFICATE OF PROFESSIONAL ENGINEERS BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

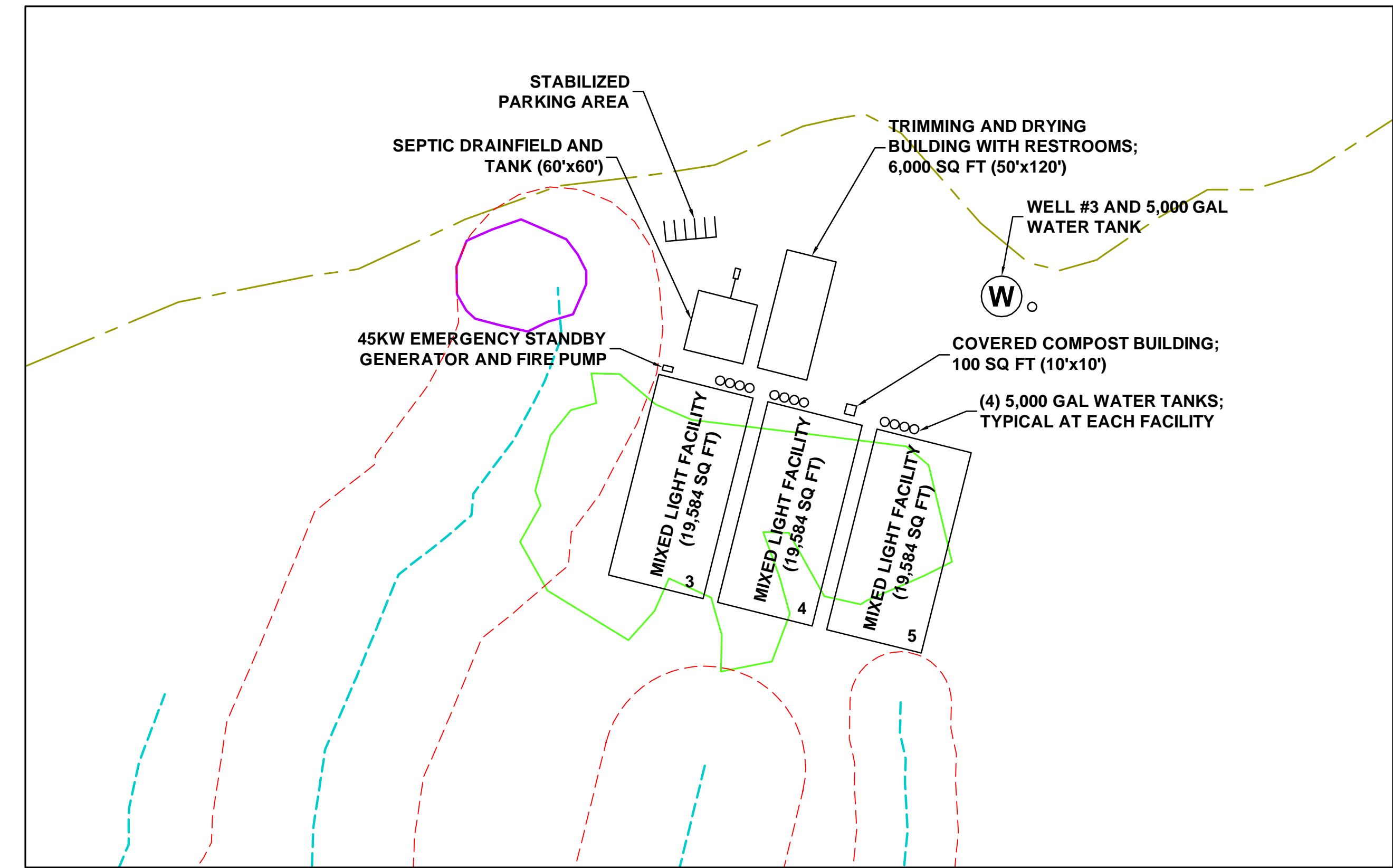
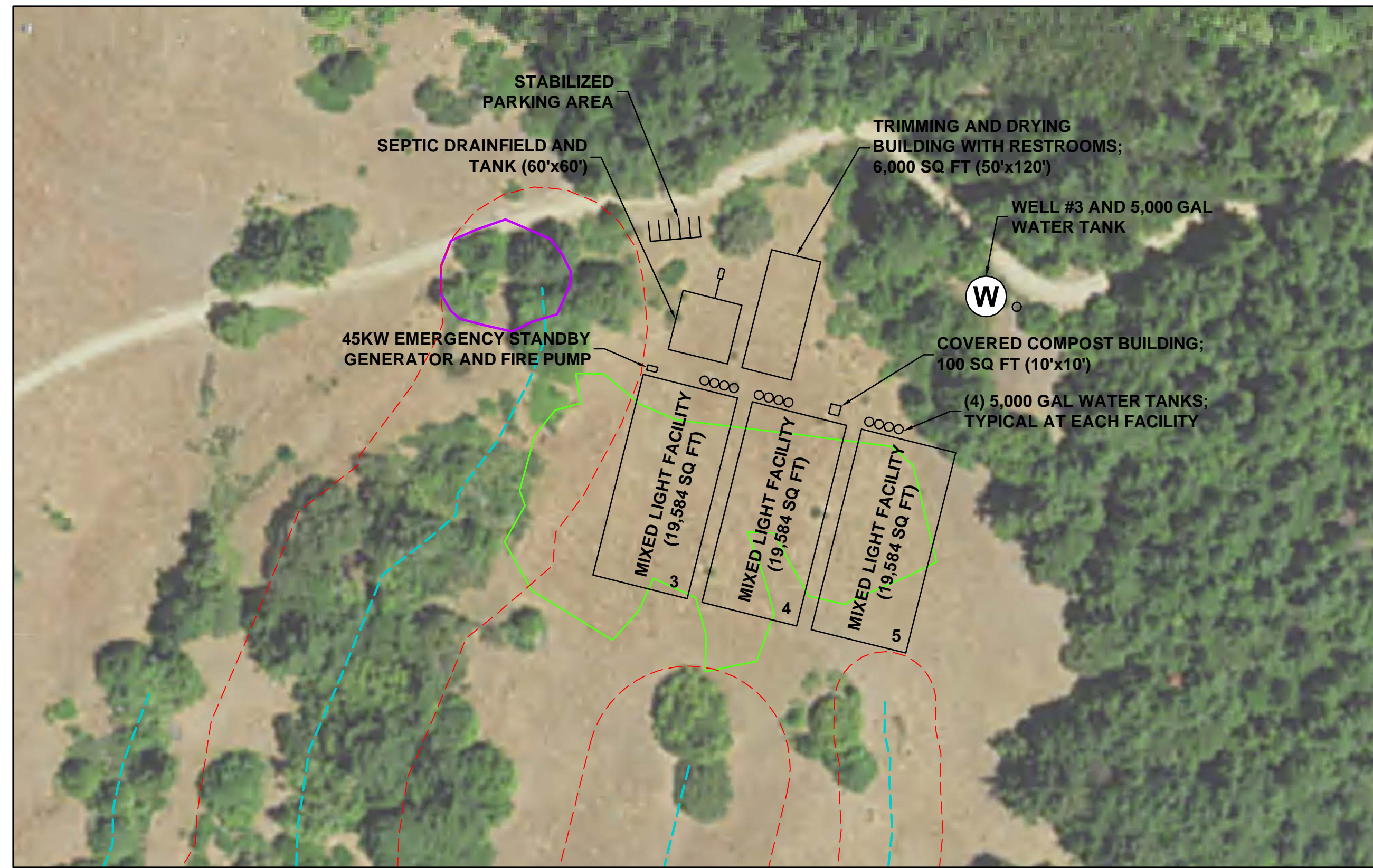


FACILITY #1 AND #2 DETAILS

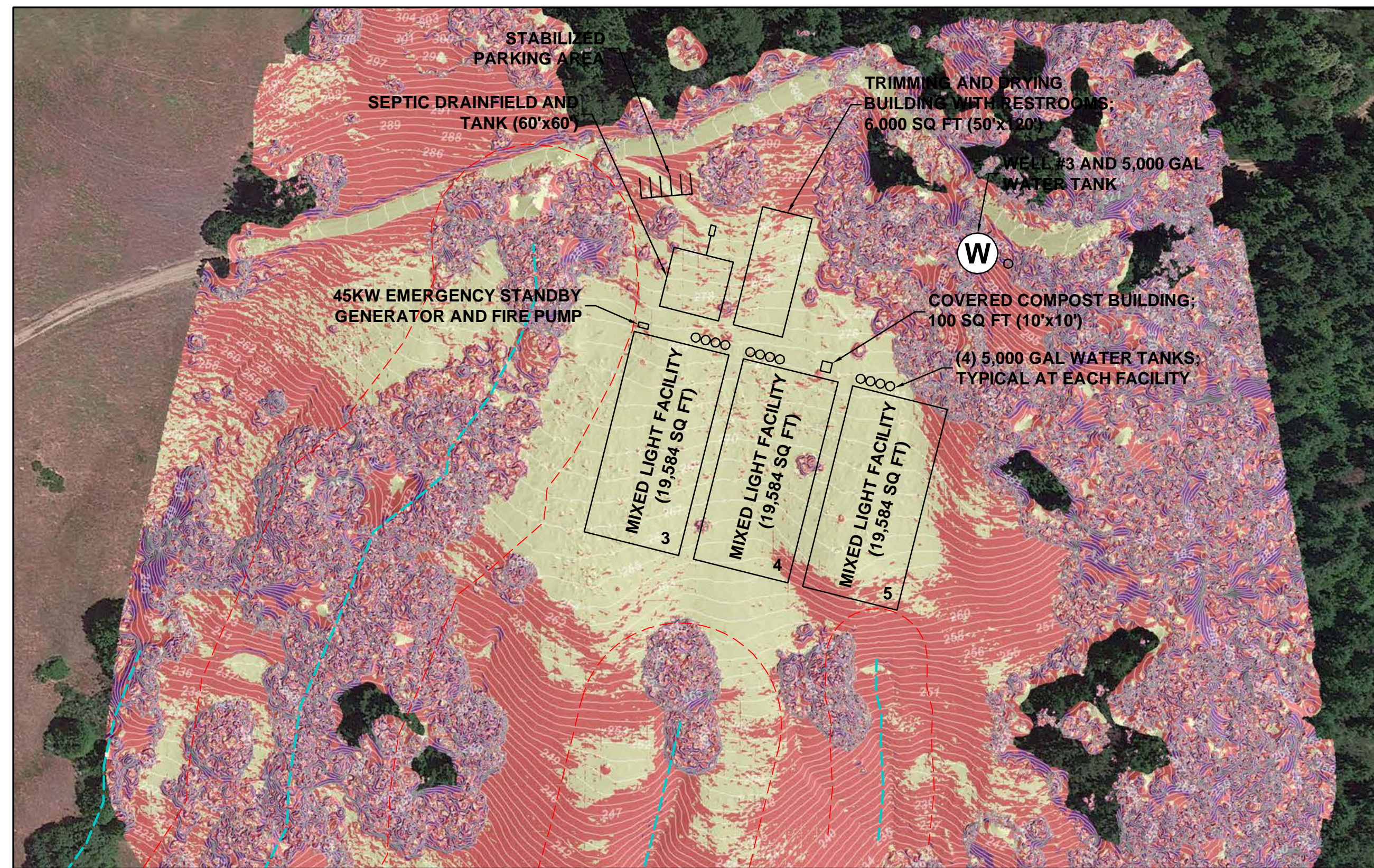
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DESIGN/DRAWN: SMG/DRB 11/06/19



NOTE: SITE FACILITIES TO BE ENCLOSED BY PERIMETER FENCING



LEGEND	
	EXISTING ROAD/TRAIL
	EXISTING WATER FEATURE
	OVERALL RANCH BOUNDARY
	PARCELS (APN) WITHIN RANCH
	PARCELS (APN)
	PRE-EXISTING CULTIVATION SITE
	PRIME SOILS SITE
	STREAM AND WETLAND BUFFER

BACKGROUND AERIAL IMAGE AND SLOPE DATA PROVIDED BY PLAN IT TECHS, LLC DEC. 2019; JOSHUA ALLEN; FAA PART 107 #4152800

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ROLLING MEADOW RANCH HUMBOLDT COUNTY, CA

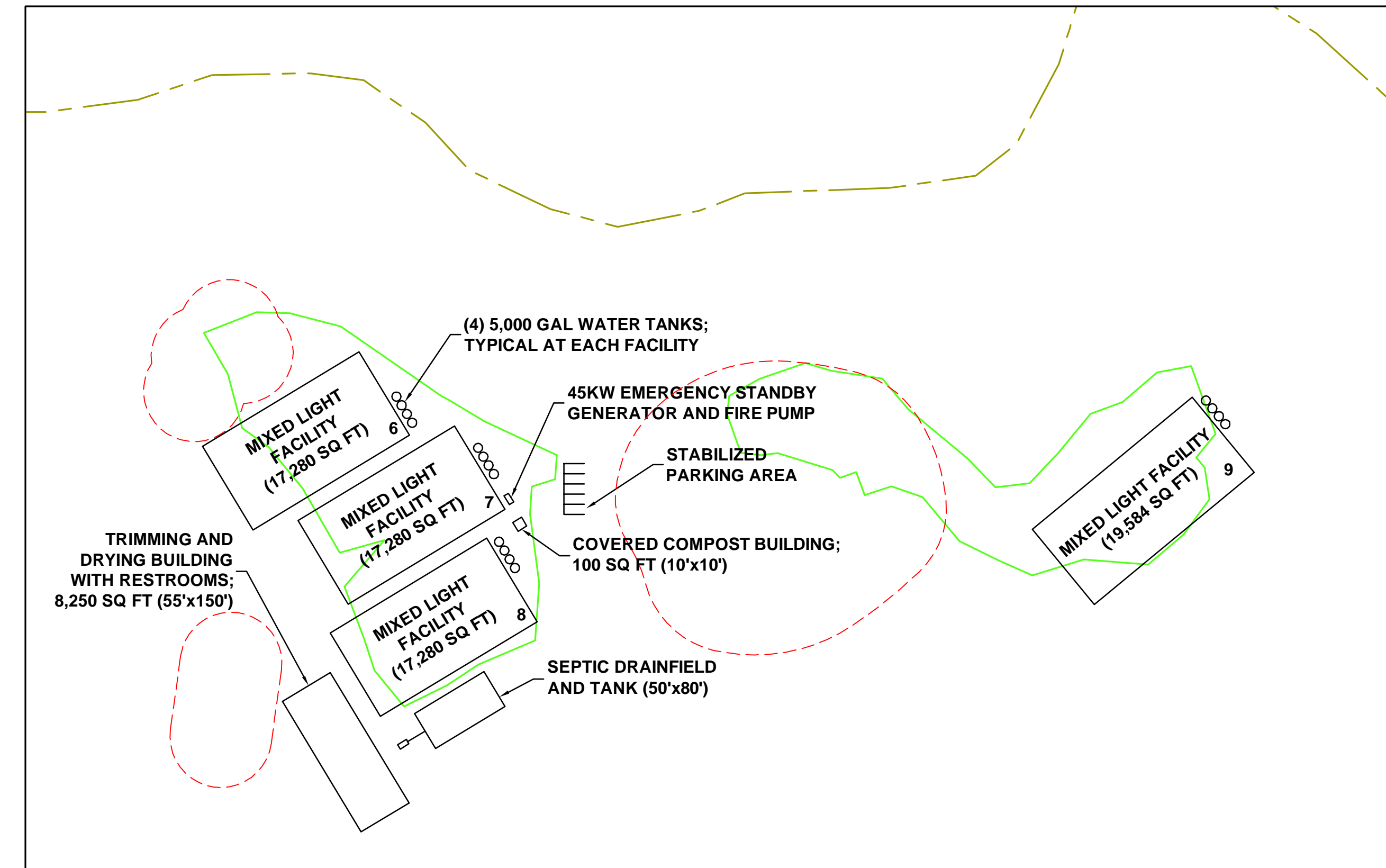


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CERTIFICATE OF PROFESSIONAL ENGINEERS BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

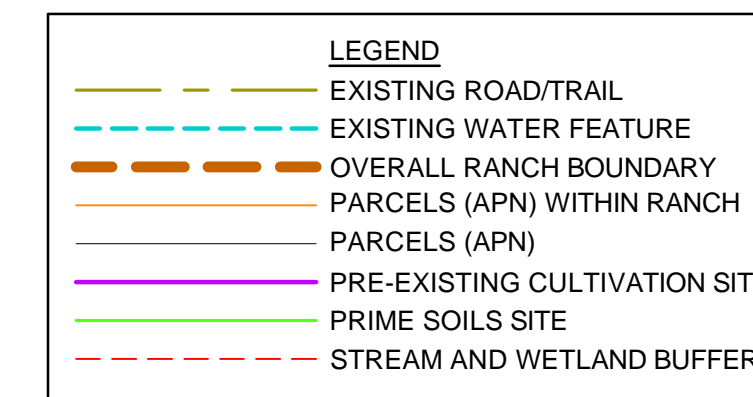
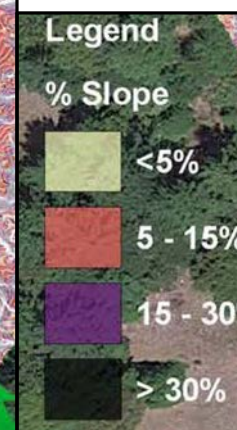
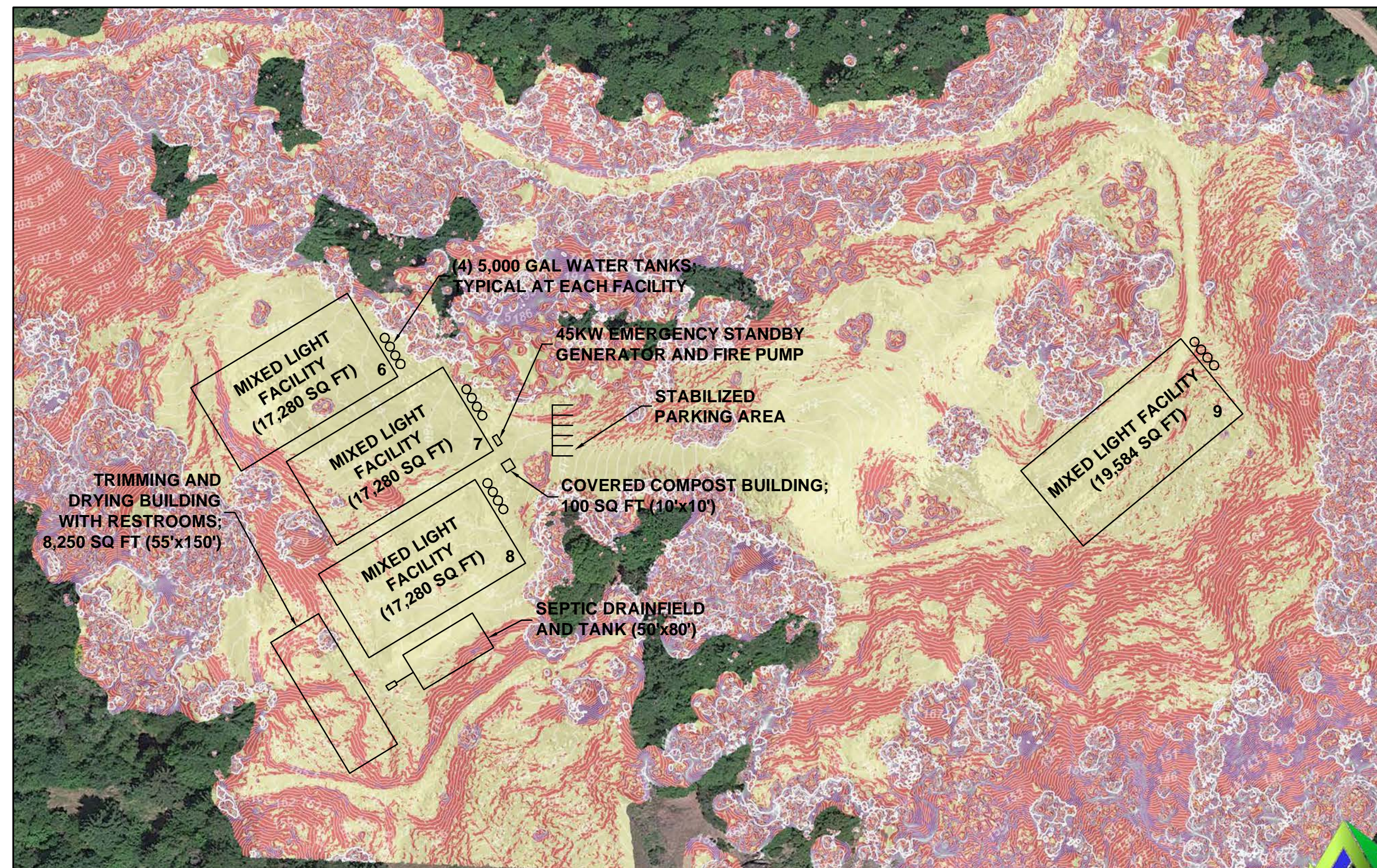


FACILITY #3, #4, AND #5 DETAILS

DRAWING NO.
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SHEET
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PROJECT NO.
11367



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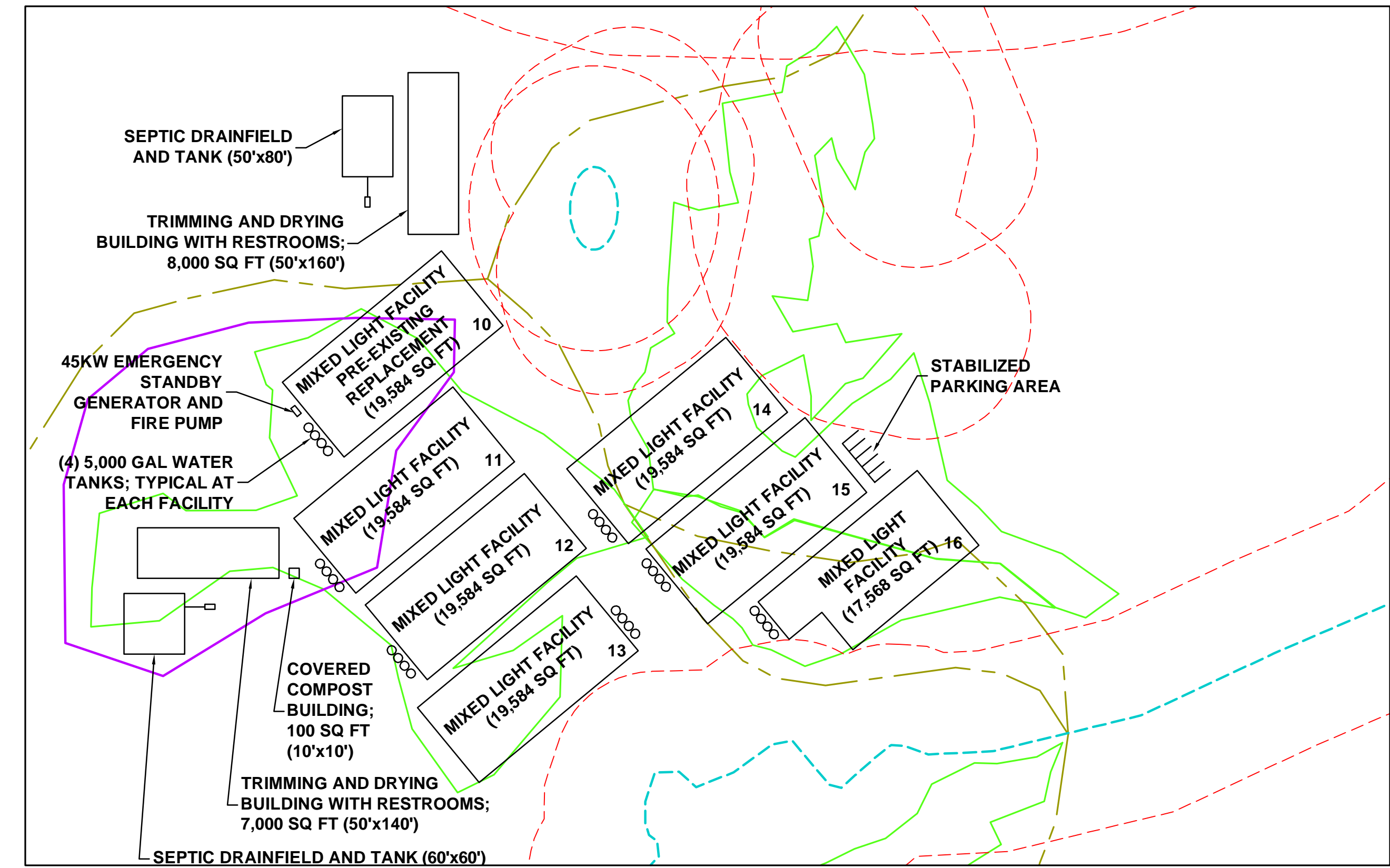
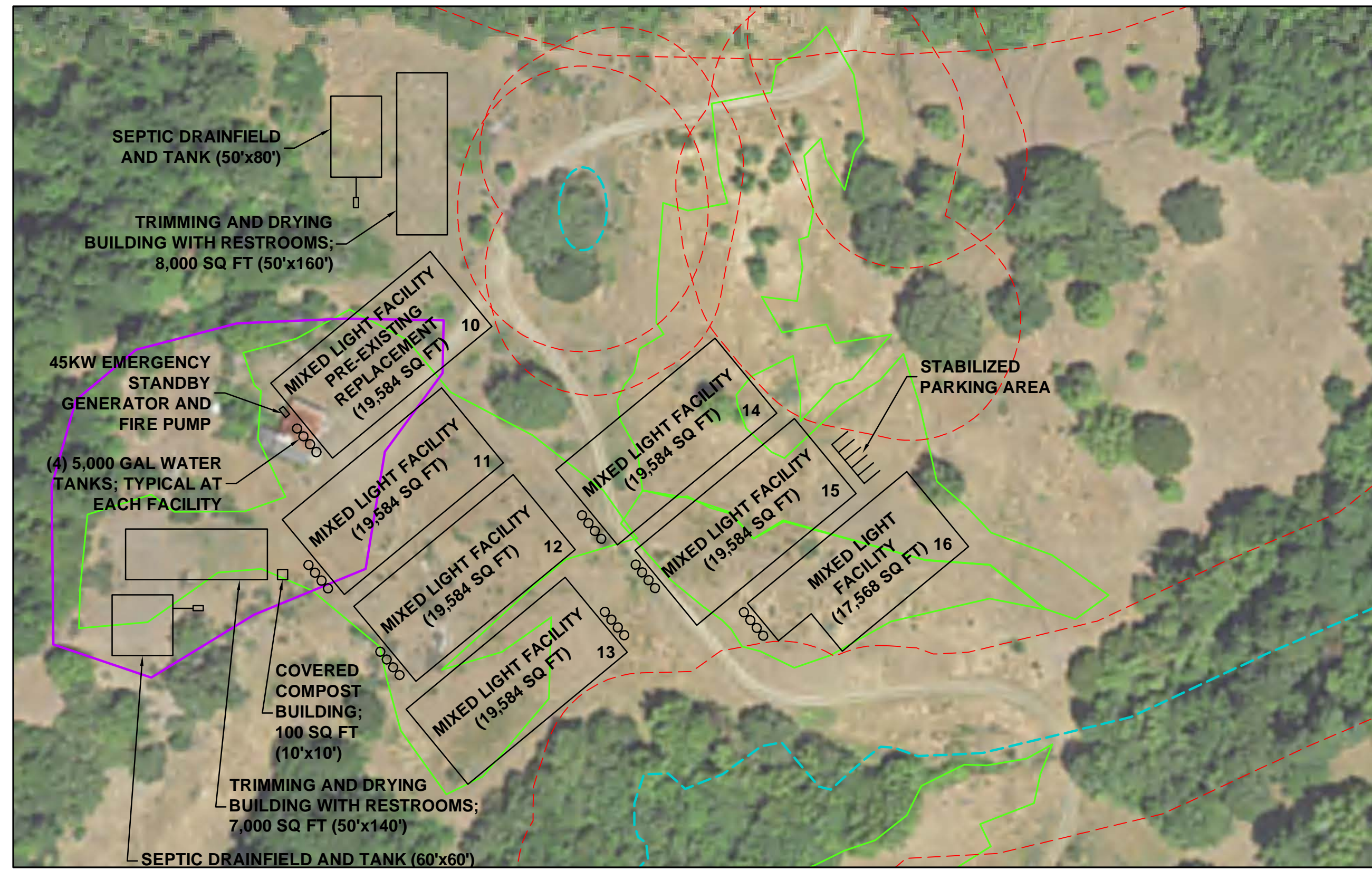
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MELBOURNE, FLORIDA 32901 PHONE: (321) 725-3674 FAX: (321) 723-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905



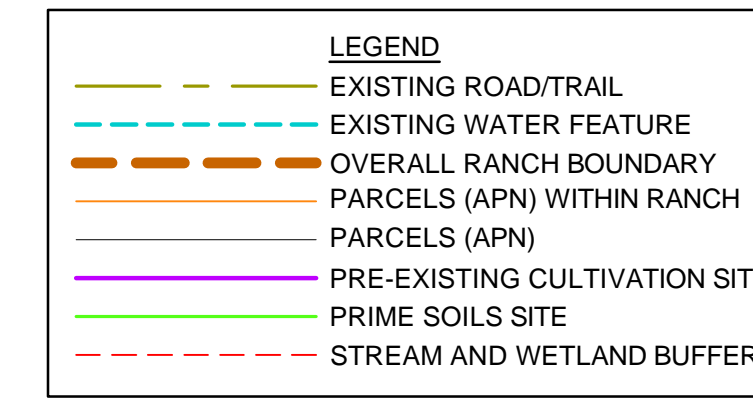
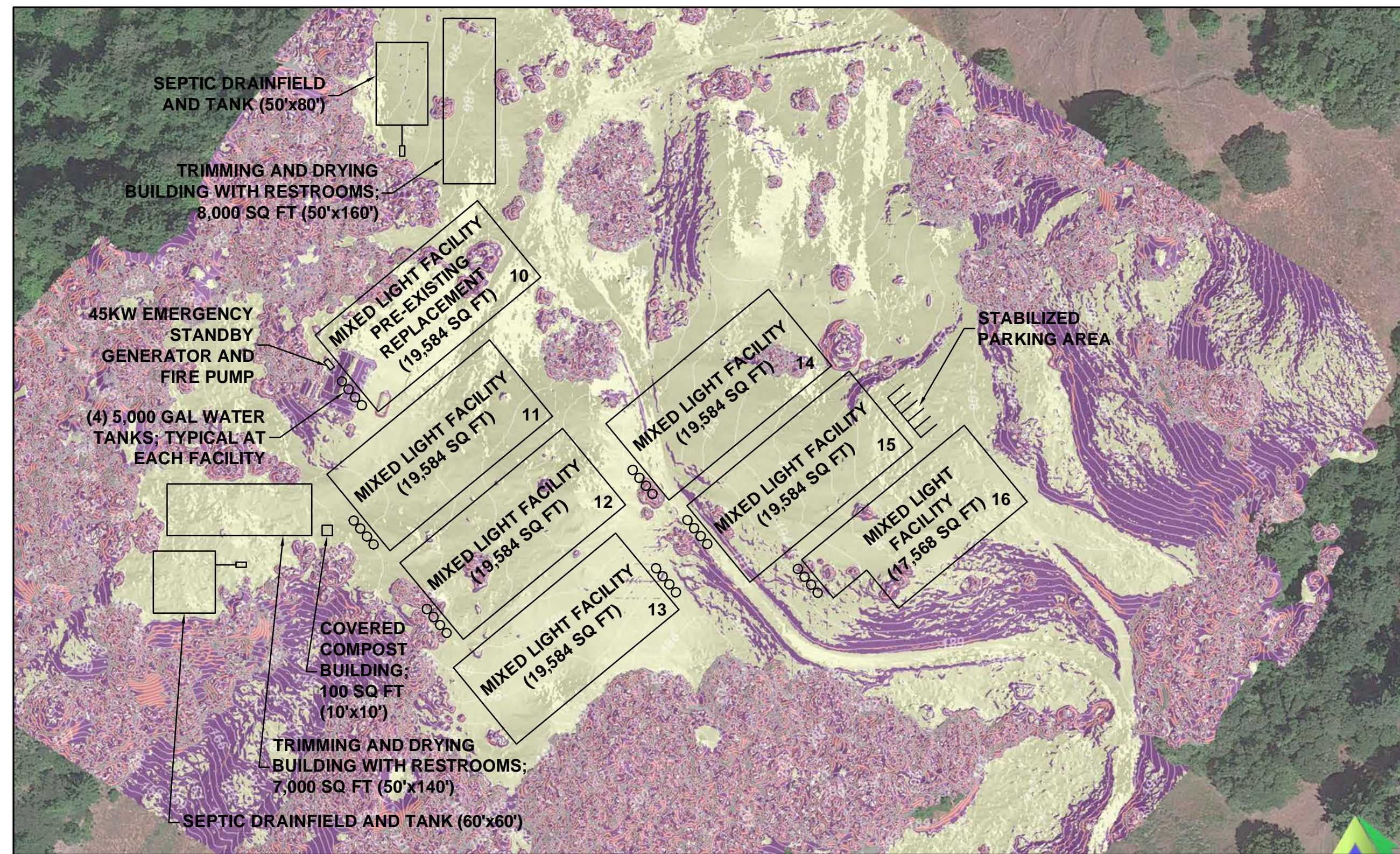
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DRAWING NO. 11367_200_003
SHEET 1 of 1
PROJECT NO. 11367

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**ROLLING MEADOW RANCH
HUMBOLDT COUNTY, CA**



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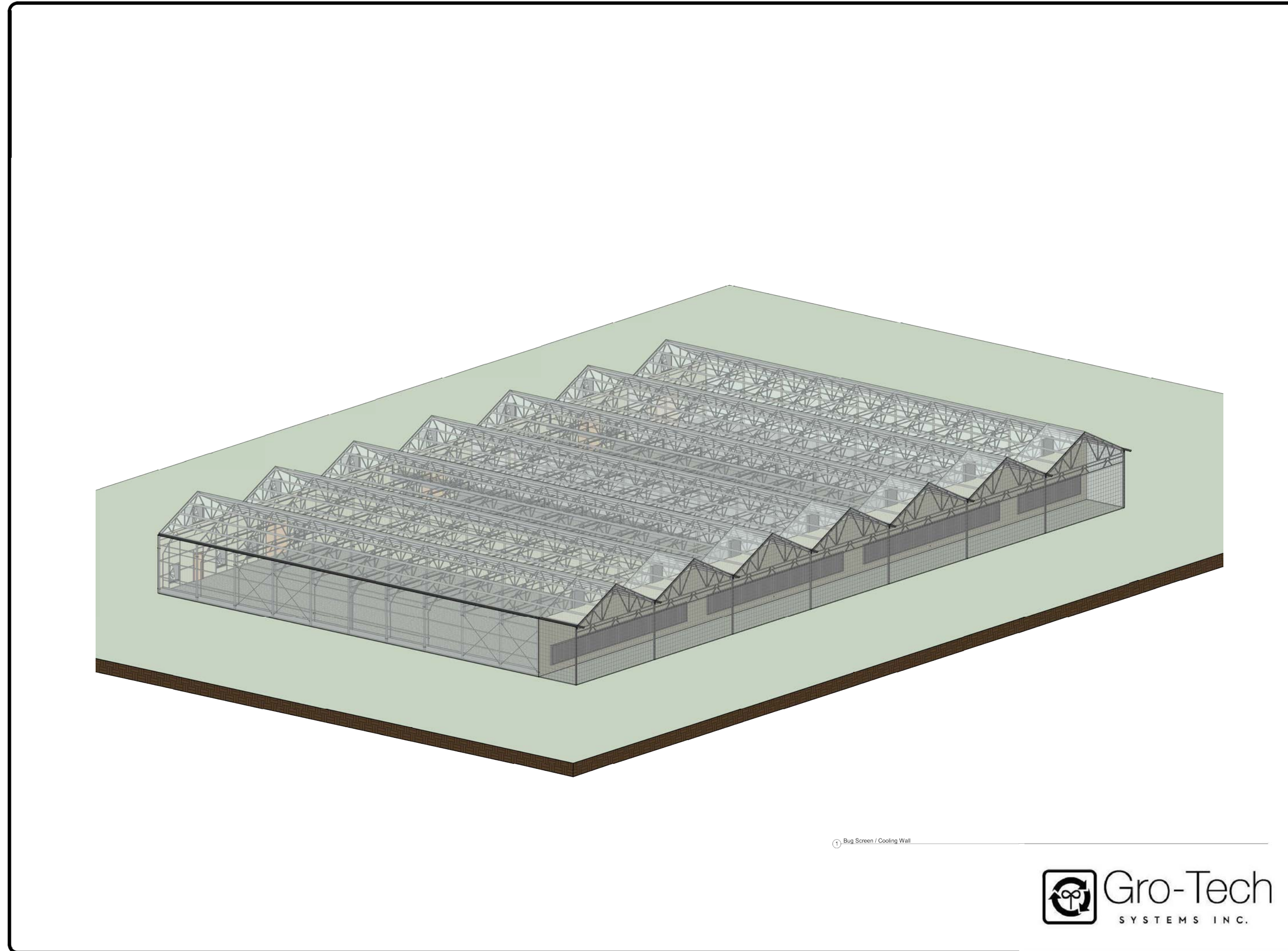


FACILITIES #10 THRU #16 DETAILS

DRAWING NO.
11367_200_003
SHEET
1 of 1
PROJECT NO.
11367

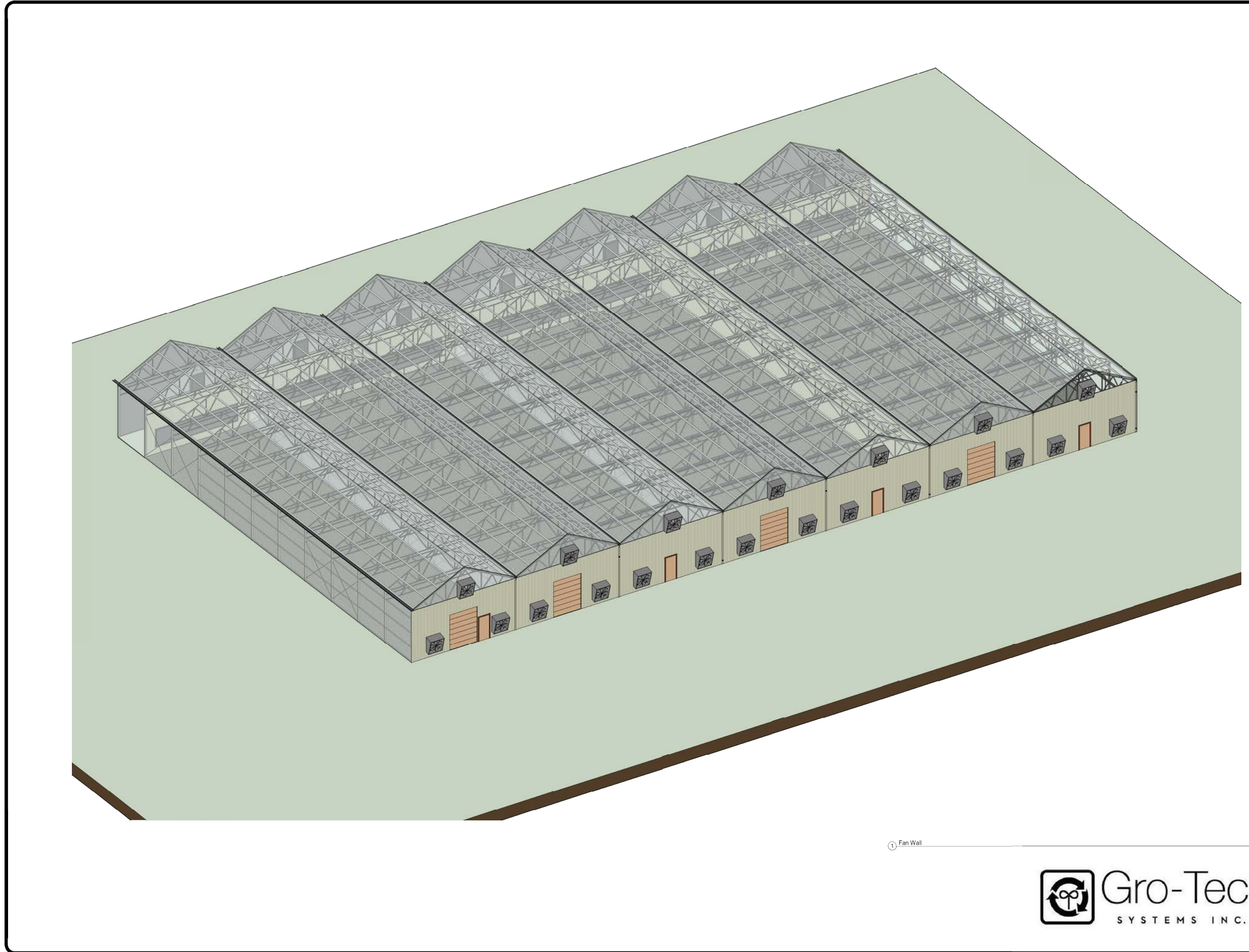
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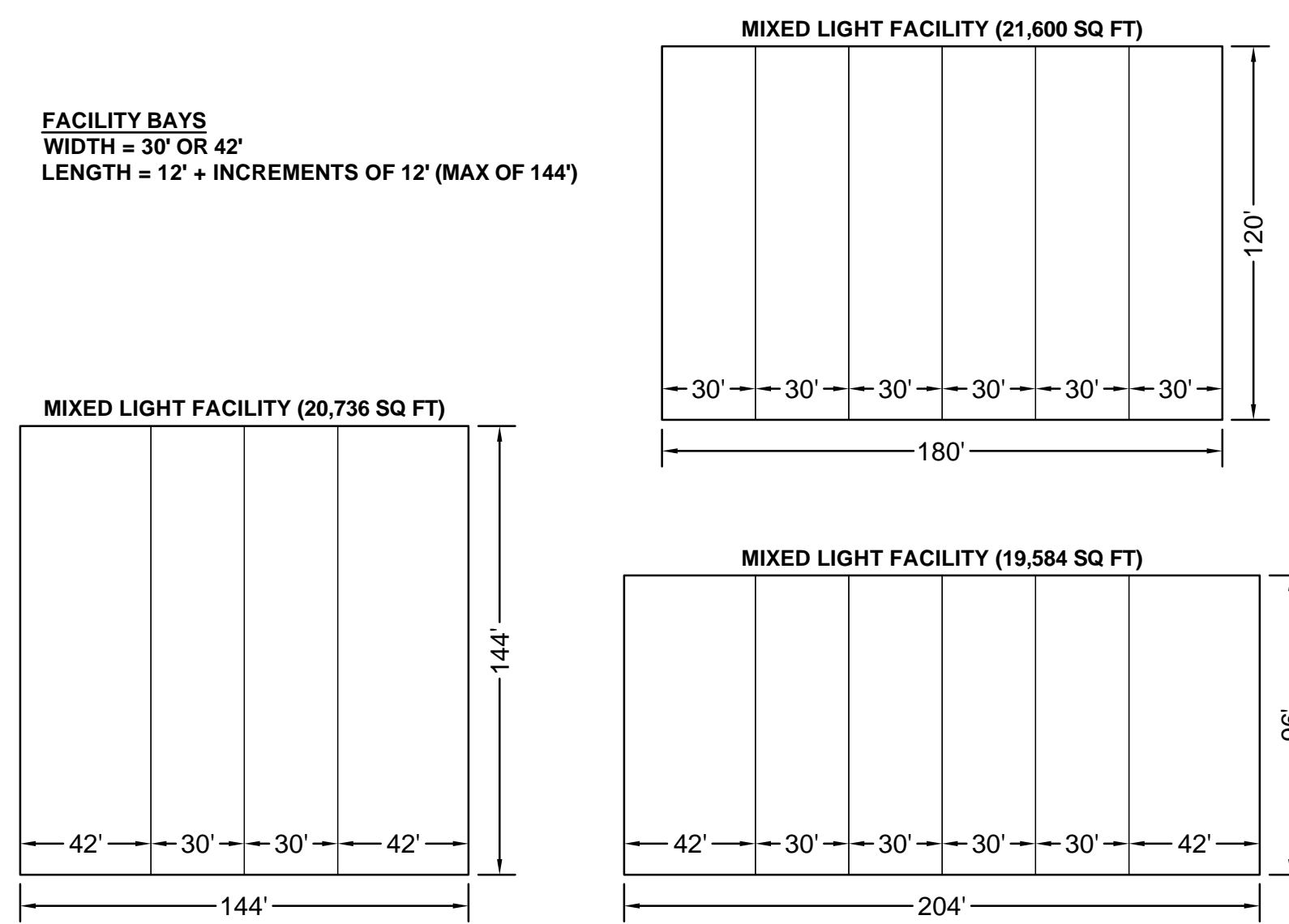
Alpine Series (7) 30x120
3D Perspectives
PR1.3

CALIFORNIA BUILDING PLANS



Alpine Series (7) 30x120
3D Perspectives
PR1.1

CALIFORNIA BUILDING PLANS



EXAMPLE FACILITY BAY CONFIGURATIONS

**ROLLING MEADOW RANCH
HUMBOLDT COUNTY, CA**

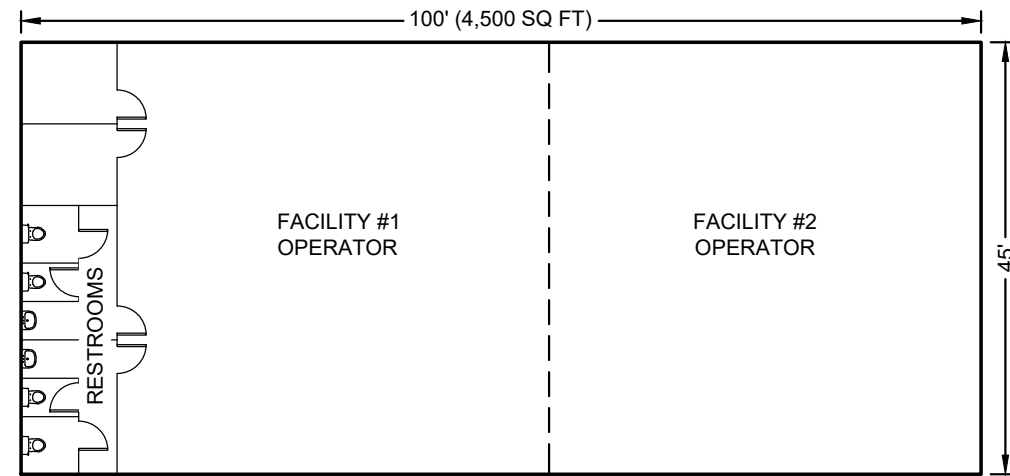


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CERTIFICATE OF PROFESSIONAL ENGINEERS BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

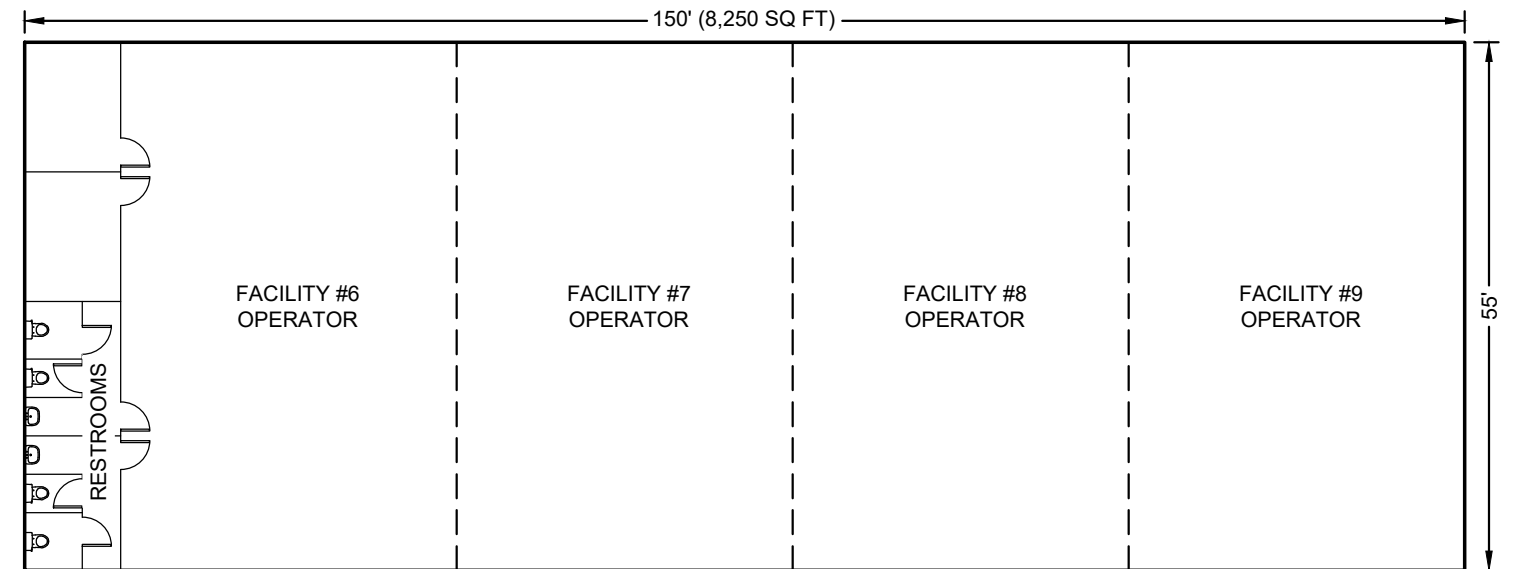


FACILITY BUILDING DETAILS

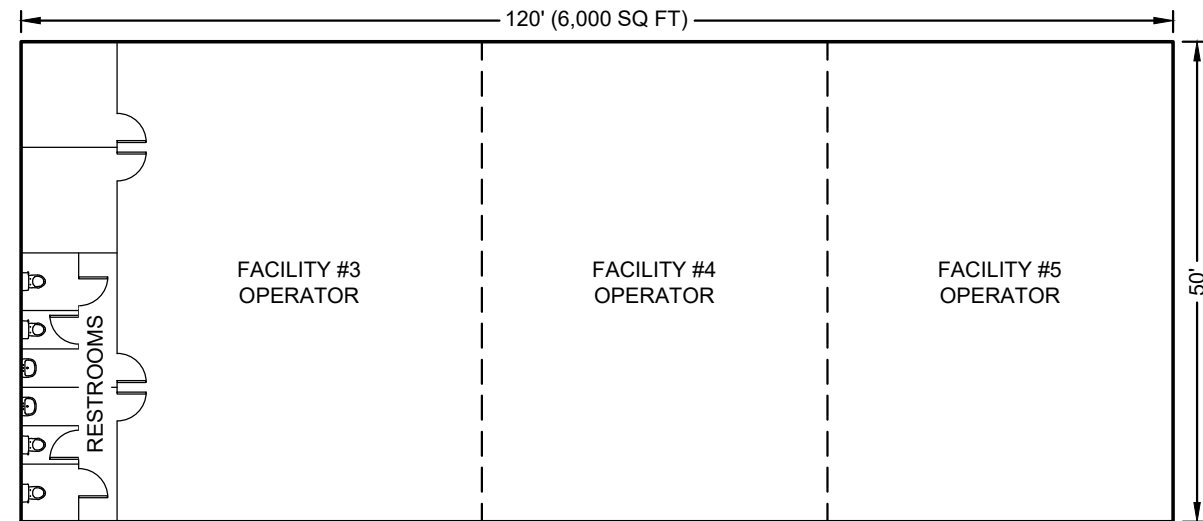
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SHEET
1 of 1
PROJECT NO.
11367



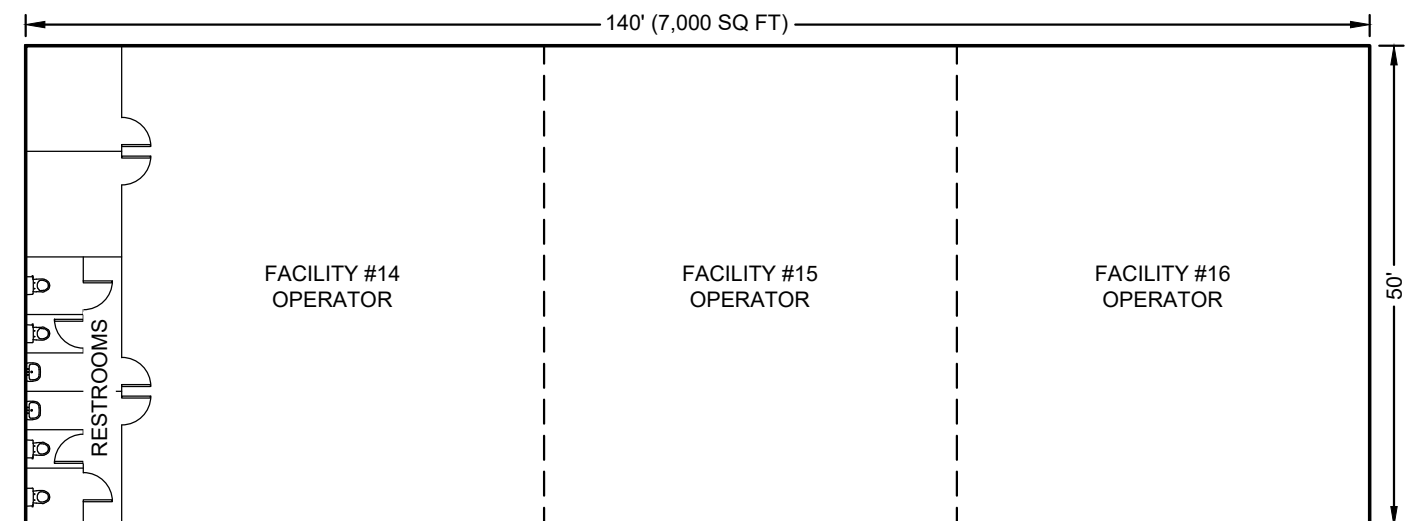
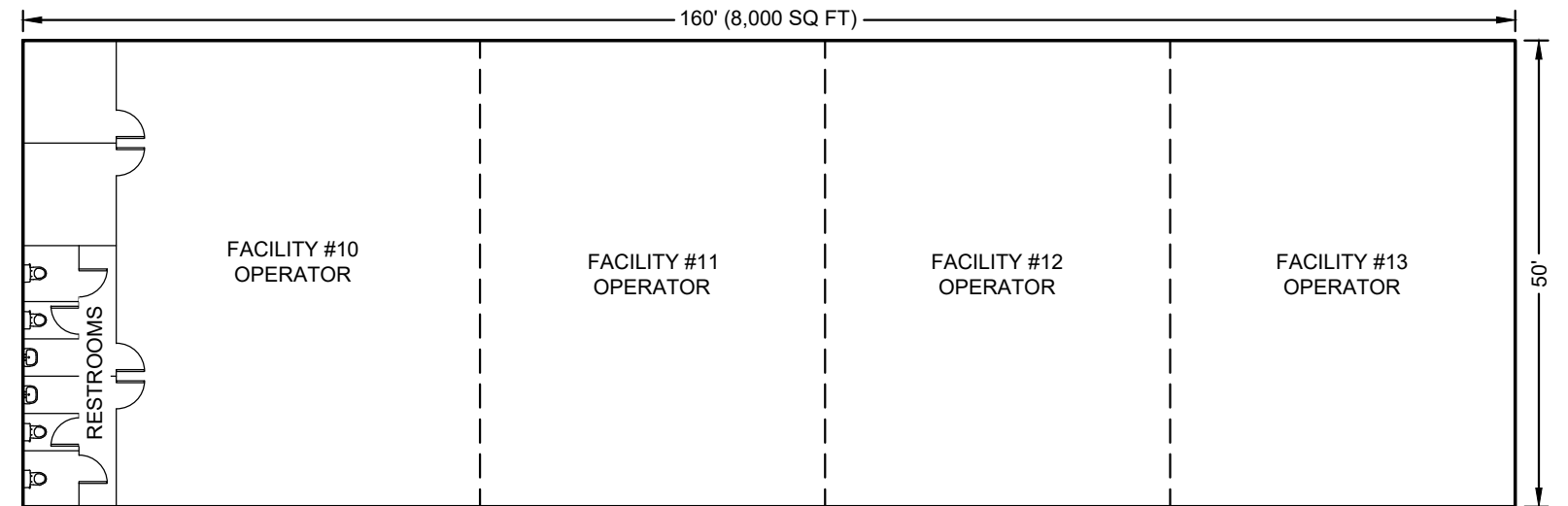
TRIMMING AND DRYING BUILDING WITH RESTROOMS AT FACILITY #1 AND #2



TRIMMING AND DRYING BUILDING WITH RESTROOMS AT FACILITY #6, #7, #8, AND #9



TRIMMING AND DRYING BUILDING WITH RESTROOMS AT FACILITY #3, #4 AND #5



TRIMMING AND DRYING BUILDING WITH RESTROOMS AT FACILITY #10 THRU #16

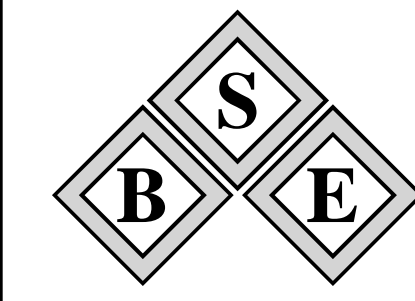
TRIMMING AND DRYING BUILDING DETAILS

DATE: 10/08/20
 DESIGN/DRAWN: SMG/DRB
 DRAWING# 11367_200_007
 PROJECT# 11367
 SHEET 1 OF 1



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 CERTIFICATE OF BUSINESS AUTHORIZATION: 4905
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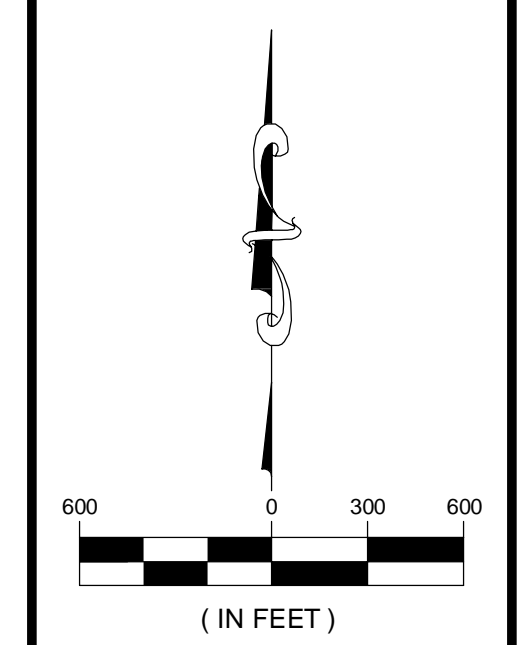


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LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-2674 FAX: (321) 725-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION #005
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB000605

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951



△		
△		
△		
△	REVISED FACILITY LOCATIONS	06/02/20
△	REVISED FACILITY LOCATIONS	12/13/19
△	REVISED FACILITY LOCATIONS	11/08/19
△	REVISED FACILITY LOCATIONS	02/15/19
△	REVISED FACILITY LOCATIONS	01/07/19
	DATE:	12/19/18
	DESIGN/DRAWN:	SMG/AH

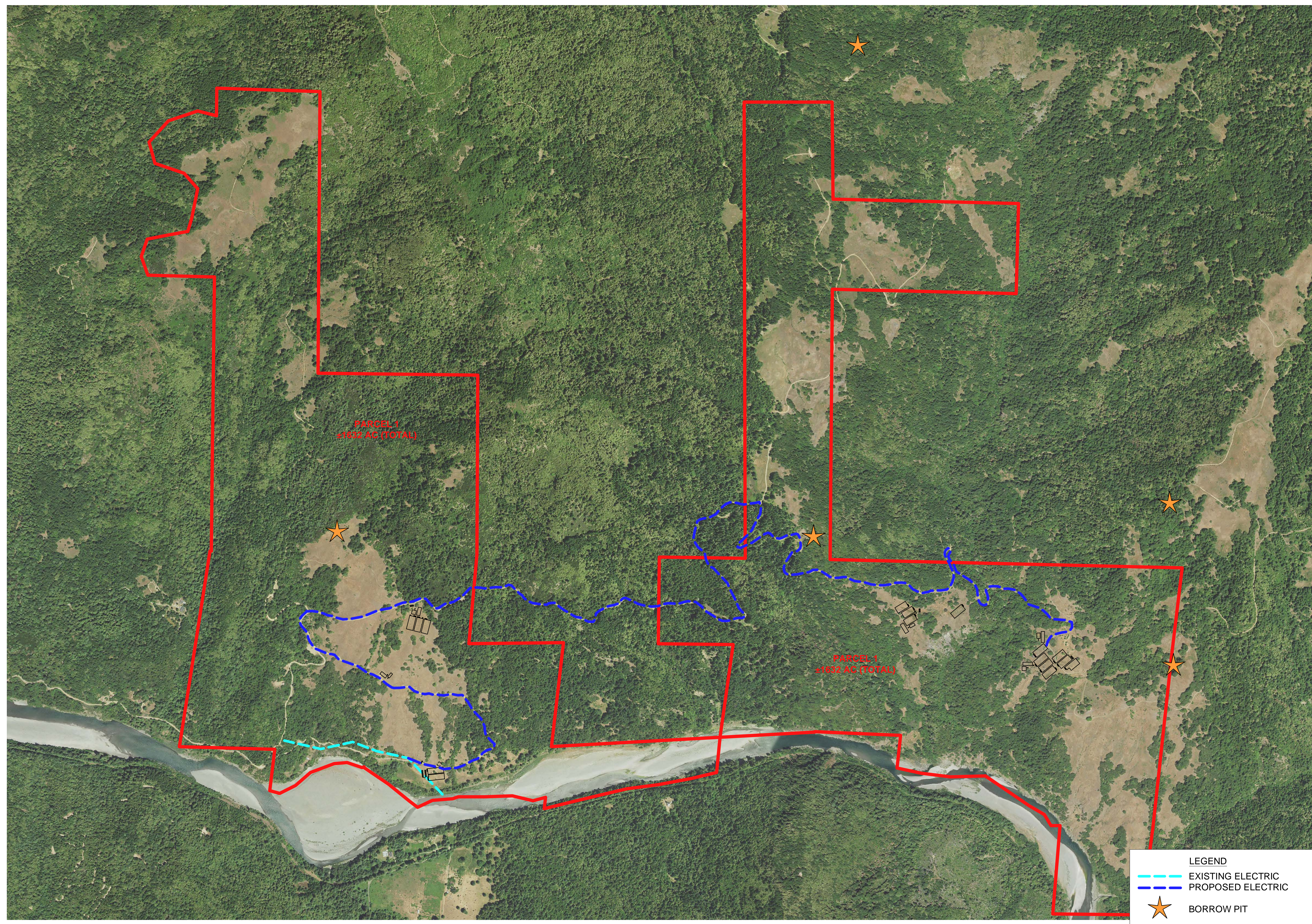
PROJECT TITLE
ROLLING MEADOW RANCH HUMBOLDT COUNTY, CA

SHEET TITLE
ELECTRIC EXHIBIT

PROJECT NO.
11367

DRAWING NO.
11367_200_005

SHEET
1 of 1



LEGEND

	EXISTING ELECTRIC
	PROPOSED ELECTRIC
	BORROW PIT

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**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-**

Record Number: PLN-12529-CUP

Assessor Parcel Numbers: 217-201-001, 217-181-027, 217-181-028, 217-182-001, 217-024-011, 217-024-006, 217-024-010, 217-024-003, 217-025-001

Makes the required findings for certifying compliance with the California Environmental Quality Act adopting a Mitigated Negative Declaration, adopting finding to support approval of a cannabis application and conditionally approving the Rolling Meadow Ranch, LLC, Conditional Use Permit request.

WHEREAS, Rolling Meadow Ranch, LLC, applied to cultivate 5.77 acres of Cannabis on property in excess of 600 acres under the provisions of the Commercial Medical Marijuana Land Use Ordinance; and

WHEREAS, the County Planning Division reviewed the application and evidence, has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, a Mitigated Negative Declaration was prepared for the proposed Conditional Use Permits for 5.77 acres (or 251,341 square feet) 60,920 square feet of mixed light cannabis cultivation on APNs 217-201-001, 217-181-027, 217-181-028, 217-182-001, 217-024-011, 217-024-006, 217-024-010, 217-024-003, 217-025-001, pursuant to Section 15074 of the CEQA Guidelines; and

WHEREAS, a public hearing was scheduled on January 7, 2021 and held on the matter before the Humboldt County Planning Commission on January 21, 2021; and

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

- 1. FINDING:** **Project Description:** Six Conditional Use Permits for 5.73 acres of mixed light cannabis cultivation located in four distinct cultivation areas and processing facilities. Operations would occur year-round. Water for irrigation is provided by three groundwater wells and rainwater catchment. Annual water use is approximately 4,628,200 gallons. There will be 320,000 gallons of hard-sided tank storage that will store rain from rooftop runoff. Processing, including drying, curing and trimming, will take place on site within 5 proposed processing structures totaling 33,750 square feet and includes associated parking facilities. The applicant must process at an off-site licensed processing facility until the Onsite Wastewater Treatment System is permitted and installed. A maximum of 30 employees are required for peak operations. Power is provided by P. G. & E.

EVIDENCE: a) Project File: PLN-12529-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. A Mitigated Negative Declaration (MND) was prepared for the project and circulated for public review. The conclusion of the MND is that there are not any potentially significant impacts that cannot be mitigated.

- EVIDENCE:**
- a) Environmental review for the proposed project included the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387).
 - b) The IS/MND was circulated from July 17, 2020, to August 17, 2020, at the State Clearinghouse. Due to substantial comments received from the California Department of Fish and Wildlife, the applicant submitted additional information, including Golden Eagle survey data, road and stream crossing evaluations for the Alderpoint Road access and a supplemental botanical report. The applicant revised the project to reconfigure site access to ensure the internal access occurs on roads with ownership and/or easements allowing use for the applicant, modified the location of the parking area and security guard station and relocated the processing building near Greenhouses #1 - #3 out of the flood plain to Cultivation Area #4 and required wetland setbacks, which reduced the amount of wetland filled proposed the project.
 - c) The revised Initial Study/Mitigated Negative Declaration was circulated for public review between November 30 to December 31, 2020. The Revised MND/Initial Study was mislabeled as an Initial Study during the recirculation but give that a previous draft of the Initial Study/Mitigated Negative Declaration had undergone public review it is evident that the recirculated document was a recirculation of the prior Mitigated Negative Declaration.
 - d) The Initial Study/Mitigated Negative Declaration included 16 mitigation measures which have been incorporated into a Mitigation Monitoring and Reporting Plan which is being adopted as part of the project.

3. FINDING: **ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT- NO MITIGATION REQUIRED.** The following impacts have been found to be less than significant and mitigation is not required to reduce project related impacts: Air Quality, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services, recreation. transportation and traffic, tribal cultural resources, utilities, and wildfire

- EVIDENCE:**
- a) There is no evidence of an impact to any of the above reference potential impact areas based on the project as proposed at this proposed location.
 - b) Initial Study/Mitigated Negative Declaration dated November 25, 2020 and circulated for public review December 1, 2020 to December 31, 2020

4. FINDING: **ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT** – The Initial Study identified potentially significant impacts to Aesthetics, agricultural and forest resources, biological resources, which could result from the project as originally submitted. Mitigation Measures have been required to insure potential impacts are limited to a less than significant level.

- EVIDENCE:**
- a) **Aesthetics:** The project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Large retaining walls proposed to support facilities 1 and 2 are not typical agricultural features and therefore have potential adverse aesthetic

impacts if glimpses from the river do occur. Mitigation in the form of architectural treatment for the proposed retaining walls will reduce any potential impacts to a less than significant level.

- b) **Agriculture and Forest:** The implementation of the project will result in the loss of a maximum of 24 trees out of over 186,000 but will not result in the loss of forest land or the conversion of forest land to non-forest use with mitigation incorporated. To mitigate the loss of these 24 trees, the project will replant the trees onsite from local stock with a ratio of three new trees per every one tree removed and incorporate monitoring for replanting success.
- c) **Biological Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for biological resources:
 - i. Prior to construction a full early season botanical survey will be completed for the location of Facilities #6-#9. If any sensitive species are found that portion of the project will not be constructed.
 - ii. To avoid the potential for significant impacts to Pacific Gilia (*Gilia capitata* ssp. *Pacifica*) populations, improvements to- and maintenance of the road shall occur after August 15th and before October 15th in areas where Pacific gilia is impacted.
 - iii. To avoid the potential for significant impacts to Pacific Gilia (*Gilia capitata* ssp. *Pacifica*) all extraction of rock from the rock quarry (Map ID #4, Figures 27 and 30) shall occur after August 15th and before October 15th and occur no more frequently than every two (2) years (i.e. allowing two years between extraction events).
 - iv. The densest portion of Tracy's tarplant (*Hemizonia congesta* ssp. *Tracyi*) population, will be protected during construction by the placement of construction fencing at the periphery of the population, to keep equipment operators out of the area.
 - v. A total of approximately 0.97 acres (42,446 square feet) of *Danthonia californica* prairie and approximately 0.89 acres (38,925 square feet) of *Elymus glaucus* prairie will be enhanced or restored on site.
 - vi. Direct impacts to 0.255 acres of seasonal wetland and 0.277 acres of seasonal wetland within 100 feet of Facilities will be mitigated by creating a total of 0.48 acres of wetland.
 - vii. Protocol level surveys (Spot Checks) will be conducted for the fourth year (2021) for Northern Spotted Owl. As per protocol if nesting NSOs are found within 0.25 miles of a project area, no construction will take place in the 0.25-mile buffer around the nest until after August 31.
 - viii. Prior to construction during the breeding season for Coopers hawk, Sharp-shinned hawk, American peregrine falcon, and osprey pre-construction surveys will be conducted within forested habitat in the 1000-foot buffer around each project location. If a nest is found, CDFW will be contacted and the agency will determine the appropriate no work buffer to remain around the nest until it has fledged.
 - ix. If construction takes place during the denning season, then preconstruction surveys for Fisher den sites and structures will be completed in the more densely forested areas that occur within 1000 feet of facilities #6-#9 to determine presence or absence of denning potential for this species. Should evidence of denning be found, no work

will take place at the facilities #6-#9 location until after the denning season has ended.

- x. If construction takes place during the nesting season for grasshopper sparrow and Bryant's savannah sparrow then 3 consecutive preconstruction surveys for these species will take place the within the grassland portions of all project footprints as well as a 500-foot buffer around the footprint.
- xi. Preconstruction surveys of the barn for Townsend Big Eared Bat shall occur during breeding season to ensure no bats are using this structure for anything other than a temporary night roost.
- xii. If construction of the infrastructure at facilities #1, and #2, takes place during the nesting season, preconstruction surveys western pond turtle nests will be conducted. If nests are found, they will be buffered and undisturbed until turtles have hatched and left the nest.
- xiii. To mitigate for potential impacts to migratory birds and black-tailed jackrabbit three consecutive preconstruction surveys for these species will take place no more the one week prior to the start of construction at EACH location of vegetation removal or ground disturbance.
- xiv. To mitigate for potential impacts to western bumble bee. The project will first determine presence/absence. This can be achieved with three (3) nest seeking queen surveys or three (3) flight season surveys.
- xv. To ensure less than significant impacts to northern red-legged frog, foothill yellow-legged frog, and red- bellied newt work to upgrade 34 stream crossings on the project roads will be done during the summer and fall season when the streams should be dry with no frogs or newts are present. As per standard construction process, IF any streams are found to have water in them at the time of crossing reconstruction, preconstruction surveys for amphibians will be completed no more 2 days prior to construction.
- xvi. Construction shall occur outside of the Golden Eagle breeding season unless pre-construction Golden Eagle surveys have been conducted which demonstrate that no active nests are present within a 1-mile radius of the Project within the Rolling Meadow Ranch boundaries (an approximately 2,900-acre area).

5. FINDING:

CEQA Public Comments: There have been a significant number of comments from the public on the project and the Mitigated Negative Declaration. These comments have been considered and none of these comments change the conclusions of the Mitigated Negative Declaration.

EVIDENCE: a)

Comment that the project is unsuitable in this location. The proposed project is a large-scale industrial size operation in a rural area with resource and access issues.

This is an opinion and does not raise impacts which have not been addressed. The project can be authorized under the Commercial Medical marijuana land Use Ordinance, which allows for multiple acres of new mixed-light cannabis cultivation on parcels over 320 acres in size. The project complies with the access standards of the CMMLUO and the Initial Study and Mitigated Negative Declaration identifies that resource issues are not significant under CEQA.

- b) Holder Law Group asserts that because a July 30, 2018 version of the Biological report they obtained through a Public Records Act (PRA) request

was referenced in the revised IS/MND and not attached to the IS/MND, the County has violated Section 21092(b)(1) of the Public Resources Code. Both the revised and original biological report were made available as the Holder Law Group indicates. They obtained a copy of both. Section 21092(b)(1) requires that the documents be available and not that technical documents be attached to the IS/MND. The fact that the commenter was able to obtain the document demonstrates this provision was complied with and that the commenter was not prevented from meaningfully engaging the information.

- c) The Holder Law Group argues the county incorrectly relies on Mr. Dave Fisch's letter regarding potential hydrologic connectivity of the wells to surface water. Fisch's information is logs showing the well is in rock formations not characteristic of a subsurface flow of water connected to surface water. The use of groundwater not associated with a regulated aquifer or surface water is an allowed use of water.
- d) The Holder Law group states that the depth at which the wells are drawing water indicates that it is connected to surface water features. This conclusory statement is not supported by factual data to support the contention. The depth and location of the wells relative to surface water features indicates that it is not hydrologically connected to surface water features.
- e) The Holder Law Group misrepresents the qualifications of the parties they present as experts in hydrogeology. On page 25 of the letter they state that they retained hydrogeologists to review the adequacy of the IS/MND statements regarding the groundwater wells. The two parties they represent as hydrogeologists are geologists, not hydrogeologists.
- f) The geologists retained by the Holder Law Group to review the IS/MND primarily raise questions regarding the fact that the well production tests were not performed during the dry weather testing season set by the Department of Environmental Health. This is true but it does not preclude the well production information from being utilized for review purposes. The facts are these wells tested at a combined total of 63 gallons per minute, which if operated at that level would provide all the water needed for the project in 51 days. If the wells were only operated for 12 hours a day and at half the tested yield, the total water demand could still be provided in 204 days. This does not include the use of rainwater catchment. There is not a doubt that there is sufficient water to accommodate this use.
- g) The primary contention of evidence potential hydrologic connection to surface water made in the Holder letter appears to be the reference to the USGS report on geology and Groundwater Features in the Eureka area (1959). The Holder Law Group states that this study covers the project area, however this is incorrect. Page 3 of this report clearly identifies the project area as including an approximately 425 square mile area between 40 degrees 30 minutes North latitude and 41 degrees 0 minutes north latitude and between 123 degrees, 55 minutes west longitude and 124 degrees 25 minutes west longitude. The project site is at approximately 40 degrees 19 minutes north latitude and 123 degrees 47 minutes west longitude. This study is therefore inapplicable to the project site.
- h) Holder argues the appendix does not include important biological information such as the revised Botanical Report or the Golden Eagle Survey data, or the wetland data that supports the wetland report. This is false. These botanical surveys and golden eagle studies are attached in the

appendix with the exception of the revised Bio report referenced above in b. It should also be pointed out that many of the comments made in the Holder letter in large part utilize CDFW comments made on the original IS/MND, rather than the revised and recirculated IS/MND that is the subject of the Planning Commission's review.

- i) The Holder letter makes multiple incorrect and inaccurate statements and allegations about the current project and revised IS/MND. In support of these statements reference is made the staff report prepared for the August 20, 2020 Planning Commission and the initial IS/MND that are no longer relevant. Further, the Holder letter contains allegations that are not supported by its own references. For example, on Page 30 the Holder letter alleges that the wetland delineation report depicts the location of wetlands on the project site differently than does the Revised IS/MND. For support the letter states that the Revised IS/MND Figures 40 and 42 do not match the location of wetlands shown in the wetland delineation in Appendix M figures 2 and 4. This appears to be an intentional misinterpretation of these figures, as figures 2 and 4 in Appendix M show the study area where development is proposed and the wetland shown in the revised IS/MND is in fact identified accurately in the wetland delineation in figure 7 and 8 of Appendix M. These sort of misinterpretations and inaccurate references are found throughout the letter from the Holder Law Group.
- j) The Holder letter references previous letters sent to the applicant by the county and comments from the county's peer review consultant that are outdated and do not apply to the project as currently proposed or the current information and technical studies. For example, the letter states that the county asked for information regarding the potential hydrologic connectivity of the wells. These statements made by the county were prior to the wells being installed as there were no well logs or specific locational information to review to determine potential hydrologic connectivity. After the wells were installed this information was made available to the county and utilized as the basis for concluding that the wells are groundwater wells. Similarly, the letter relies on previous county correspondence requesting information regarding the road network to allege that this information does not exist, however the applicant responded to these requests by providing a thorough road evaluation of all proposed and existing roadways.
- k) The Holder letter emphasizes the existing and proposed roads would not be Category 4 or equivalent and includes a letter from a local civil engineer that states that McCann road does not meet the requirements for Category 4 or a functional equivalent. In response, it is important there is no requirement that any of the roads utilized or proposed for this project meet a Category 4 or equivalent. Nonetheless, the expert opinion provided by the Holder letter acknowledges that the Director of Humboldt County's Public Works Department has the authority to declare the road as meeting the category 4 equivalent. This is a critical acknowledgement because the Director of Public Works has in fact declared that McCann Road is meeting the functionally appropriate for the proposed project.
- l) The Holder letter inaccurately suggests that the project is not consistent with applicable regulatory requirements for setbacks from wetlands and watercourses because it does not meet the setbacks requested by the California Department of Fish and Wildlife in their review letter. CDFW requests are not the same thing as the regulatory requirements for setbacks.

The project complies with the regulatory requirements of the County Zoning Ordinance and the state Water Board.

- m) The Holder letter asserts that the wetland study prepared for the project is inadequate and to demonstrate this includes comments from Pacific Watershed Associates that states that the National Wetlands Inventory (NWI) identifies a wetland that may be located in the project area but is not listed in the wetland study prepared for the project. The NWI is mapping prepared primarily from aerial analysis to identify possible wetlands and should not be considered as evidence to contradict an actual survey of the site. The PWA letter also is used to assert that the wetland analysis is incomplete because it did not include a full delineation of all wetlands on the site. This is also not a flaw in the wetland analysis because there is no requirement to fully delineate wetlands that are outside of the project area of impact. This is a very large land holding; 6,500 acres and a very small portion of the property is included in this development.
- n) The Holder letter states that the analysis of special status species and aquatic resources is incomplete and inaccurate. However, this is untrue. All stream crossings and vegetation impacts are listed in Appendix K. Rare plant surveys have been completed for all portions of the project site and proposed roads and improvements with the sole exception of the existing road to Alderpoint as that is an existing road.
- o) The Holder letter also states that it does not include an analysis of the biological impacts for the improvements necessary to bring the roads up to a Category 4 standard. As mentioned previously, there is no requirement to bring the road up to a Category 4 standard.
- p) CDFW Submitted Comments on the revised and recirculated IS/MND. Comments received from CDFW on the initially circulated IS/MND are not included as they have either been addressed in the revised IS/MND or discussed in the comment letter received from CDFW on December 30, 2020.
- q) Clarification of CEQA Document Type. CDFW asks for clarification of whether the document was an Initial Study Checklist or an IS/MND given the title of the document and the minor error on page 33 of the CEQA document. The document type was stated in the Notice of Availability and intent to Adopt a Mitigated Negative Declaration that was sent to CDFW and published on the state CEQA clearinghouse website.
- r) CDFW is concerned about this being Golden Eagle habitat due to a nest site identified in 2003. The 2003 nest identified in the CNNDB was unable to be located by the applicant's consultant and evidence has been submitted that no trees meeting the description of the nest tree were in existence in 2020. Nonetheless, CDFW continues to make comments regarding a one mile radius and potential impacts associated with this potential nest location. CDFW states that the project is within the line of sight of the nest, but how this was determined is unclear given that it does not appear that this nest is in existence. CDFW comments regarding potential unknown nest sites in the area resulted in a substituted mitigation measure for Golden Eagle protection requiring construction to occur outside of the Golden Eagle breeding season unless pre-construction Golden Eagle surveys have been conducted which demonstrate that no active nests are present within a 1-mile radius of the Project within the Rolling Meadow Ranch boundaries. CDFW expresses concern that even with this substituted mitigation measure the project could have an impact on foraging habitat

for Golden eagles. While a concern, the appropriate CEQA threshold in this case is whether the project would “substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species.” – CEQA Guidelines Section 15065 (Mandatory Finding of Significance). As noted in the IS/MND, even Incorporating the extent of the meadows (33 acres) in which the facilities are located, the project can be conservatively estimated to impact 33 acres of habitat. The vast majority of the ranch, 7,077 acres will remain in its current undeveloped state. There is no indication that the removal of 33 acres of foraging habitat would cause the Golden eagle population to drop below self-sustaining levels or substantially reduce the habitat of the Golden eagle.

- s) CDFW has additionally raised concerns regarding cumulative impact to grassland prairies that may be located within 1 or 2 miles of Golden Eagle nests as a result of the commercial cannabis application that have been submitted to Humboldt County. The County has not been provided with the data to support this contention, but it is expected the vast majority of these applications that CDFW references are existing cultivation applications which would be considered as part of the environmental baseline under CEQA.
- t) CDFW states that the wells may be hydrologically connected to surface water and that by extension it could have an adverse impact on aquatic resources. As noted in the IS/MND these wells are all deep groundwater wells that have screening intervals that strongly indicate that they are within perched bedrock and are not connected to the underflow of any surface water features which would indicate no direct impacts to aquatic resources. This is based on the actual well log.
- u) CDFW has requested a requirement for the project to be reclaimed and the sites restored if the project permanently ceases. This has been added as a recommended condition of approval
- v) CDFW states that botanical surveys did not occur for the entire project area, specifically Facilities #6 through #9. However, botanical surveys have been completed for the entire project area with the exception of a survey for rare plants within the road to Alderpoint, as this is an existing road. Botanical surveys were completed for facilities #6 through #9 however the early season survey was not completed for these facilities only and therefore a mitigation measure is included that the survey work be completed and if anything sensitive or rare is found that these facilities will not be constructed.
- w) CDFW indicates that the project does not comply with the Humboldt County General Plan wetland setbacks however this is false. All wetland setbacks of the general plan will be met. Some wetlands on the site are proposed to be filled, at which point there will be no setbacks to apply. CDFW also opposes the filling of these wetlands, however as noted in the IS/MND the filling of these wetlands will be mitigated to a less than significant level through the creation of new wetlands at a nearly 3:1 ratio.
- x) CDFW raises concern regarding the two proposed greenhouses within the 100-year flood zone. The proposed development will comply with the county's Flood Prevention Ordinance which is designed to regulate flood hazards from development in the flood zone.
- y) CDFW raises concern regarding potential growth inducing impacts from the extension of PG&E power to the site. The site is zoned Agricultural Exclusive

and TPZ, meaning that development potential is limited to those allowed consistent with the County's Open Space Action Program, of which agriculture such as cannabis is a compatible use. Substantial commercial, industrial or residential development expansion would not be permitted within these zone districts

- z) CDFW expresses concern regarding the mixed-light cultivation and requests compliance with dark-sky standards. This is a condition of the ordinance.
- aa) CDFW requests a mitigation measure of condition of approval to implement an invasive species management plan. This has been added as a recommended condition of approval.
- bb) CDFW recommends a condition of approval to prohibit rodenticides and similar harmful substances on the parcels. This has been added as a recommended condition of approval.
- cc) Air Quality – Commenters have expressed concern regarding potential impacts on air quality related to dust generation including the potential for air quality impacts from driving across the river bar portion of McCann Road. The dust generated by construction, and vehicle traffic would primarily be PM10 emissions and the North Coast Air Basin is in non-attainment for PM10. However, the IS/MND has measures in place to address air quality and the dust that could be generated would be below the amount identified by the North Coast Air Quality Management Board as triggering the need for additional mitigation measures. Typically, projects are compared to their local air district's thresholds of significance to projects in the review process; however, the District has not formally adopted significance thresholds. Instead, they utilize the Best Available Control Technology emission rates for stationary sources as defined and listed in the Air District's Rule 110 - New Source Review and Prevention of Significant Deterioration. This rule states a significance threshold of 15 tons per year of PM10 emissions per emissions unit for determining if Best Available Control Technology (BACT) is required. The amount of pm10 generated from the proposed project is expected to be significantly below this threshold

6. FINDING

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

EVIDENCE

- a) The location of where the cannabis activities will take place are designated Agriculture General in the Humboldt County General Plan. General and intensive agriculture are allowable use types for these designations. The project is, therefore, consistent with the AG designation.
- b) The General Plan Circulation Element requires *Decisions to change or expand the land use of a particular area shall include an analysis of the impacts to existing and proposed transportation facilities and services so as to minimize or avoid significant operational, environmental, economic, and health-related consequences.* This project does not change the land use or uses anticipated in the Agricultural General Land Use Designation. The project is served by a County Maintained Road to the property and has secondary access. There will not be a decrease in the level of service of any roadway as a result of this project.
- c) The proposed project is consistent Conservation and Open Space Element Biological Resources as evidenced by compliance with the following polices and standards:

1. Streamside Management Areas (BR-P5, P6): There are several mapped Streamside Management Areas (SMAs), including Cameron Creek and Beatty Creek, that are tributaries to the Eel River. All development associated with the project is located outside of SMAs.
 2. Wetland Identification (BR-P7): A wetland delineation has been prepared and all impacts to wetlands are being mitigated.
 3. Biological Resource Maps (BRP11): Based on a review of the Humboldt County WebGIS, the nearest mapped Marbled murrelet habitat is located more than 3 miles to the west of the subject parcel. The nearest Northern Spotted Owl (NSO) positive observation is located 1 mile to the northeast of Cultivation Area 1 on APN 217-181-028. A Golden Eagle Nest is shown on the CNNDDB approximately 1,000 feet of the Eel River on property not owned by the applicant. A review of the California Natural Diversity Database (CNDDDB) did not find any rare or species status species mapped for the subject parcels. A nine-quad search was conducted for the IS/MND and found the potential for habitat for 22 species of wildlife. A second nine-quad search using the 'Quick View' tool was conducted in August 2020 that found 47 species with potential habitat on the subject parcels. Table 8 of the IS/MND lists the species with a possibility of occurring in and around the project area. Mapping has been used to identify the potential for sensitive species consistent with this policy.
 4. Agency Review (BR-P12): Consistent with this policy, the county has consulted with the California Department of Fish and Wildlife. The initial consultation was in July 2017 and CDFW provided initial comments in January of 2018. CDFW was consulted in the preparation of the Initial Study/Mitigated Negative Declaration and in the Recirculation of the IS/MND.
- d) The Goals and policies of the Conservation and Open Space Cultural Resources have been complied with based on the referral of the project to the Northwest Information Center (NWIC), the Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. Although the Intertribal Sinkyone Wilderness Council did not respond, NWIC and the Bear River Band of Rohnerville Rancheria requested an archeological survey of the subject parcels. The report concludes that no significant historic resources were located during this survey, nine (9) pre-existing resources have been recorded on the property as a result of sixteen (16) previous surveys. None of the pre-existing resources will be impacted by this project, one historic burial is located adjacent an area proposed for development and should be monitored by a professional archaeologist during project implementation.
 - e) The project is consistent with the Conservation and Open Space Scenic Resources policies as the only applicable policy is related to restricting light and glare. The project will comply with the CMMLUO which requires all night lighting be completely shielded in compliance with International Dark Sky Standards.
 - f) The project is consistent with the Water Resources Element through compliance with the following goals and policies:
 - i. Sustainable Management (WR-P1).
Protection for Surface and Groundwater Uses (WR-P2).

The project does not utilize diversion from a surface water source, as water will come from wells that are not hydrologically connected to surface water and will use captured rainfall from the roofs of the greenhouses.

- i. Project Design (WR-P12). The project is not located in any SMA and thus will not detract from the function of rivers, streams, ponds, wetlands or their setback areas. The project will result in fill being placed in the floodplain to elevate greenhouses above the 100 year water surface elevation, but this will not affect the flow of the river and will fill and replace a wetland.
 - ii. Rain Catchment Systems (WR-P20). Rainwater catchment is a component of the project, providing approximately 300,000 gallons of the annual water use.
- g) 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.
- h) The project is in compliance with the Noise Element as there are no sensitive receptors which would be adversely affected by the project.
- i) The project complies with the Safety Element of the General Plan as follows:
- I. Geologic Safety. The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The site is located in an area designated as Moderate Slope Instability (2) and High Slope Instability (3) in the County's GIS mapping. There are historic landslides located on the subject parcels, however, existing and proposed development will not be located in the historic landslide areas. Conditions of approval require the applicant to obtain grading permits from the Humboldt County Building Inspection Division for all grading required for the proposed project, which will require the grading plans to meet State and local regulations. As conditioned, the project is consistent with the geologic resource policies of the Safety Element.
 - II. Flooding: The subject site is outside any mapped flood hazard areas. The project site is not within levee inundation area, however, the parcels adjacent to the Eel River are mapped within a dam failure inundation area should the Scott or Cape Horn Dams, which are located in Mendocino County, fail in the future. According the Humboldt County Web GIS, the dam failure inundation areas are the similar to the 100-year-flood zone and all development for the proposed project is located outside of the 100-year flood zone, therefore, unlikely to be impacted by dam failures. At more than 200 feet above mean sea level and over 30 miles from the ocean, is project area is outside the areas subject to tsunami run-up. The project is consistent with the flood policies of the General Plan.
 - III. Fire Hazard. The subject property is located within an area with very high hazard severity. The parcel is located within the State Fire Responsibility Area where the State of California has the primary

financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. According to the operations plan, a maximum of 30 employees will be on-site during peak operations. In addition to the three groundwater wells, there will be 320,000 gallons of hard-sided tank storage that will store rain from rooftop runoff that can be used for fire protection if needed. CAL FIRE was sent referrals for the project. The project is consistent with the fire protection policies of the Safety Element.

- j) The project complies with the Community Infrastructure and Services Element, where standard 5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation. For discretionary permits findings shall be made that no service is available, and the project shall be conditioned to record acknowledgment of no available emergency response and fire suppression services. The subject parcel is located outside the response area for the Fruitland Ridge Protection District and it is assumed that no service would be available from the district, and that no acknowledgment would be received. For this reason, the project is conditioned that the applicant records an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" from the Garberville Fire Protection District.

7. FINDING The proposed development is consistent with the purposes of the Agriculture Exclusive (AE) zone in which the site is located.

- EVIDENCE**
- a) The open grassland and meadows on the subject property have been zoned AE.
 - b) The AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.
 - c) Section 55.4.8.2 of the Commercial Medical Marijuana Land Use Ordinance (and as modified to remove the limitation to medical cannabis) states that "Outdoor and Mixed-Light Commercial cultivation of cannabis for medical use shall be allowed in specifically enumerated zones in which general agriculture is a principally permitted use, or conditional use. Commercial cannabis cultivation is specifically allowed in the AE Zoning designation subject to approval of the appropriate permit as required by the CMMLUO.

8. FINDING The proposed 5.73 acres of cultivation and onsite processing is consistent with the requirements of the CCLUO and CMMLUO Provisions of the Zoning Ordinance.

- EVIDENCE**
- a) Section 55.4.3.1 of the Commercial Cannabis Land Use Ordinance states: "*Applications for Commercial Cannabis Activity land use permits filed on or*

before December 31, 2016 shall be governed by the regulations in effect at the time of their submittal..." The subject application was filed on December 27, 2016 and thus is subject to the provisions of the CMMLUO.

- b) Parcel Size and Cultivation Area (314-55.4.8.2.1.1): On parcels 320 acres or larger in size, in the eligible zoning districts described in 55.4.8.2.1, one additional cultivation area permit of up to one acre each for each one hundred acre increment (e.g. 3 for a 320 acre parcel, 6 for a 600 acre parcel, etc.), up to a maximum of 12 permits, may be issued with a Use Permit. The proposed action is for six Conditional Use Permits for 5.73 acres (or 249,598 square feet) of new mixed-light cultivation on APNs 217-201-001, 217-181-027, 217-181-028, 217-182-001, 217-024-011, 217-024-006, 217-024-010, 217-024-003, 217-025-001, which will be merged into one, legal parcel, consisting of over 800 acres that are split-zoned AE and TPZ. All proposed cultivation areas and associated development would be constructed on the AE-zone portions of the subject parcels.
- c) Prime Agricultural Soils (55.4.8.2.1): The CMMLUO states that the cultivation area must be on prime agricultural soils with a slope of less than 15% and no more than 20% of the area of Prime Agricultural soils on the parcel may be utilized for commercial medical marijuana cultivation activities. Dirty Business Soil Consulting and Analysis prepared an analysis of the entire 6,500 acre ranch and found that there is 1,832,399 (42.1 acres) of prim agricultural soils on 42 different sites. This would allow up to 8.4 acres of cannabis cultivation. The 5.72 acre proposal complies with this requirement. The location of the facilities will be on prime agricultural soils in locations with slopes of less than 15%.
- d) Limitation on Number of Permits (314-55.4.8.10): No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section. According to records maintained by the Department, the applicant has not applied for any other cannabis activity permits and is entitled to four. Pursuant to CMMLUO Section 314-55.4.8.2.1.1, on parcels 320 acres or larger in size, in the eligible, one additional cultivation area permit of up to one acre each for each one hundred acre increment (e.g. 3 for a 320 acre parcel, 6 for a 600 acre parcel, etc.), up to a maximum of 12 permits, may be issued with a Use Permit. The subject parcel contains over 800 acres; therefore, the applicant is eligible for 8 acres of cultivation. This application is for 5.73 acres (or 249,598 square feet) of mixed light cannabis cultivation. If approved, the applicant will hold 6 Conditional Use Permits pursuant to CMMLUO Section 314-55.4.8.2.1.1.
- e) Accessory Processing (314-55.4.9.1): Processing onsite associated with a permit for cultivation is allowed as part of the approved permit. Processing is included within the project description and is allowed as part of the permit.
- f) Performance Standards – Water (314-55.4.11c, g, l, m): Estimated annual water usage is 4,628,200 gallons of water for both irrigation and domestic use. Water for irrigation is estimated to be 4,555,200, which equates 780 gallons per day per greenhouse (4.5 gallons/sf/cycle). The applicant will utilize drip irrigation to conserve water and ensure there is minimal to no run-off. The proposed project includes rain catchment systems to capture runoff and will be stored near each greenhouse site in hard-sided water storage

tanks. Each greenhouse will have 20,000 gallons of water stored in four (4) 5,000 gallons storage tanks. There will be 320,000 gallons of hard sided storage tanks for rainwater catchment on site. Average annual rainfall is approximately 55 inches per year during an average year. Each processing facility will be larger than 4,000 square feet, therefore, more than 137,060 gallons of water could be captured by each of the five facilities. Based on average annual rainfall and size of the processing facilities, the 320,000 gallons of rain catchment is achievable. The applicant provided well permits and well completion logs. The well completion logs indicate the wells are all drilled over 200 feet deep. The well was drilled through layers of sandstone and shale. The applicant provided a Letter regarding well connectivity from Fisch Drilling dated February 15, 2018. The letter states that the wells are likely drilled into perched bedrock given the soil type and depth of the wells. Therefore, the wells are hydrologically disconnected from surface water and do not require water rights for diversion and use from the State Water Resources Control Board. Conditions of approval require the applicant to meter water use to demonstrate that the well meets the water demand and provide evidence of metering at the time of annual inspection. Should the wells not provide sufficient water for the operation, the applicant is required to modify this permit and propose a different non-divisionary source of water, such as rain catchment and/or reduce the size of the cultivation area to be consistent with water availability. As conditioned, the project therefore conforms to the performance standards for water.

- g) Performance Standards-Setbacks (§314-55.4.11.d): The CMMLUO requires the area of cannabis cultivation and on-site processing to be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs). Based on a review of aerial imagery and referral agency comments, the cultivation area conforms to the 600-foot setback for schools, school bus stops, parks, or places of religious worship. The cultural study prepared for the project indicated that there were not any nearby Tribal Cultural Resources. The cultivation activities are more than 30 feet from any property line
- h) Performance Standards-Generator Noise (314-55.4.11.o): The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service. The project power will be provided by PG&E. Generator noise is not applicable to this application.

9. FINDING

The project as proposed complies with the requirements of the Streamside Management Ordinance requirements.

EVIDENCE

- a) Based on a review of the Humboldt County WebGIS and the site plans, there are several SMAs on the subject parcels, including Cameron Creek and Beatty Creek, that are tributaries to the Eel River.

- b) The project developments are plotted outside of the buffered areas for watercourses as defined by the SMA ordinance and the State Cannabis Cultivation Policy.
- c) This project will consist of 5 miles of rocked access roads with multiple stream crossings. Overall, there is one bridge and 20 culverts on the access road. These culverts maybe a mix of stream crossing and ditch relief culverts. The project will also improve crossings on the internal ranch roads. A total of 45 crossings (including two existing bridges) were identified. It was determined that 34 of the 45 crossings were in need of culvert installation, replacement or repair. Conditions of approval require the applicant to submit a Lake or Streambed Alteration Notification to the California Department of Fish and Wildlife (CDFW) for all improvements with their jurisdiction related to the development of the cannabis cultivation project, including, but not limited to, the installation, repair and maintenance of the stream crossings, including bridges, along the access roads and internal ranch roads that connect the cultivation areas. The applicant is required to adhere to and implement the projects and recommendations contained in the Final SAA and provide evidence to the Planning Department that the projects includes in the Final SAA are completed to the satisfaction of CDFW.

10. FINDING The project provides sufficient parking to support the n8mber of employees working on site.

- EVIDENCE**
- a) Off Street Parking for Agricultural use is one Parking space per employee at peak shift. A minimum of three parking spaces are required
 - b) The project will provide 30 parking spaces for the 22 employees.

11. FINDING Legal Lot Requirement (312-1.1.2): the Zoning Ordinance requires that Development permits be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations. The lots in question were legally created.

- EVIDENCE**
- a) The parcels of land known as APNs 217-201-001, 217-181-027, 217-181-028, 217-182-001, 217-024-011, 217-024-006, 217-024-010, 217-024-003, 217-025-001 consist of multiple patent and other legal parcels which will be merged as a condition of permit approval. There is no evidence indicating there have been any subsequent acts to merge or divide these parcels. Therefore, the subject parcels were lawfully created in its current configuration and can be developed as proposed.

12. FINDING The project as approved with mitigation measures and conditions of approval will not be operated or maintained in a manner that will be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE**
- a) The access for the project is located off McCann Road. This County road currently crosses the Eel River using McCann Bridge, a low-water bridge. When the Eel River flow volume increases to 3,500 cubic feet per second (cfs), typically late November through late April, Humboldt County closes the McCann Bridge and vehicle traffic across the bridge is not possible. The County will be replacing the low-water bridge with a year-round bridge sometime in the next decade (www.mccannbridge.com). Alderpoint Road

will provide cannabis project access when the low water bridge over the Eel River (McCann access) is not available (typically late November through late April). Alderpoint Road is a major rural collector for Humboldt county with speeds up to 45 mph. This road is paved and has a centerline and meets Category 4 road standards and is therefore appropriate for commercial cannabis traffic. From the intersection of Alderpoint Road, project traffic accesses the project areas through a combination of travel on-property roads and deeded easements. From Alderpoint Road, the length traveled on interior project roads and easements to the nearest Facility (Facility #16) is 8 miles; the length of the interior roads traveled to the furthest Facility (Facility #1) is approximately 12.3 miles.

- b) According to the Rolling Meadows Ranch, INC Access Assessment for Compliance with Humboldt County Code Section 3112-12 - Fire Safe Regulations prepared by Northpoint Consulting Group, Inc., revised October 2020, the Alderpoint Access Road is functionally appropriate for the proposed project (see Appendix C of the draft Initial Study and Mitigated Negative Declaration). The Department of Public Works Additionally, the private road intersection will be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

13. 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.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission takes the following actions:

1. Adopts the Mitigated Negative Declaration for the Rolling Meadow Ranch, LLC, project; and
2. Makes the findings in support of approving the Conditional Use Permits; and
3. Approves the Conditional Use Permits (Record Number: PLN-12529-CUP) subject to the conditions and the Mitigation Monitoring and Reporting Plan in Attachment 1.

Adopted after review and consideration of all the evidence on January 21, 2021.

The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John H. 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 H. Ford, Director
Planning and Building Department

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Conditional Use Permit is conditioned on the following terms and requirements

1. The applicant shall submit a check to the Planning Division payable to the Humboldt County Clerk/Recorder in the amount of \$2,530.25 Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the CDFW fee plus the \$50 document handling fee to the Clerk. This fee is effective as of January 1, 2021. Alternatively, the applicant may contact CDFW by phone at (916) 651-0603 or through the CDFW website at www.wildlife.ca.gov for a determination stating the project will have no effect on fish and wildlife. If CDFW concurs, a form will be provided exempting the project from the \$2,480.25 fee payment requirement. In this instance, only a copy of the CDFW form and the \$50.00 handling fee is required. The applicant shall secure permits for all structures (including, but not limited to: greenhouses, proposed processing facility, office and accessory structures) and grading (including road improvements, graded flats and ponds) related to the historic and proposed cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and 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. Existing structures used in the cannabis operation shall not be used/occupied until all required permits have been obtained.
2. For the life of the project, the applicant shall adhere to the Mitigation and Monitoring Program adopted for the project. Annual monitoring reports shall be made available to the Planning Department at the time of the annual inspection.
3. The applicant shall secure permits for all proposed structures (including greenhouses and processing facilities) and grading related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and 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.
4. Rainwater collection systems shall be installed at each greenhouse to capture and store rainwater. A minimum of 50% of the stored water shall be reserved for fire suppression purposes. The applicants shall install meters at all storage tanks and make the logs available to county staff upon inspection.
5. The applicant shall obtain an encroachment permit from the Department of Public Works to pave a minimum width of 20 feet and a length of 50 feet where the County-maintained portions of McCann Road and Alderpoint Roads meet the privately-maintained portion the project access roads and complete the required improvements. A letter or similar communication from the Department of Public Works stating this work is completed to DPW's satisfaction will complete this condition.
6. Within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of the privately maintained portions of the access roads (from the intersections of McCann Road and Alderpoint Road) to the Rolling Meadow Ranch. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss

formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.

7. Prior to commencing operations, the applicant shall install an automatic security gate at the Alderpoint Road (outside of the County Right-of-Way). The applicant shall provide proof (e.g. photographs) that the gate is installed. A sign-off from the Planning Department will satisfy this condition.
8. The applicant shall secure permits and install an on-site sewage disposal systems and restroom facilities prior to processing on-site. Portable toilet and handwashing facilities may not be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
9. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
10. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
11. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
12. The applicant shall submit a completed Notice of Merger and Certificate of Subdivision Compliance document along with legal review fees, notary fees and recording fees, as applicable.
13. The applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Merger have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Merger to satisfy this condition.

Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property has delinquent taxes, the property cannot be combined for tax purposes. This means that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by merger but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to

the County's issuance of a building permit or other grant of authority to develop the subject properties.

14. The applicant shall obtain a 401 General Construction Permit (or other similar permit as applicable) from the North Coast Regional Water Quality Control Board for development activities as related to the cannabis cultivation sites and stream crossing and bridge improvements required for the project. The applicant shall adhere to and implement the recommendations and monitoring required by the permit. The applicant shall submit a copy of the permit and monitoring reports to the Planning Department to satisfy this condition.
15. The applicant shall submit a Lake or Streambed Alteration Notification to the California Department of Fish and Wildlife (CDFW) for all development within the CDFW jurisdiction as related to the cannabis cultivation project. This includes, but is not limited to installation, maintenance and repair of stream crossings, including bridges, along the access roads and internal ranch roads connecting the cultivation areas. The applicant shall submit a copy of the Final Streambed Alteration Agreement issued by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
16. The applicant shall adhere to the Final Streambed Alteration Agreement issued by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms.
17. The applicant shall submit a Post-Project Reclamation Plan that describes how the subject parcel will be restored to pre-project conditions when operations cease. In addition to describing the restoration efforts required, the plan shall include a timeline for restoration and include a monitoring and reporting program. The plan will be submitted to the Planning Department for review in consultation with CDFW. A sign-off from Planning once the plan is approved will satisfy this condition.
18. The applicant shall record a development plan or similar document approved by the Planning Department that the electric service developed for the project is only to be used for the cannabis cultivation areas and associated structures that support the cultivation operation. The development of the electric service is not intended to be growth inducing and/or new facilitate residential development.
19. The applicant shall submit an Invasive Species Plan that describes how the project will limit the introduction or spread of invasive plant and animal species and prohibit planting, seeding or otherwise introducing terrestrial or aquatic invasive species on Project parcels, including all access roads. The plan shall include details of how invasive plant or animal species will be controlled if found on the subject parcel. The plan shall include a monitoring and reporting plan that provides updates each year during the annual inspection. The plan will be submitted to the Planning Department for review in consultation with CDFW. A sign-off from Planning once the plan is approved will satisfy this condition.
20. The applicant shall contact CAL FIRE prior to commencing any tree removal activities on the subject parcel to determine if additional permits are required. If additional permits are required, the applicant shall adhere to and implement any requirements. To satisfy this condition, the applicant shall submit copies of any permits obtained from CAL FIRE for tree removal or provide a letter or similar communication from CAL FIRE that additional permits are not required.

21. 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.
22. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any 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.
23. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
24. 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.
25. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
26. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. 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 weaves.
27. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
28. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.
29. 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 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.

30. Prior to issuance of any permits, the applicant shall submit a revised site plan consistent with the project approval for 5.73 acres of cannabis cultivation. The cultivation area is calculated around the outside perimeter of the greenhouses.
31. In order to maintain the allowed percentage of cultivation area to prime agricultural soils, the entire 6,500-acre property surveyed in the soil report shall be retained in common ownership for the duration of the permit.
32. The permit holder is responsible to place sufficient water storage at each structure to provide firefighting water. The amount of storage needed shall be approved by the Planning Director in consultation with either Cal Fire or the Alderpoint Fire district.
33. Upon cessation of the cannabis cultivation activities, all infrastructure installed to support these activities shall be removed and the areas where infrastructure was installed shall be recontoured to reflect natural grade and the site shall be revegetated with native grasses. Prior to conducting any work to restore the site, the applicant shall submit a restoration plan for review and approval by the Planning and Building Department. The restoration plan shall be implemented as approved.
34. The use of rodenticides and other harmful substances intended to control rodents is prohibited as part of the cultivation activities.
35. All use of heavy-equipment shall be limited to the hours of 8am to 7pm, Monday through Friday.

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

1. 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.
2. 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.
3. 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 & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. 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.

5. 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.
6. 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).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) 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.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife.
9. 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.
10. 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 – Friday, 9:00 am – 5:00 pm, excluding holidays).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide. Rodenticides shall not be utilized.
12. Pay all applicable application and annual inspection fees.
13. The noise produced by a generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels.
14. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
15. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
17. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

18. 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.”
19. 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, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
20. Cultivators engaged in processing shall comply with the following Processing Practices:
 - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
21. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - I. 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:
 - (i) Emergency action response planning as necessary;
 - (ii) Employee accident reporting and investigation policies;
 - (iii) Fire prevention;
 - (iv) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (v) Materials handling policies;
 - (vi) Job hazard analyses; and
 - (vii) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (i) Operation manager contacts;
 - (ii) Emergency responder contacts;
 - (iii) Poison control contacts.
 - III. 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.
 - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
22. 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.

23. 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.

24. 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 SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, 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 non-compliance. Failure to request reinspection or to cure any items of non-compliance 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.

25. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #23 above 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.

26. 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.

27. Permittee further acknowledges and declares that:

- i. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
- ii. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
- iii. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.

28. 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; and
 - d. Acknowledgement of full responsibility for complying with the existing Permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
29. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of 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 of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This 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 #1 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 #23 of the On-Going Requirements /Development Restrictions, above.
3. 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 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.
4. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions 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 Department will send a bill to the Applicant for all staff costs incurred for review of the project

for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

5. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines.
6. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the 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) 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.
7. 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.

ATTACHMENT 1A

**HUMBOLDT COUNTY PLANNING & BUILDING DEPARTMENT
MITIGATION MONITORING & REPORT PROGRAM**

For the Rolling Meadow Ranch, LLC, Conditional Use Permits

APNs 217-022-004, 217-181-028, 217-201-001, 211-281-006, 217-181-017; Record Number: PLN-12520-CUP; Apps No. 12529.

Record Number: PLN-12529-CUP

Assessor Parcel Numbers: 217-022-004, 217-181-028, 217-201-001, 211-281-006, 217-181-017

Mitigation measures were incorporated into conditions of project approval for the above referenced project. The following is a list of these measures and a verification form that the conditions have been met. For conditions that require on-going monitoring, attach the Monitoring Form for Continuing Requirements for subsequent verifications.

Mitigation Measures and Applicant Proposed Operating Restrictions:

Aesthetics

Mitigation Measure – Aesthetics 1: Retaining walls proposed for Facilities 1 and 2 shall include an architectural treatment, such as in-wall plantings or an equivalent treatment, to soften the visual impact of the walls.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During construction activity and project operations.	Continuous		HCP&BD**			

Agriculture and Forestry Resources

Mitigation Measure – Agriculture and Forest Resources 1: Revegetation and Monitoring adapted from the 2019 State Water Board Order WQ 2019-0001-DWQ; Attachment A, Section 2, number 33-35. This is a Proposed Native Trees – Replanting and Monitoring Plan; the final Replanting Plan will be approved by Humboldt County Planning and Building Department (HCP&BD) prior to implementation.

NATIVE TREES - Replanting and Monitoring Plan:

1. The cultivator will plant three native trees for every one native tree damaged or removed.
 - a. The project will plant up to 72 trees.
 - i. The trees removed from meadows and other non-riparian locations will be replanted on the ranch in a similar environment to that from which they were removed:

(6) California Bay trees (*Umbellularia californica*)

(6) Big Leaf Maple Trees (*Acer macrophyllum*)

- (3) Madrone (*Arbutus menziesii*)
- (9) White Oak (*Quercus alba*)
- (18) Doug fir (*Pseudotsuga menziesii*),

ii. The trees that are removed as a result of stream crossing improvements will be replanted along the same riparian corridor from which they were removed, but not within or immediately adjacent to the roadbed:

- (9) Doug fir (*Pseudotsuga menziesii*)
- (3) White Oak (*Quercus alba*)
- (3) Red Alder (*Alnus rubra*)
- (3) Madrone (*Arbutus menziesii*)
- (3) Big Leafed Maple (*Acer macrophyllum*)
- (9) Bay Laurel (*Laurus nobilis*).

- b. Trees will be planted in groves in order to maximize wildlife benefits and will be derived from local stock.
 - c. Trees will be planted 10-foot on center.
2. Growth and success of planted saplings will be monitored by a qualified professional for two (2) years.
- d. After two (2) years, an 85% survival rate is required.
 - e. If success rate is less than 85%, the planting and monitoring steps will be repeated.
3. The project proponent shall maintain a copy of the **Native Trees Replanting and Monitoring Plan** and monitoring results onsite; HCP&BD will confirm implementation and monitoring results will be submitted annually (by December 31) to HCP&BD and made available, upon request, to additional Responsible Agencies under CEQA.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During construction activity and project operations.	Continuous		HCP&BD**			

Biological Resources

Mitigation Measure- Biology -1: A full early season botanical survey has not been completed on Facilities #6-#9. Prior to construction an early season survey will be completed. If any sensitive species are found that portion of the project will not be constructed. A survey was done on April 9th, 2019 but it was too early for some special status species. Results of the survey will be Submitted to Humboldt County prior to construction of Facilities #6-#9.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction	Once		HCP&BD**			

MM-Bio-2: To avoid the potential for significant impacts to *Pacific Gilia (Gilia capitata ssp. Pacifica)* populations, improvements to- and maintenance of the road shall occur after August 15th and before October 15th, in areas where Pacific gilia is impacted (Table 6b&c, Figure 29 & 31). Seed for erosion control mix will not be used in these areas and instead weed-free straw will be laid. Straw will be removed by May of the following year. In addition, these areas will also be assessed by a qualified botanist for a period of five (5) years, following project implementation. These findings will be incorporated into a larger monitoring report of all proposed activities (facilities developments, etc.), which will be submitted to CDFW annually. Monitoring results will be used in an adaptive management process aimed at maintaining the Pacific gilia population.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction and annually	Continuous		HCP&BD**			

MM-Bio-3: To avoid the potential for significant impacts to *Pacific Gilia (Gilia capitata ssp. Pacifica)* all extraction of rock from the rock quarry (Map ID #4, Figures 27 and 30) shall occur after August 15th and before October 15th and occur no more frequently than every two (2) years (i.e. allowing two years between extraction events). Additionally, monitoring will occur every two (2) years following any rock extraction, within a period of ten (10) years following project implementation. Monitoring shall entail annual inventory and mapping of the extent of the Pacific gilia population on roads accessing project areas and within the rock quarry area. A monitoring report shall be submitted to CDFW annually within the above described monitoring period. Monitoring results shall be used in an adaptive management process aimed at maintaining the Pacific gilia population. For instance, if it appears that rock extraction is negatively impacting the population, a different plan shall be developed and implemented.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to issuance of the building permit, during construction activity, and during project operations.	Annually		HCP&BD** and CDFW*			

MM-Bio-4: The densest portion of *Tracy's tarplant (Hemizonia congesta ssp. Tracyi)* population, the patch largely outside the project footprint (Map Point 8, Figure 30, Table 6b), will be protected during construction by the placement of construction fencing at the periphery of the population, to keep equipment operators out of the area. A qualified Botanist will oversee the construction of

the fencing. The Botanist will prepare A report that will be submitted to the Humboldt County Planning Department which will include photos of the fence.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction activity, fence will be installed.	Once		HCP&BD**			

MM-Bio-5: The mitigation measure will guide the successful enhancement and restoration of a total of approximately 0.97 acres (42,446 square feet) of *Danthonia californica* prairie and approximately 0.89 acres (38,925 square feet) of *Elymus glaucus* prairie.

Many parts of the project parcel (ranch) have grasslands that have been severely degraded by historic grazing and are currently dominated by nonnative grasses and forbs. However, in some areas, large stands of native grassland (including *Danthonia californica* prairie and *Elymus glaucus* prairie) persist. These stands vary in the degree to which they are currently invaded by nonnative species. Several of these stands will be mapped and evaluated as part of the mitigation site selection process. Stands will be categorized as:

- High quality: ~0-30% non-native,
- Moderately invaded: ~31-60% non-native, and
- Heavily invaded: ~61-90% non-native.

These categories will be assigned using stand data collected according to the California Native Plant Society releve protocol (CNPS 2000). Mitigation sites will be created within stands that are moderately to heavily invaded and have the potential to be restored to a category of “high quality” by a combination of weeding and planting.

Fifty percent (50%) of the mitigation area will be within “moderately invaded” stands, and fifty percent (50%) will be within “heavily invaded” stands. Implementing mitigation via the restoration of existing stands is a better guarantee for success than planting into areas currently unoccupied by the target species, as these sites are more likely to have suitable environmental conditions for high quality prairie development. Once the mitigation areas have been identified, they will be mapped and visually demarcated in the field. The baseline stand conditions over the mitigation areas will be documented and mapped.

Mitigation areas will then be planted with ‘plug’ size *Danthonia californica* and *Elymus glaucus* plants, grown from seed collected on site (on the ranch). Plugs will be planted on 2-ft centers or as needed. After planting, the sites may also be seeded with additional *Danthonia California* and *Elymus glaucus* seed collected on site or purchased.

Across the mitigation sites, invasive plants (and non-native plant species that threaten to prevent the project from meeting the Success Criteria) shall be intensively managed. Management emphasis will be placed on any invasive species with a Cal-IPC rank of High or Moderate, and on any non-native plants threatening the successful establishment of any native plantings or natural

recruits, herein referred to as weedy species (Cal-IPC 2018). Non-native species without a Cal-IPC rating and that do not threaten the establishment of native plantings or recruits will not be a management priority. Species meeting the criteria for removal are herein referred to as target species. At this site, target species are expected to include yellow star thistle and weedy perennial grasses.

Each year for the five years following planting in the month of April, an individual qualified to identify target species (as described above) will visit the site, and all occurrences of target species within the prairie mitigation site shall be recorded and mapped. All mapped species will be targeted for mechanical removal during a maintenance visit, which will occur within one month. If feasible, the mapping and maintenance can happen in the same visit. Any mechanically removed invasive plant parts shall be properly disposed of to reduce the chance of spread. This may include hauling off-site. If invasive plants are shipped off site for disposal they shall be transported in closed or covered containers and delivered to a suitable destination such as a waste disposal facility.

Success Criteria

The Project will be considered successful if by Monitoring Year 5:

4. A total of approximately 0.97 acres (42,446 square feet) *Danthonia californica* prairie and approximately 0.89 acres (38,925 square feet) of *Elymus glaucus* prairie have been established, which meet the 'high quality' category defined below and the membership rules of these vegetation alliance types as described by the Manual of California Vegetation (MCV) (MCV 2020).
 - a. 'High quality' stands will be defined as being between 0% and 30% invaded by non-native plants with a Cal-IPC rank.
 - b. For the *Danthonia californica* Herbaceous Alliance (California oat grass prairie) the membership rules include:
 - *Danthonia californica* > 50% relative cover in the herbaceous canopy.
 - *Danthonia californica* generally > 25% absolute cover in the herbaceous layer.
 - c. For the *Bromus carinatus* - *Elymus glaucus* Herbaceous Alliance (California brome - blue wildrye prairie), membership rules include:
 - *Elymus glaucus* > 30% relative cover in the herbaceous layer.
 - *Bromus carinatus*, *Elymus glaucus*, or *Pteridium aquilinum* > 30% relative cover in the herbaceous layer.
5. Total absolute cover (Section 6.1) by invasive species with a Cal-IPC rank of "High" shall be less than 10% at the site.

Monitoring

Annual Monitoring and Maintenance site visits shall occur every year beginning in the first growing season after construction for at least five (5) years or until Success Criteria are met (see Adaptive Management Section 10). Monitoring visits shall be conducted within the same three-week period in end of April-beginning of May each monitoring year to maintain seasonal consistency between surveys, and to allow time for needed maintenance or replacement plantings to be arranged for. Qualified botanists or restoration specialists shall perform annual monitoring.

Reporting

The results of the annual monitoring will be used to create an Annual Monitoring report which tracks progress toward meeting Success Criteria and recommends adaptive management and contingency plans for any problems, issues, additional maintenance needs etc. An Annual

Monitoring Report will be submitted to Humboldt County and CDFW by December 31 of each monitoring year.

Appendix L of the ISMND Contains additional detail for the restoration plan and is incorporated here by reference.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction and annually until success criteria is met	Continuous		HCP&BD** & CDFW			

MM-Bio-6: Mitigate for direct impacts to 0.255 acres of *seasonal wetland* and *0.277 acres of seasonal wetland within 100 feet of Facilities*. *A total of 0.48 acres of wetland will be mitigated for*

Goals and Objectives

The MMP shall be created to address requirements for wetland impact mitigation required by the USACE and California State Water Resources Control Board permits needed to complete the Project as designed. The goal is to create new, 3-parameter wetland at a ratio of 3:1. Equally, mitigation may entail quality and function enhancement of existing wetlands at similar ratios. The mitigation goals of this project are as follows:

1. Create 1.4 acres of 3-parameter seasonal wetland;
2. Mitigate project impacts to potential jurisdictional Waters of the US, resulting in no net loss of wetland habitat or hydrologic function within the watershed;

Success Criteria

The following performance criteria will be used to evaluate project success.

The Project will be considered successful if by Monitoring Year 5:

6. 1.4 acres of 3-parameter wetland have been established in the Mitigation Area, as defined by USACE methodology.
7. 85% of container plantings or an equivalent number of appropriate native recruits have survived, or planted areas have achieved greater than or equal to 85% total absolute vegetative cover.
8. Total absolute cover by invasive species with a Cal-IPC rank of "High" shall be less than 10% at the site.
9. Site hydrology is favorable for the development of wetland soils.

Monitoring

Overview

Annual Monitoring and Maintenance site visits shall occur every year beginning in the first growing season after construction for at least five (5) years or until Success Criteria are met. Maintenance Visits shall occur in April and Monitoring visits shall be conducted within the same three-week period in August each monitoring year to maintain seasonal consistency between surveys, and to allow time for needed maintenance or replacement plantings to be arranged for. The 3-parameter wetland delineations required in years 3-5 should occur in early April, and the Hydrology Check site

visits should occur sometime between December and March. Qualified botanists or restoration specialists shall perform annual monitoring.

Methods

All Monitoring Years

1. Monitor survival of all container plantings:

All planted stock will be inspected during the monitoring visit, and the following data recorded:

- Plant Species;
- Plant Survival: Dead or Alive;
- Any native recruits established in the Area will be counted.

2. Monitor absolute vegetative cover in the Mitigation Area;

- Randomly selected 1-square meter plots will be established within the Wetland Basin portion of the Mitigation Area. Within each plot, total absolute vegetative cover and absolute cover for each species present (including plantings and natural /seeded recruits) will be ocularly estimated;
- The Mitigation Area will be visually assessed for areas of low survivorship, in case these areas are missed in plot monitoring. Any such areas will be mapped and described.

3. Monitor and report Cal-IPC rank High species and other weedy species.

- All occurrences of Cal-IPC rank High invasive species shall be recorded and mapped within the Mitigation Area. The results will be used to develop a concise maintenance plan, if needed. Any other non-native, weedy species that are impacting plantings or the character of the site shall also be addressed.

4. Report pertinent site conditions:

- Any pertinent ecological conditions (outside of those outlined specifically in the Success Criteria) shall be recorded for reporting in the Annual Monitoring report. Adaptive management shall be utilized to determine a corrective course of action for any conditions that may impact project success, create water quality issues or otherwise negatively impact the site. Examples of such conditions include animal impacts, illegal dumping or camping, flood events, or wildfire. These observations will enhance the representation of site conditions in the Monitoring Reports.

5. Establishment of photo points around the project area:

- Initial photos shall be taken before restoration implementation, then once annually following restoration for each monitoring year. Photo point locations shall be permanently established and described, mapped, and images included in Annual Monitoring Reports. Photo point protocols shall conform to methods of the USDA Photo Point Monitoring Handbook (Hall, 2002).

Monitoring Years 3-5 Only:

3. Establish three (3) Wetland Survey Plots;

- Three plots will be subjectively selected within the Wetland Basin portion of the Mitigation Area. At each plot, a USACE methodology 3-Parameter survey will be conducted.
- A winter Hydrology Check should be conducted to survey and document hydrology of the site

Monitoring Year 5 Only:

- A full USACE 3-parameter method wetland delineation will be performed within the Mitigation Area.

Reporting

Appropriate statistical methods will be utilized to determine survivorship of plantings and the contribution of natural recruits/seeded species to survival each monitoring year. Change in total

cover of native trees, shrubs and herbaceous species over time will be analyzed. This data will be useful in characterizing vegetation development over the site.

Each monitoring year an Annual Report (and at the end of year 5 a final report) detailing information collected during the monitoring will be submitted to CDFW and Humboldt County Planning Department.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to issuance of the building permit, during construction activity, and during project operations.	Annually		HCP&BD** and CDFW*			

MM – Bio-7: Protocol level surveys (Spot Checks) need to be conducted for the fourth year (2021) for **Northern Spotted Owl**. As per protocol if nesting NSOs are found within 0.25 miles of a project area, no construction will take place in the 0.25-mile buffer around the nest until after August 31. Survey results will be submitted to Humboldt County Planning Department.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction	Once		HCP&BD**			

MM – Bio-8: If construction takes place during the breeding season for **Coopers hawk, Sharp-shinned hawk, American peregrine falcon, and osprey** pre-construction surveys for these species will take in the forested habitat in the 1000-foot buffer around each project location. If a nest is found, CDFW will be contacted and the agency will determine the appropriate no work buffer to remain around the nest until it has fledged. This is standard practice and often CDFW considers specific local factors when making buffer size decisions. In the past when working with CDFW on road construction projects a buffer of 500 feet has been placed on active raptor nests. Survey results shall be submitted to Humboldt County Planning Department. If work takes place outside of the breeding season, no surveys are necessary.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction	Once		HCP&BD**			

MM – Bio-9: If construction takes place during the denning season, then preconstruction surveys for **Fisher** den sites and structures will be completed in the more densely forested areas that occur

within 1000 feet of facilities #6-#9 to determine presence or absence of denning potential for this species. Should evidence of denning be found, no work will take place at the facilities #6-#9 location until after the denning season has ended. Survey results shall be submitted to Humboldt County Planning Department. If work takes place at Facilities #6-#9 outside of the denning season, no surveys are necessary.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction	Once		HCP&BD**			

MM – Bio-10: If construction takes place during the nesting season for **grasshopper sparrow and Bryant's savannah sparrow** than 3 consecutive preconstruction surveys for these species will take place the within the grassland portions of all project footprints as well as a 500-foot buffer around the footprint. Survey will be completed no more than seven days before the start of construction in that area. If a nest is found, a 'no work' buffer will be flagged around the nest. The buffer will be maintained until the nest has fledged. This is standard practice and often CDFW considers specific local factors when making buffer size decisions. In the past when working with CDFW on road construction projects buffers ranging from 100 to 200 feet has been placed on active ground nesters nests. Survey results shall be submitted to Humboldt County Planning Department. If work takes place outside of the breeding season no surveys are necessary.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction	Once		HCP&BD**			

MM – Bio-11: Although pre-project surveys showed the barn is not being used as anything other than a temporary night roost, Removal of the barn could have an effect on **Townsend's big-eared bats** if they start using it for anything other than a temporary night roost. Preconstruction surveys of the barn should occur during breeding season to ensure no bats are using this structure for anything other than a temporary night roost. Survey results shall be submitted to Humboldt County Planning Department.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction	Once		HCP&BD**			

MM – Bio-12: If construction of the infrastructure at facilities #1, and #2, takes place during the nesting season, preconstruction surveys **western pond turtle** nests will be conducted. If nests are found, they will be buffered and undisturbed until turtles have hatched and left the nest. As is standard practice CDFW will be consulted to help with buffer sizing. Often CDFW considers specific local factors when making buffer size decisions. Survey results shall be submitted to Humboldt

County Planning Department. If work takes place outside of the breeding season no surveys are necessary.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction	Once		HCP&BD**			

MM – Bio-13: To mitigate for potential impacts to *migratory birds and black-tailed jackrabbit* three consecutive preconstruction surveys for these species should take place no more the one week prior to the start of construction at EACH location of vegetation removal or ground disturbance. The footprint of the disturbance area and a 300-foot buffer will be surveyed. Should any nests be found CDFW will be consulted for appropriate actions going forward, such as buffers or the delaying of work until nestlings have fledged. Survey results shall be submitted to Humboldt County Planning Department. Alternatively, no ground disturbing events should occur until August, when these species will have completed breeding for the season.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction	Once		HCP&BD**			

MM-Bio-14: To mitigate for potential impacts to *western bumble bee*. The project will first determine presence/absence. This can be achieved with three (3) nest seeking queen surveys or three (3) flight season surveys

- Nest-seeking queen surveys will target suspected preferred nesting areas (linear features with emphasis on forest transition zones). These surveys will be evenly spaced (approx. every two weeks) over the span of two months (Feb/March or March/April) depending on the expected emergence of the bee at the project area (weather dependent – queens are active after top layer of soil is consistently warm). The surveys will take place during warm sunny days over 70°F (21°C) without fog/rain or wind over 15mph. Surveyors will spend approximately one person hour per every three (3) acres surveyed. Searches will be conducted by a qualified biologist and use photography as means of positive identification of Bombus species unless a permit for handling bees is secured.
- Flight season surveys will target the optimal habitat in the project area and consist of a minimum of one (1) person hour per 3 acres of optimal habitat. Habitat that does not offer floral resources will not be surveyed. These three (3) surveys will be 'free searches.' They will be evenly spaced (one week apart) in the month of July (June/Aug depending on site conditions/season). The surveys will take place during warm sunny days over 70°F (21°C) without fog/rain or wind over 15mph. Searches will be conducted by a qualified biologist and use photography as means of positive identification of Bombus species unless a permit for handling bees is secured.

If present presence is determined during the nest seeking queen surveys or three flight season surveys, the project will conduct nest searches in the impacted (earth disturbance) area.

- These will be conducted during the flight season using a modified version of the transect methodology presented by Osborne, J. et al. (2008). Qualified surveyors will utilize compass and pacing to walk a grid of the impact area (the impact area is the project footprint plus a 100 ft buffer). In general, surveyors will spend 5 minutes nest searching (watching for bees entering or exiting nest) for every 6m x 6m area. The surveys will take place during warm sunny days over 70°F (21°C) without fog/rain or wind over 15mph. Any nests that are found will be flagged and mapped and surveyor will consult with CDFW to determine appropriate action/nest buffer areas.

If nests are found the area will be buffered and construction will not proceed until the nest has been abandoned. A report of survey results will be submitted to CDFW and Humboldt County.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction	Once		HCP&BD** & CDFW			

MM-Bio-15: To ensure less than significant impacts to northern *red-legged frog*, *foothill yellow-legged frog*, and *red-bellied newt* work to upgrade 34 stream crossings on the project roads will be done during the summer and fall season when the streams should be dry with no frogs or newts are present. As per standard construction process, if any streams are found to have water in them at the time of crossing reconstruction, preconstruction surveys for amphibians will be completed no more 2 days prior to construction. If frogs are found they will be relocated, CDFW will be notified, and a biological construction monitor will be on site for the duration of the construction of that crossing. A copy of the preconstruction survey report and construction monitoring (if needed) report will be submitted to CDFW and Humboldt County Planning within 7 days of the completion of work on the wet crossing.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction	Once		HCP&BD** & CDFW			

MM- Bio -16: Construction shall occur outside of the Golden Eagle breeding season unless preconstruction Golden Eagle surveys have been conducted which demonstrate that no active nests are present within a 1-mile radius of the Project within the Rolling Meadow Ranch boundaries (an approximately 2,900-acre area). The surveys shall be completed during at least two separate non-consecutive days, with at least one survey occurring between January 15 and February 15. Survey results shall be submitted to the Humboldt County Planning Department.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to construction	Once		HCP&BD** & CDFW			

ATTACHMENT 2

Initial Study and Mitigated Negative Declaration

Link to CEQA online: <https://ceqanet.opr.ca.gov/2020070339/3>

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 ¼ mile (1,320 ft.) 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)
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; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached in operations plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Condition of approval)
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 Department of Fish & Wildlife. (Condition of approval – obtain Final Streambed Alteration Agreement)
9. If the source of water is a well, a copy of the County well permit, if available. (Attached – see Appendix E in the draft Initial Study/Mitigated Negative Declaration)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of

timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not applicable)

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts 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. DEH Worksheet. (On file)
16. *Cultivation Site 4A Preliminary Grading Plan* prepared by Northpoint Consulting Group, Inc. dated October 14, 2020. (Attached – see Appendix B of the draft Initial Study and Mitigated Negative Declaration)
17. *Rolling Meadow Ranch Humboldt County, California, Grading for Proposed Greenhouse Sites*, prepared by Oscar Larson and Associates, dated January 11, 2019. (Attached – see Appendix B of the draft Initial Study and Mitigated Negative Declaration)
18. *Rolling Meadows Ranch, Inc. Access Assessment for Compliance with Humboldt County Code Section 3112-12 - Fire Safe Regulations* prepared by NorthPoint Consulting Group, Inc. revised October 2020. (Attached – see Appendix C of the draft Initial Study and Mitigated Negative Declaration)
19. *Alderpoint Access Evaluation Letter* prepared by Manhard Consulting dated January 10, 2018. (Attached – see Appendix C of the draft Initial Study and Mitigated Negative Declaration)
20. *Road Evaluation Report* prepared by David Rask dated November 2017. ((Attached – see Appendix C of the draft Initial Study and Mitigated Negative Declaration)
21. *Engineer's Report of Rolling Meadow Ranch Internal Access Road Evaluation*, prepared by Oscar Larson and Associates, dated April 3, 2018. (Attached – see Appendix C of the draft Initial Study and Mitigated Negative Declaration)
22. *Supplemental Field Investigation Rolling Meadow Ranch Internal Access Road Evaluation*, prepared by Oscar Larson and Associates, dated January 14, 2019. (Attached – see Appendix C of the draft Initial Study and Mitigated Negative Declaration)

23. *Gro-Tech Greenhouse Sample Schematic*, prepared by Linchpin Structural Engineering, dated June 9, 2017. (Attached – see Appendix D of the draft Initial Study and Mitigated Negative Declaration)
24. Letter regarding Fan Noise prepared by CRS Supply Group. (Attached - prepared by Oscar Larson and Associates, dated April 3, 2018. (Attached – see Appendix D of the draft Initial Study and Mitigated Negative Declaration)
25. Letter regarding well connectivity from Fisch Drilling dated February 15, 2018. (Attached – see Appendix E of the draft Initial Study and Mitigated Negative Declaration)
26. Prime agricultural soils information. (Attached – see Appendix F of the draft Initial Study and Mitigated Negative Declaration)
27. Northern Spotted Owl Survey data from Rolling Meadow Ranch THP. (Attached – see Appendix G of the draft Initial Study and Mitigated Negative Declaration)
28. *Golden Eagle Survey Report for Rolling Meadow Ranch* prepared by NRM Corp., Inc., (Attached – see Appendix G of the draft Initial Study and Mitigated Negative Declaration)
29. Application form to the North Coast Unified Air Quality Management District for use of 5 generators for emergency purposes. (Attached – see Appendix H of the draft Initial Study and Mitigated Negative Declaration)
30. *Botanical Survey Report: Rolling Meadow Ranch Tract 1/4: Humboldt County APN 217-201-001, Tract 2/3: Humboldt County APNs 217-181-028, 217-182-014, and 211-284-009*, prepared by NRM, dated July 20, 2018. (Attached – see Appendix I of the draft Initial Study and Mitigated Negative Declaration)
31. *Assessment of Road Improvement and Maintenance Activities Impacts to Botanical Resources* prepared by NRM Corp, Inc., dated October 2020. (Attached – see Appendix I of the draft Initial Study and Mitigated Negative Declaration)
32. *Stream Crossing Evaluation Study* prepared by NRM Corp., Inc., Revised October 15, 2020. (Attached – see Appendix K of the draft Initial Study and Mitigated Negative Declaration)
33. *Mitigation Measure- Biology-5 Danthonia californica and Elymus glaucus Prairie (Sensitive Natural Community) Mitigation and Monitoring Plan for Rolling Meadow Ranch* prepared by NRM Corp., Inc., Revised August 2020. (Attached – see Appendix L of the draft Initial Study and Mitigated Negative Declaration)
34. *Delineation of Waters Report: Survey Name: Humboldt County 217-181-028-000 and 217-201-001-000* prepared by NRM Corp., Inc., Survey conducted 2020. (Attached – see Appendix M of the draft Initial Study and Mitigated Negative Declaration)
35. *Limited Literature Review and Working Protocol, Western Bumble Bee (Bombus occidentalis)*, prepared by NRM Corp. Inc., dated Sept 2020. (Attached – see Appendix N of the draft Initial Study and Mitigated Negative Declaration)
36. *A Cultural Resources Investigation of the Rolling Meadows Machata Property Final Report*, APNs 217-201-001, 217-181-027, 217-181-028, 217-182-001, 217-024-011, 217-024-006, 217-024-010, 217-024-003, 217-025-001, completed by Archeological Research and Supply Company, dated October 2017. (On file and confidential)
37. U.S. Fish and Wildlife Service, Pacific Southwest Region, Migratory Birds Program, "Recommended Buffer Zones for Ground-based Human Activities around Nesting Sites of Golden Eagles in California and Nevada" Dated December 2017. (Attached)
38. Memo re: Cultivation Water Management Plan Rolling Meadow Ranch, LLC, dated January 15, 2021 from Northpoint Consulting Group, Inc. (Attached)

U.S. Fish and Wildlife Service

Pacific Southwest Region

Migratory Birds Program

Recommended Buffer Zones for Ground-based Human Activities around Nesting Sites of Golden Eagles in California and Nevada

December 2017

For most ground-based human activities, we recommend a one-mile no-disturbance buffer surrounding golden eagle nesting sites in California and Nevada; see table below for specifics on activity and buffer recommendations. Recommended buffers may increase or decrease depending on specific site or activity circumstances and local jurisdiction recommendations. Buffers may be reduced in consultation with the U.S Fish and Wildlife Service (Service) when the nest is not in use or activities are out of line-of-sight of the nest^a. In parts of California, eagles maintain year-round territories that may require additional protection. We recommend consultation with the Service for determining buffer zones for high intensity or long duration activities, unique circumstances, activities not listed in the table below, or when historic levels of human activity are a consideration.

Activity	Recommended No-Disturbance Buffer
Off-Road Passenger Vehicle and Boating Activity: Any passenger vehicle driving off-road, or on dirt or gravel roads, and not part of a routinely used transportation corridor. Also includes motorized boating activities.	1 mile
Small Personal Vehicle Activity: Including, but not limited to, all-terrain vehicles, dirt bikes, and snowmobiles.	1 mile
Pedestrian and Non-Motorized Activity: Including, but not limited to, walking, running, hiking, biking, camping, rock climbing, bird watching, fishing, hunting, horseback riding, canoeing, kayaking, and biological surveys.	1 mile
Developed Sites: Including, but not limited to, facilities, developed campground sites, and snowmobile and off-road vehicle courses.	1 mile
Industrial, Municipal, and Construction Activity: Including, but not limited to, urbanization; mining; oil and gas development; solar development; logging; power line construction; road construction & maintenance; facilities construction; and agricultural operations.	1 mile
Blasting and other loud non-regular noise: Including, but not limited to, detonation devices, fireworks classified by the Federal Department of Transportation as Class B explosives, recreational shooting, and outdoor concerts.	2 miles

^a An *in-use nest* is defined as a “golden eagle nest characterized by the presence of one of more eggs, dependent young, or adult eagles on the nest in the past 10 days during the breeding season” (50 CFR 22.3) and “(b)reeding begins... with the start of courtship...” (*Programmatic Environmental Impact Statement for the Eagle Rule Revision*, United States Department of the Interior, Fish and Wildlife Service, December 2016).



MEMORANDUM

FROM: Praj White, P.E.

TO: Humboldt County Planning Department

RE: Cultivation Water Management Plan Rolling Meadow Ranch, LLC
(APNs): 217-201-001, 217-181-027, 217-181-028, 217-182-001, 217-024-011,
217-024-006, 217-024-010, 217-024-003, 217-025-001

DATE: January 15, 2021

This memorandum was prepared for the Rolling Meadow Ranch, LLC project located near McCann in Humboldt County, California. The proposed project sources most of the water used for cultivation from three existing Hydraulically Isolated Ground Water Wells (see attached letters and well logs prepared by Dave Fisch of Fisch Drilling). The cultivation related water use is going to be offset by the collection of rain from the rooftops of the proposed structures.

The 5.73 acres of cultivation was estimated to require 12 gallons of water per square foot (sf) of cultivation annually. The 12 gallons per square foot is estimated based on data from adjacent farms. Using efficient irrigation techniques, including spray emitters and timers, the water use may further be reduced.

Information was gathered for this memo from the Humboldt County Staff Report posted to the Planning Commission Website on January 7, 2021, the Natural Resources Management, Inc Initial Study, and precipitation data taken from a 30-year average for the project site (Prism, 2021).

The following data was used for this memo. The anticipated cultivation water use of 2,995,186 gallons was calculated using 5.73 acres of cultivation using 12 gallons per square foot of canopy annually. The rain catchment area was assumed to include all sixteen (16) greenhouses, totaling 284,616 sf, with a 30-year average rainfall of 57 inches near the project site (Prism, 2021).

Based on the above assumptions the following table shows the anticipated water demand by month and the average water use anticipated from both rain collection and wells.



Table 1: Water Management Plan.

	Cultivation Requirement (Gallons)	Potential Rain Catchment Collected (Gallons)	Total Rainwater Used (Gallons)	Total Well Water Used (Gallons)	Total Water in Storage (Gallons)
January	29,952	1,788,423	29,952	-	320,000
February	59,904	1,564,871	59,904	-	320,000
March	89,856	1,419,384	89,856	-	320,000
April	209,663	787,758	209,663	-	320,000
May	359,422	434,686	359,422	-	320,000
June	389,374	138,390	138,390	250,984	320,000
July	449,278	23,065	23,065	426,213	320,000
August	449,278	37,259	197,259	252,019	160,000
September	389,374	118,873	278,873	110,501	-
October	359,422	569,528	359,422	-	210,105
November	179,711	1,330,672	179,711	-	320,000
December	29,952	2,058,106	29,952	-	320,000
Total	2,995,186	10,271,015	1,955,469	1,039,717	

This table shows that the stored rainwater will be used to offset well water demand throughout the year. The storage tanks will be used to offset well water usage in August and September and will be recharged with the expected rainwater collected in October.

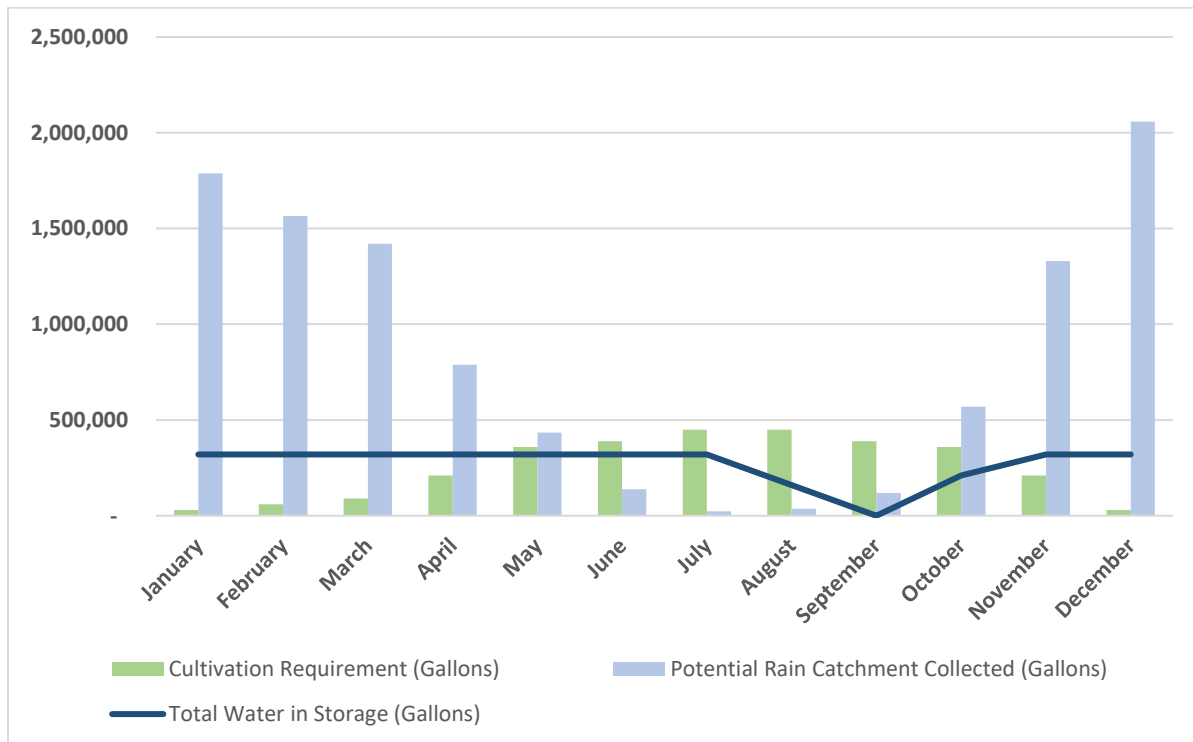


Figure 1: Cultivation Requirements vs Rainwater Catchment with relation to Storage Volumes



The model assumes that 320,000 gallons of empty tanks are put in place and connected to the roof tops of the Greenhouses. The tanks begin to fill with excess rainwater while cultivation needs are met. This model cannot predict when rain water will be available, however based on the 30-year average it can be assumed that there will be ample water to allow the storage tanks to be recharged after being used each month. The tanks are projected to be completely filled through the winter. The filled tanks will be depleted in August and September to offset well water used.

References

PRISM Climate Group, Oregon State U. (2021). <prism.oregonstate.edu/>

Natural Resources Management, Inc (2020). INITIAL STUDY AND ENVIRONMENTAL CHECKLIST FOR Rolling Meadow Ranch LLC, Humboldt County, California.

<<http://humboldt.legistar.com/gateway.aspx?M=F&ID=1ebd398c-ce96-4d33-b5e0-c99a3b2fd2f0.pdf>>



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
Public Works - Land Use Division	✓	Approval	Attached
Division Environmental Health	✓	Conditional approval	Attached
CAL FIRE	✓	Conditional approval	Attached
Department of Fish & Wildlife	✓	Comments	Attached
NWIC	✓	Further Study	On file with Planning
Bear River Band of Rohnerville Rancheria	✓	Conditional approval	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
RWQCB		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Southern Humboldt Unified School District		No response	



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



6/20/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Pacific Gas and Electric, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Southern Humboldt Joint Unified School District, Humboldt County Sherrif

Applicant Name Rolling Meadow Ranch, Inc. (Tract 1) **Key Parcel Number** 217-022-004-000

Application (APPS#) 12529 **Assigned Planner** Michelle Nielsen (707) 268-3708 **Case Number(s)** CUP16-720
CUP16-721
CUP16-722
CUP16-723
CUP16-752

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 7/5/2017 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: see paperwork



**PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION**

3015 H STREET EUREKA CA 95501 FAX: (707) 445-7446 PHONE: (707) 445-7245
<http://www.co.humboldt.ca.us/planning/>

Planning Referral Comments

- Submit complete plan of operations, including any plans of employees, processing, or manufacturing.
- Secure all building permits for any tenant improvements, all non-permitted structures, and all proposed structures.
- Submit current plot plan showing all grading, pond building, and springs, with all structures on parcel, include dimensions of all structures, with declared use, and setbacks to property lines, roads, right of ways, and creeks and streams.
- Submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing and proposed Ag exempt structures and an Ag Exempt letter of intent for each.
- Submit 2 complete sets of construction plans for all proposed buildings that are not AG exempt.
- Declare amount in cubic yards of all grading that has been done and any proposed grading.
- Recommend conditional approval based on application required for Building Department permits such as; Grading, Building, Ag exempt structures, Commercial grow processing structures, etc.,



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

TW



6/20/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Regional Water Quality Control Board, Pacific Gas and Electric, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Southern Humboldt Joint Unified School District, Humboldt County Sherrif

Applicant Name Rolling Meadow Ranch, Inc. (Tract 4) **Key Parcel Number** 217-201-001-000
Application (APPS#) 12542 **Assigned Planner** Michelle Nielsen (707) 268-3708 **Case Number(s)** CUP16-734
 CUP16-735
 CUP16-736
 CUP16-737

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.

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 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: See paperwork.

DATE: 7/11/17 PRINT NAME: Patrick McVey
 PLN-12529-CUP Rolling Meadows January 21, 2021 Page 85



**PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION**

3015 H STREET EUREKA CA 95501 FAX: (707) 445-7446 PHONE: (707) 445-7245
<http://www.co.humboldt.ca.us/planning/>

Planning Referral Comments

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- Submit current plot plan showing all grading, pond building, and springs, with all structures on parcel, include dimensions of all structures, with declared use, and setbacks to property lines, roads, right of ways, and creeks and streams.
- Submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing and proposed Ag exempt structures and an Ag Exempt letter of intent for each.
- Submit 2 complete sets of construction plans for all proposed buildings that are not AG exempt.
- Declare amount in cubic yards of all grading that has been done and any proposed grading.
- Recommend conditional approval based on application required for Building Department permits such as; Grading, Building, Ag exempt structures, Commercial grow processing structures, etc.,




**DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707**

On-line Web: humboldt.gov.org	Public Works Building Second & L St., Eureka Fax 445-7409	Clark Complex Harris & H St., Eureka Fax 445-7388	
Administration	445-7491	Natural Resources	445-7741
Business	445-7652	Natural Resource Planning	267-9542
Engineering	445-7377	Parks	445-7651
Facility Management	445-7621	Roads	445-7421
		Land Use	445-7205

LAND USE DIVISION MEMORANDUM

TO: Cliff Johnson, Supervising Planner

FROM: Robert W. Bronkall, Deputy Director 

DATE: 01/14/2021

RE: **ROLLING MEADOWS RANCH CUP
APN 217-022-004: APPS 12529, 12542, 12536, AND 12540
McCANN ROAD (COUNTY ROAD NO. 6D090)**

In June 2018, Department staff investigated the width of McCann Road from its intersection with Dyerville Loop Road to its terminus at Post Mile 2.18. The road is not developed to Road Category 4 standards. The width of the developed road surface ranges from 10 to 17 feet wide. Portions of the road have a paved road surface. The road has numerous pinch points, such as the one-lane low-level bridge across the Eel River. These pinch points typically have turnouts on both ends with inter-visibility between the turnouts. The road surface is constructed on a road prism that is wider than the developed roadway. The road prism ranges from 12 to 23 feet wide. The shoulders on the road prism provide additional width on the road for vehicles to use when passing one another.

In July 2018, the Department conducted multi-day traffic counts on the road. The average daily traffic (ADT) of the road is below 50 vehicles per day. Because the ADT is less than 400, the road is considered to be a very low-volume road by American Association of State Highway and Transportation Officials (AASHTO). The road is developed to an adequate functional classification for the proposed project.

The Part B Road Evaluation Report for McCann Road (dated 01/14/2021) and a detailed Access Assessment Report (dated revised 10/2020) both prepared by Northpoint Consulting Group, Inc. were provided to the Department. The conclusions of the Part B Road Evaluation Report and the Northpoint Access Assessment Report are consistent with the Department's findings from 2018.

The Department finds that year-round access to the subject property via McCann Road is not possible due to the low-level bridge crossing the Eel River. When the water level in the Eel River is high, the bridge become submerged making the road impassible. During times of inundation the Department operates a ferry on a limited schedule to shuttle passengers across the river. The operation of the ferry is further limited by river conditions which may prevent the ferry from operating. The ferry is not capable of carrying vehicles; nor is the ferry capable of carrying cargo related to the CUP. It is anticipated that the low-level bridge will be replaced within the next 10

years with a year-round bridge. Once the replacement bridge is constructed, it will greatly improve access for the community on the east side of the Eel River by providing year-round vehicular access.

The applicant is proposing to utilize a secondary access road that connects the project site to Alderpoint Road, a County-maintained Road. The use of this non-county maintained secondary access road when the bridge across the Eel River is impassible, will allow year-round vehicular access to the project site.

Recommendations:

1. That the applicant acknowledges that year-round vehicular access from McCann Road across the Eel River is not possible due to the low-level bridge.
2. The ferry will not transport cargo associated with the CUP. The applicant shall make other arrangements for transportation when the ferry is in operation.

// END //



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

16/17-1399

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, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Pacific Gas and Electric, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkiyone Wilderness Council, Southern Humboldt Joint Unified School District, Humboldt County Sherrif

Applicant Name Rolling Meadow Ranch, Inc. (Tract 1) **Key Parcel Number** 217-022-004-000

Application (APPS#) 12529 **Assigned Planner** Michelle Nielsen (707) 268-3708 **Case Number(s)** CUP16-720
CUP16-721
CUP16-722
CUP16-723
CUP16-752

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:

Staffing is proposed at 17 employees during peak operations. No soil testing or site evaluation has been provided to DEH with respect to onsite waste treatment systems. With 436 acres, it is likely there will be acceptable area; however, the OWTS capacity may limit the staffing to levels less than those proposed.

*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.





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

16/17-1403

RECEIVED

6/20/2017

JUN 27 2017

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

HUMBOLDT CO. DIVISION OF ENVIRONMENTAL HEALTH

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Regional Water Quality Control Board, Pacific Gas and Electric, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkiyone Wilderness Council, Southern Humboldt Joint Unified School District, Humboldt County Sherrif

Applicant Name Rolling Meadow Ranch, Inc. (Tract 4) **Key Parcel Number** 217-201-001-000

Application (APPS#) 12542 **Assigned Planner** Michelle Nielsen (707) 268-3708 **Case Number(s)** CUP16-734
 CUP16-735
 CUP16-736
 CUP16-737

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.

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

Return Response No Later Than 7/5/2017 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: 08/17/17 PLN-12529-CUP Rolling Meadows

PRINT NAME: MARIO KALSON
 January 21, 2021

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit
 118 Fortuna Blvd.
 Fortuna, CA 95540
 Website: www.fire.ca.gov
 (707) 726-1272



Ref: 7100 Planning
 Date: July 6, 2017

John Ford, Director
 Humboldt County Planning Department
 3015 H Street
 Eureka, CA 95501

Attention: Michelle Nielsen

Applicant: Rolling Meadow Ranch, Inc. (Tract 1)

APN: 217-022-004-000

Area: Blocksburg/Myers Flat

Case Numbers: CUP16-720, CUP16-721
 CUP16-722, CUP16-723, CUP16-752

Humboldt County Application #: 12529

Type of Application: Conditional Use Permit

Date Received: 6/29/2017

Due Date: 7/5/2017

Project Description: Five (5) Conditional Use Permits for commercial medical cannabis cultivation on the subject parcel of land that is approximately 436 acres in size, and is referred to as Tract 1 of Rolling Meadow Ranch. On Tract 1, the applicant proposes mix-light commercial medical cannabis cultivation totaling 132,000 square feet (SF) in size, in two (2) locations, to occur in six (6) new greenhouses that are each 22,000 SF in size. The application seeks CUPs for both new and existing cannabis cultivation. Three (3) areas of existing cannabis cultivation within the boundaries of Tract 1 will be repositioned to the two (2) areas of mix-light cultivation as described above. Additionally, the development of two (2) 2,000 SF appurtenant processing facilities, each to be served by a sewage disposal system, and two (2) parking areas. These ancillary improvements will be adjacent to the cultivation areas. The applicant estimates that each 22,000 SF greenhouse will have a total water demand of approximately 820 gallons per day: 780 gallons (gal.) for cultivation; 30 gal. for general and personal use, and 20 gal. for addition when processing. Irrigation water for cultivation is proposed to be sourced from four (4) on-site wells: the applicant has applied for well permits from the County of Humboldt. Irrigation water will be applied using drip irrigation. If required, the applicant will capture rainwater from the roofs of the greenhouses, and store the water in containment ponds or tanks, and it will be used for landscaping and fire suppression. All power is proposed to be from the electrical grid. A propane standby generator will only be used in the event of a power failure. The applicant estimates there will be seventeen (17) employees at peak operations. In order to comply with Humboldt County Code Section 314-55.4.8.10, the applicant will transfer all approved permits above the specified limit of four (4) permits to eligible independent third parties prior to initiating cultivation activities.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
 CALFIRE Humboldt – Del Norte Unit
 For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for

high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

Cannabis

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. CALFIRE is not the lead agency in planning development and project permitting. However, CALFIRE provides comment as an emergency response expert agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's minimum input.

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.



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December 30, 2020

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Subject: Rolling Meadows ([SCH# 2020070339](#)) Conditional Use Permits Initial Study and Draft Mitigated Negative Declaration

Dear Meghan Ryan:

The California Department of Fish and Wildlife (CDFW) received from the County of Humboldt (Lead Agency) a recirculated Initial Study and Draft Mitigated Negative Declaration (IS/MND), dated November 25, 2020, for the Rolling Meadows (Project), in McCann, Humboldt County, California. CDFW understands the Lead Agency will accept comments on the Project through December 30, 2020.

Previously, on July 16, 2020, the Lead Agency circulated an IS/MND. On Thursday, August 13, 2020, CDFW staff conducted a site visit of Facilities #1-16 of the Project area. On August 17, 2020, CDFW submitted written comments on the IS/MND. On October 8, 2020, CDFW issued a final Lake or Streambed Alteration (LSA) Agreement to rebuild an existing bridge on Larabee Creek that will serve as an alternate access to the Project from Alderpoint Road. Work at several additional stream crossing locations disclosed in the IS/MND are subject to LSA Notification and have not yet been evaluated or authorized by CDFW.

The Project is located on Humboldt County Assessor's Parcel Numbers (APNs) 217-181-028, 217-201-001, 217-022-004, 217-201-001, 211-281-006, and 217-181-017. The project proposes 306,648 square feet (7 acres) of new cannabis facility space, including 249,739 square feet (5.73 acres) of new mixed-light cannabis cultivation. The Project also proposes use of three wells for irrigation in addition to 320,000 gallons of proposed greenhouse roof rainwater catchment that will be stored in tanks. The mixed-light cultivation is proposed to be powered by Pacific Gas and Electric, however new connection lines and associated infrastructure will be needed.

As the Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary to sustain their populations. As a Responsible Agency, CDFW administers the California Endangered Species Act and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations in our role as Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code §21000 *et seq.*). CDFW participates in the regulatory process in its roles as Trustee and Responsible Agency to minimize project impacts and

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avoid potential significant environmental impacts by recommending avoidance and minimization measures. These comments are intended to reduce the Projects impacts on public trust resources.

Clarification of CEQA Document Type

The CEQA document currently in circulation is called an “Initial Study and Environmental Checklist”, however the November 30, 2020 Notice of Intent calls the document an IS/MND. For this comment letter, CDFW assumes the document currently in circulation is an IS/MND. However, the Environmental Checklist on page 33 of the November 25, 2020 IS/MND was not completed or signed.

Please provide clarification if the document is 1) IS/MND or 2) an Initial Study and Environmental Checklist that will be used to determine the appropriate CEQA Environmental Document (i.e., Mitigated Negative Declaration or an Environmental Impact Report) (**Recommendation 1**).

Golden Eagle

The IS/MND discloses a previously documented golden eagle (*Aquila chrysaetos*) nest site within line-of-site from the Project (California Natural Diversity Database occurrence #80, Nelson 2000), however complete protocol level golden eagle surveys for the Project have not yet occurred. The IS/MND acknowledges golden eagles are designated as Fully Protected pursuant to FGC section 3511, and that take of Fully Protected Species is prohibited. Additionally, the low and declining population numbers of golden eagles within northwestern California (Harris 2005, Hunter et al. 2005) and the broader Bird Conservation Region (BCR) where the Project occurs (Millsap et al. 2016, USFWS 2016) suggest impacts to golden eagle may be potentially significant (CEQA Guidelines section 15125 (c)). However, the IS/MND does not contain complete or adequate survey results for this species (Pagel et al. 2010). Without sufficient and complete surveys for golden eagle, CDFW cannot adequately comment on the potential for take or significant impacts to this species nor the effectiveness and feasibility of mitigations.

No Sustainable Take Rates. The importance of conserving golden eagle populations and their habitats is highlighted by their low and declining population numbers within BCR, where the Project occurs. BCR 5 spans from Alaska to Sonoma County, California and is estimated to contain only 189 golden eagle breeding pairs with no sustainable take rates (Millsap et al. 2016, USFWS 2016). While avoiding disturbance to nest locations is important during courtship, breeding, and rearing of young, it is also important to ensure that adequate grassland foraging habitat remains within a golden eagle territory. Prior studies in the western US suggest a radius of two miles encompasses 50 to 80 percent of golden eagle use and represents densely used core area (Watson et al. 2014, Hansen et al. 2017).

Project Juxtaposition to Golden Eagle Breeding Habitat. Grasslands within one mile of nest sites may be particularly vulnerable to disturbance effects on golden eagle while

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they are feeding nestlings (USFWS 2020). From the location of the documented 2003 nest site, the Project's two eastern most clusters of greenhouse facilities lie within one-mile and are within in line-of-site of the nest location (Figure 1- 2). The juxtaposition of the Project area to the 2003 nest site would maximize visual and other disturbances perceived at the nest site and potentially eliminate the majority of the foraging habitat within the core area (Figure 1 – 2).

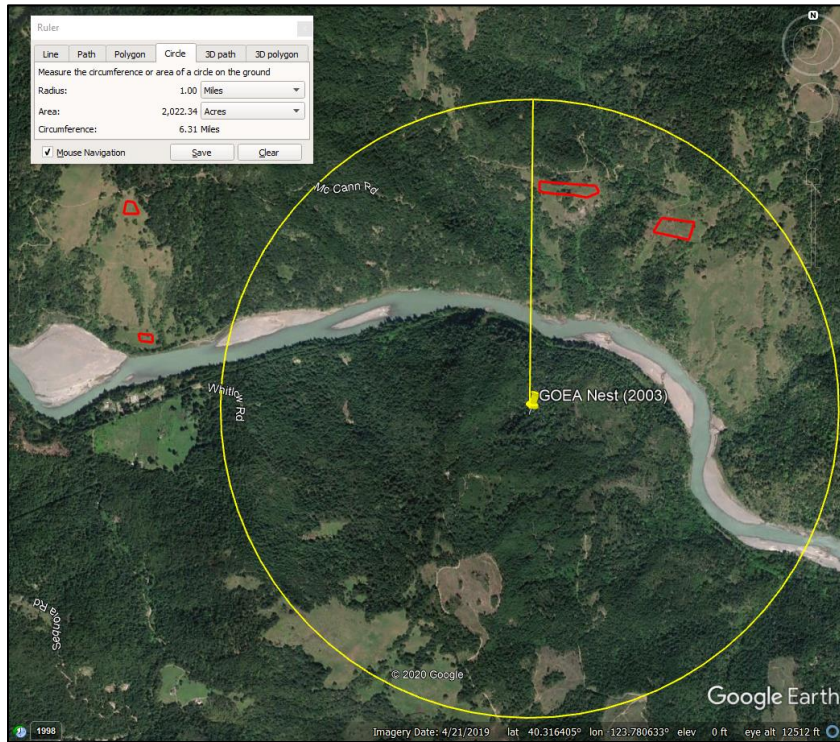


Figure 1. A one-mile radius around the 2003 nest site. Project areas are shown in red and two locations are within the one-mile no disturbance buffer. Note: alternative nest sites may be closer to the Project.

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Figure 2. A documented golden eagle nest site (yellow pin) is within line-of-site of Project cultivations areas (shown in red). Note: alternative nest sites may be closer to the Project.

Golden Eagle Sensitivity to Disturbance. Although not well described in the Environmental Setting section of the IS/MND, the pre-Project baseline level of anthropogenic disturbance (e.g., visual, noise, and light) is very low or non-existent within the Project area. Any golden eagles in this vicinity are likely to be especially sensitive to human disturbance. Based on the range of disturbance distance thresholds for golden eagles (Hansen et al. 2017), they may flush from their nests or reduce feeding young with even low to moderate disturbance (including pedestrian activity) occurs within 1,000 meters (3,281 feet or 0.62 miles). Furthermore, nest-site protection is only beneficial if there is adequate access to prey. While male golden eagle's presence at nests is generally limited to prey delivery or brief assistance with young, they frequently rest on perches in view of nests (Watson et al. 2014). In southwestern Idaho, golden eagles perched away from nests were 12 times more likely to flush in response to recreationists than eagles at nests (Hansen et al. 2017). This suggests frequent human activity away from nests could result in chronic disturbance of foraging golden eagles and reduced provisioning rates at the nest. For example, if the 1,000-meter disturbance metric is applied to Project cultivation areas that may affect grassland foraging areas within a one-mile no disturbance buffer of the 2003 nest site, approximately 125 acres of 219 acres (57 percent) of foraging area may be avoided by foraging golden eagles attempting to feed their young (Figure 3).

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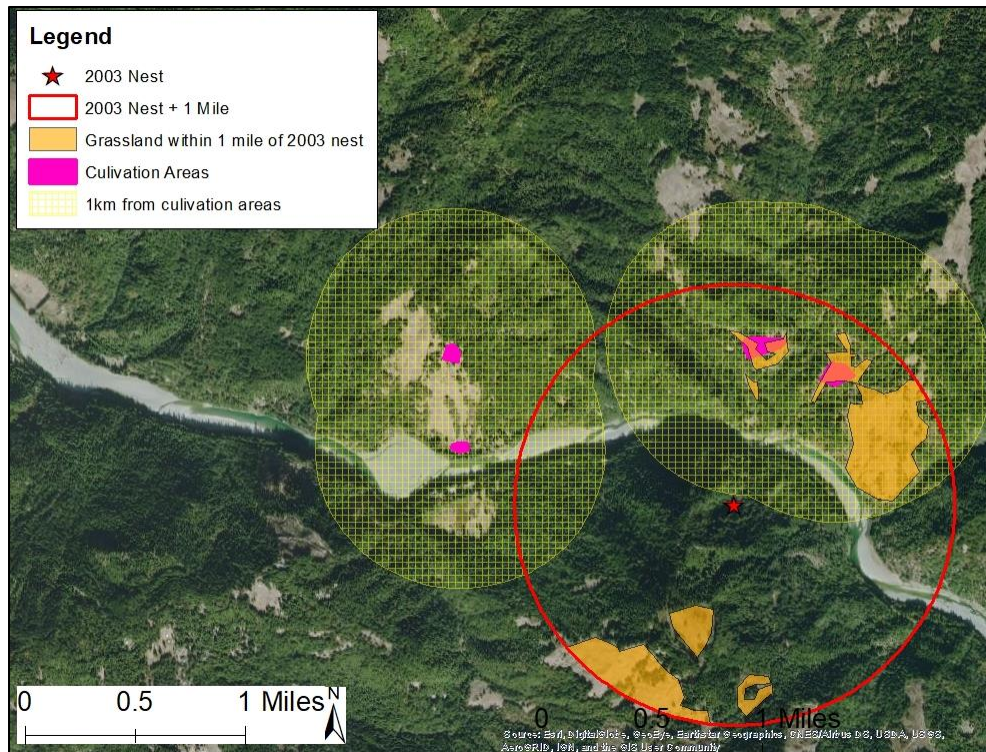


Figure 3. Assuming no golden eagles forage within 1,000 meters of cultivation sites, the Project would result in a 57 percent reduction of foraging habitat within a one-mile no disturbance buffer.

Unlike short term disturbance impacts (e.g., timber harvest), ongoing chronic disturbance may warrant buffers in excess of 1,000 meters, further supporting the USFWS' one-mile no disturbance buffer for golden eagle nest sites. Importantly, the IS/MND Mitigation Measure Bio-16 calling for a 660-foot buffer from nest sites was intended by the USFWS for bald eagles (*Haliaeetus leucocephalus*) (USFWS 2017), who are much less sensitive to disturbance than golden eagles (USFWS 2016).

Golden Eagle Surveys. Deficiencies in Project golden eagle surveys include: 1) none of the golden eagle surveys conducted for the Project occurred during the courtship season when golden eagles are most likely to be detected. Once golden eagles have paired and laid eggs after courtship, they become secretive and difficult to detect. The protocol specifically states the first inventory and monitoring surveys should be conducted during courtship when adults are mobile and conspicuous. Other deficiencies of the Project's golden eagle surveys include: 2) survey duration less than four hours (as recommended in the protocol), 3) surveyor location movement during surveys (survey should occur in blinds or other cryptic locations because golden eagles will avoid human presence and activities, potentially resulting in false negative survey results), 4) insufficient Project area coverage from survey locations (cultivation locations are nearly two miles apart and likely require multiple four-hour protocol observation points), 5) anecdotal conclusions based on out-of-season observations that the documented 2003 nest site is unoccupied, and 6) no evaluation of potential alternative nest sites within the Project vicinity (golden eagles often rotate annual occupancy of several alternative nest sites within a core area (Watson et al., 2014)).

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Regarding anecdotal conclusions based on out-of-season observations, the IS/MND provides insufficient evidence to support current unoccupancy at the 2003 golden eagle nest that occurs about 1,000 meters south of the Project. The nest was last reported occupied in 2003 (Nelson 2020), but there are no records of attempts to verify continued nesting until one month ago, outside the breeding season. Project biologists visited the 2003 nest vicinity in November 2020 and concluded the nest is no longer present due to a lack of visible white-wash (fecal matter) or prey remains on the ground. If that nest location was occupied in 2020, young may have fledged from the nest several months prior and evidence of white-wash and prey remains may no longer have been present in November. The lack of a physical nest observation in 2020 does not support the conclusion a nesting site is no longer there because, 1) nests can occur in any portion of trees that could support a large stick platform and can be obscured from ground view when located at the top of a tree or in complex side-branch structures, 2) nest structures can be 10-feet in diameter and retain white-wash and discarded prey remnants where they cannot be observed from the ground, and 3) nests platforms occasionally fall out of trees and are rebuilt by golden eagles when they choose to nest in that tree again as part of their semi-annual rotation of alternative nest sites within a territory, of which they exhibit nest site fidelity over years and decades (Hansen et al., 2017).

Regarding no evaluation of potential alternative nest sites within the Project vicinity, the IS/MND states that no golden eagle nesting habitat exists in the immediate vicinity of the Project based on the assumption that potential nesting habitat is synonymous with northern spotted owl (NSO) high quality nesting/roosting habitat, but this statement is not supported. While NSO may be more likely to utilize forested areas with many larger trees, golden eagles can nest in locations with just one tree large enough to support a nest platform anywhere within the tree (Menkens et al. 1987, Baglien 1975). Given that many large diameter trees (e.g., Douglas fir [*Pseudotsuga menziesii*] crown diameter 40+ft visible on Google Earth) occur within one mile of Project locations, suitable nesting trees with complex branch structures may occur closer to the Project than the 2003 nest location.

Given the high-quality nesting and foraging habitat in the Project vicinity (large trees and grasslands), the previously documented nest site, 2018 golden eagle flyover observation during Project surveys, multiple other recent reports of juvenile golden eagles in the vicinity (Gaffin 2014 and 2015), and fidelity to nesting sites over years or decades (Hansen et al. 2017), the potential for an active breeding territory within the Project vicinity is high. Without adequate surveys for this species and, if present, a detailed effects analysis of potential Project impacts, CDFW is concerned that the Project could interfere with breeding, nesting success, feeding, sheltering behavior, and result in a loss of productivity, nest failure (e.g., disturbance-induced reduced provisioning of young), or complete abandonment of a golden eagle breeding territory (due to long term chronic disturbance).

Based on the golden eagle information discussed above, CDFW recommends the Project complete protocol golden eagles surveys and consult with CDFW prior to completion of CEQA (**Recommendation 2**). There is a reasonable likelihood an active

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golden eagle breeding territory occurs within the Project vicinity and that several alternative nest sites may exist within relatively close proximity to the Project. Without sufficient protocol surveys for this species, we cannot adequately comment on the potential for significant impacts nor the effectiveness and feasibility of take avoidance or mitigations. Additionally, as proposed in the IS/MND, mitigation measure Bio-16's 660-foot nest buffer may be inadequate for this species and could potentially result in take of a Fully Protected species.

Cumulative Impacts to Grassland Prairies

The Lead Agency's Commercial Medical Marijuana Land Use Ordinance states no more than 20 percent of the area of prime agricultural soils on a parcel may be permitted for commercial cannabis cultivation. It is unclear if the ordinance and its supporting CEQA analysis intended new cultivation sites to be located within remote (i.e., exurban), hillside grassland prairies (where sensitive species may occur) as opposed to traditional agricultural lands already associated with crop production. An unintended consequence of requiring new cultivation on prime agricultural soils (and allowing new areas to be classified as such with no minimum size) is the targeting of small, isolated, flat grasslands within larger prairie complexes on steeper slopes. These habitats are vital elements of biodiversity and provide important habitat for wildlife (Stromberg et al. 2007, CNPS 2011, CDFW 2014a). For example, grasslands in less developed portions of the County correspond with golden eagle foraging habitat and may be occupied by sensitive breeding territories, as described previously in this letter.

The Humboldt County Planning and Building Department has received at least 45 commercial cannabis applications occurring within 1 mile (recommended no disturbance buffer) of documented golden eagle nest sites (Table 1, Battistone, 2020). Furthermore, over 150 commercial cannabis cultivation applications occur within two miles of documented golden eagle nest sites. Given the number of proposed projects within one mile of documented nest sites and that 50 to 80 percent of eagle habitat use is reported to occur within 2 miles of nest sites, CDFW is concerned cumulative project impacts could eliminate golden eagle territories within Humboldt County.

Additional cumulative impacts could occur to other grassland-dependent special status species such as northern red-legged frog (*Rana aurora*), grasshopper sparrow (*Ammodramus savannarum*), mountain plover (*Charadrius montanus*), northern harrier (*Circus hudsonius*), white-tailed kite (*Elanus leucurus*), Pacific gilia (*Gilia capitata* ssp. *pacifica*), short-leaved evax (*Hesperrevax sparsiflora* var. *brevifolia*), Baker's navarretia (*Navarretia leucocephala* ssp. *bakeri*), Kneeland prairie pennycress (*Noccaea fendleri* ssp. *californica*), maple-leaved checkerbloom (*Sidalcea malachroides*), Siskiyou checkerbloom (*Sidalcea malviflora* ssp. *patula*), beaked tracyina (*Tracyina rostrata*), leafy reed grass (*Calamagrostis foliosa*), Hitchcock's blue-eyed grass (*Sisyrinchium hitchcockii*), and other special status species (CDFW 2020a).

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Table 1. Humboldt County commercial cannabis applications within two miles of documented golden eagle nest sites.

Key Parcel Distance to Mapped Golden Eagle Nest (Miles)	Number of County Cannabis Cultivation Applications
0 - 0.25	9
0.26 - 0.5	9
0.51 - 1	27
1.1 - 2	112
Total	157

Cumulative impacts could also occur to rare vegetation types known as Sensitive Natural Communities. Using the best available data on the abundance, distribution, and threat, CDFW assigns natural communities rarity ranks and/or a designation as “Sensitive” (*). Rarity ranks range from 1 (very rare and threatened) to 5 (demonstrably secure). Sensitive Natural Communities (S1 – S3 or otherwise designated as sensitive) should be addressed in the environmental review processes of CEQA and its equivalents (CDFW 2020b). Cumulative impacts could occur to grassland-associated Sensitive Natural Communities in Humboldt County including California brome – blue wildrye prairie (*Bromus carinatus* – *Elymus glaucus*; S3), Oatgrass - Tufted Hairgrass - Camas wet meadow (*Danthonia californica* – *Deschampsia cespitosa* – *Camassia quamash*; S4*), Idaho fescue - California oatgrass grassland (*Festuca idahoensis* – *Danthonia californica*; S3), California goldfields – dwarf plantain – small fescue flower fields (*Lasthenia californica* – *Plantago erecta* – *Vulpia microstachys*; S4*), and other sensitive natural communities.

The IS/MND should evaluate cumulative impacts to grassland prairies, particularly special status species and sensitive natural communities (**Recommendation 3**).

Use of Water Wells

The IS/MND relies on written statements from David Fisch of Fisch Drilling to assess well use impacts to groundwater. Although Mr. Fisch is a Licensed Water Well Contractor, it is not apparent that he is licensed to provide geologic interpretations and/or related evaluations of groundwater/surface water connectivity. The scientific and engineering community universally accepts the connectivity of surface water and groundwater systems and that groundwater discharge to streams constitutes a sizeable and important fraction of streamflow (Fetter 1988, Winter et al. 1998, Department of Water Resources 2003, Barlow and Leake 2012, Province of British Columbia 2016).

In light of the Project’s geologic setting, mapped springs, wetlands, and other surface water features (IS/MND Figure 61 on page 197), and based on the potential total volume of groundwater extraction from the three new wells, CDFW recommends the applicant retain a qualified professional (e.g. geologist or engineer with hydrogeology background) licensed to practice in California to conduct a preliminary evaluation of the Project’s potential impacts to local surface water flows, and to provide

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recommendations that ensure Project activities will not substantially affect aquatic resources (**Recommendation 4**).

Post-project Reclamation and Restoration

As described in the IS/MND, the Project will occur in a remote area of the County that supports numerous special status species and habitats. The Project's seven acres of new cannabis facility development and infrastructure will have lasting effects on the landscape if the Project permanently ceases operations at some point in the future. Similar to other industries with this spatial magnitude of ground disturbance (e.g., mining) it is appropriate to decommission facilities and restore the area at the end of a project's life.

CDFW recommends a mitigation measure or condition of approval to require a Post-project Reclamation and Restoration Plan. That plan should be implemented if project activities cease for five years (**Recommendation 5**).

The following resource topics were brought up in our August 17, 2020 letter for this Project, and are reiterated with additional information here as the revised IS/MND did not appear to fully address these:

Botanical Surveys and Impact Analysis

The IS/MND states botanical surveys for rare plants did not encompass the entire Project area, specifically Facilities #6 through #9. The entire Project area should include the "whole of the action" (CEQA Guidelines section 15003 (h)), including all proposed buildings, new powerlines, borrow pits, access roads, and other areas of new ground disturbance. The IS/MND proposes completing botanical surveys as a mitigation measure. Based on the IS/MND, it appears floristic botanical surveys have not yet covered the entire Project area, including proposed work on the access road to Alderpoint, which contains suitable habitat for a Humboldt County milk-vetch (*Astragalus agnicidus*), a State Endangered Species.

To avoid deferred analysis, and potential deferred mitigation, the IS/MND should include the results of floristically appropriate botanical surveys for the entire Project area. Surveys and reporting should be in accordance with CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* and propose avoidance/mitigation where appropriate (**Recommendation 6**).

Wetland Fill and Development Setbacks

The IS/MND indicates development of Facility #9 will require wetland fill and encroachments on wetland setbacks at Facilities #1 and #2. Approximately 90 percent of California's historical wetlands have been filled or converted to other uses, with a consequent reduction in the functions and values wetlands provide (CDFW 2014b). Additionally, there may not be a viable path for wetland fill to create cultivation sites

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pursuant to the SWRCB's Cannabis Cultivation General Order (SWRCB 2019a).

CDFW recommends the Project adhere to Humboldt County General Plan wetland setbacks through Project layout changes to avoid wetland fill and associated development setbacks (**Recommendation 7**). CDFW also recommends the Project consult with the North Coast Regional Water Quality Control Board regarding the State Water Resources Control Board's (SWRCB) Cannabis Cultivation Policy and its mandate to protect springs, wetlands, and aquatic habitats from negative impacts of cannabis cultivation (SWRCB 2019b).

Development within the 100-year Flood Zone

The Project proposes locating two greenhouses (Facilities #1 and #2) within the 100-year flood zone of the Eel River (IS/MND Figure 63 on page 200). Floodplains, by their nature, are likely to be inundated by high flow events. They also connect streams and rivers to upland habitat and provide an important ecological transition zone (CDFW 2014b). Grading within the floodplain and placement of complex, automated mixed-light greenhouses, and ancillary facilities, would likely result in pollution and debris during a 100-year flood event.

CDFW recommends Project layout changes to avoid non-essential development in Eel River 100-year floodplain. (**Recommendation 8**).

Electric Infrastructure Expansion

The IS/MND indicates approximately four miles of new electrical lines will be installed to connect existing powerlines to proposed cannabis cultivation sites. Based on the IS/MND, it appears the new electrical lines will be installed, primarily buried within the road prism.

Although CDFW appreciates the Project using existing disturbed areas for the utility alignment, the IS/MND should include further analysis on potential additional development or growth inducing impacts within the local region that may be facilitated by the creation of four miles of new electrical utilities (**Recommendation 9**). If the Project will not be growth inducing, as stated in the IS/MND, it may be appropriate to include development limitations on these parcels in the form of a Development Plan recorded with the County.

Mixed-light Cultivation

Light pollution effects on wildlife include disruption of circadian rhythms and suppressed immune response, changes in foraging behavior, altered navigation and migration patterns, altered predator-prey relationships, impacts on reproduction, and phototaxis (CDFW 2018, CDFW 2020c). CDFW and others have observed light pollution originating from greenhouses throughout the County. This is inconstant with the County General Plan and International Dark Sky Standards. The IS/MND suggests International Dark Sky Standards will be upheld by the Project.

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Based on experience with other similar cultivation projects, it is difficult to monitor and regulate potential light pollution impacts from non-compliance with permit conditions. The County should ensure the measures to comply with International Dark Sky Standards are implementable and easy to confirm or monitor (**Recommendation 10**).

Invasive Species

The IS/MND does not address potential significant effects from introduction or spread of invasive plant and animal species. Invasive species are known to result in habitat loss and other impacts to native species and may result in an overall loss of biodiversity, particularly special status species (Duenas et al. 2018). Invasive plant species may enter or spread through the Project area from imported soil, attachment to vehicles, and other means of accidental introduction.

CDFW recommends a mitigation measure or condition of approval to require an invasive species management plan that would manage any existing invasive species and prohibit planting, seeding or otherwise introducing terrestrial or aquatic invasive species on Project parcels, including all access roads (**Recommendation 11**).

Rodenticides and Similar Harmful Substances

This Project has potential high use areas for birds of prey including, white-tailed kite (*Elanus leucurus*), red-tailed hawk (*Buteo jamaicensis*), ferruginous hawk (*Buteo regalis*), golden eagle, and other species. New agricultural development has the potential to increase rodent populations, which are sometimes treated with rodenticides. Rodents killed by rodenticide have the potential to be consumed by raptors, other birds of prey, and wildlife species, resulting in harm or mortality (CDFW 2018, CDFW 2020c).

CDFW recommends a condition of approval that will prohibit the use of rodenticides and similar harmful substances on Project parcels (**Recommendation 12**).

We appreciate the opportunity to comment on this IS/MND. If you have any questions please contact Environmental Scientist Greg O'Connell by email at Gregory.OConnell@Wildlife.ca.gov.

Sincerely,

DocuSigned by:
Curt Babcock
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Curt Babcock
Northern Region Habitat Conservation Program Manager
California Department of Fish and Wildlife

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ATTACHMENT 5
PUBLIC COMMENTS

Attached separately and On file