



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

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

Hearing Date: September 7, 2017

To: Humboldt County Planning Commission

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

Subject: **Alder Rose LLC Special Permit**  
Application Number 10941  
Case Number SP 16-110  
Assessor's Parcel Number 210-231-003  
Burr Valley Road, Dinsmore

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Please contact Elizabeth Moreno, Planner, at 268-3713, or by email at [emoreno@co.humboldt.ca.us](mailto:emoreno@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

| Hearing Date      | Subject        | Contact          |
|-------------------|----------------|------------------|
| September 7, 2017 | Special Permit | Elizabeth Moreno |

**Project Description:** Alder Rose LLC, seeks approval of a Special Permit for an existing outdoor and mixed light commercial cannabis cultivation site and ancillary processing activities. The project site comprises one 42-acre parcel, APN 210-231-003, which currently contains 1,872 square feet of mixed light cultivation and 7,520 square feet of outdoor cultivation for a total of 9,392 square feet of cannabis cultivation. The applicant proposes to relocate a separate 3,300 square foot outdoor cultivation area to the vicinity of the rest of the cultivation activity and restore the previous location according to direction from the California Department of Fish and Wildlife (CDFW). By consolidating the cultivation to a single site, the applicant intends to reduce impacts to other areas of the parcel, create a more easily controlled cultivation area by minimizing infrastructure, provide for environmental restoration and remediation by retiring a sensitive site, and reduce road impacts by focusing traffic and cultivation activities to the primary cultivation area. The primary cultivation area is located on the most suitable location on the parcel in terms of slope and topography, access, solar exposure, water resource protection, and site security. Processing will occur on-site in an existing barn, where it will be dried and machine trimmed. Water is supplied to the property through a riparian right to Burr Creek that flows through the property. The applicant has filed an application for their use of the water with the State Water Resources Control Board Division of Water Rights and has prepared and filed an application for a Streambed Alteration Agreement with the California Department of Fish and Wildlife (CDFW) for the diversion. Currently water storage on the property is split between three existing 20,000 gallon bladders, five 3,000 gallon tanks, and one 65,000 gallon pond, totaling 140,000 gallons of storage capacity. The applicant has agreed to divert water to storage from December 15<sup>th</sup> through April 30<sup>th</sup>, and to forebear from withdrawals for 150 days annually between June 15<sup>th</sup> and November 12<sup>th</sup>. Only medical cannabis grown on site will be processed on site, as allowed under the CMMLUO.

**Project Location:** The parcel is located in Humboldt County in the Dinsmore area, on both sides of Burr Valley Road approximately 1.3 miles southeast from the intersection of State Highway 36 and Burr Valley Road. The property is located in the southeast quarter of the northwest quarter of Section 17 of Township 01 North, Range 05 East.

**Present Plan Land Use Designations:** Agriculture Lands-Minimum parcel size 20 acres (AL20)

**Present Zoning:** Forestry Recreation (FR), minimum building site area 40 acres

**Application Number:** 10941

**Case Number:** SP-16-110

**Assessor Parcel Number:** 210-231-003-000

**Applicant**

Alder Rose, LLC  
Attn: Pamela Willey  
1963 Buttermilk Lane  
Arcata, CA 95521

**Owner**

Pamela Willey  
1963 Buttermilk Lane  
Arcata, CA 95521

**Agent**

**Environmental Review:** The existing cultivation project is exempt from environmental review per Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land) and 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (CEQA) Guidelines.

**State Appeal Status:** Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

**Major Issues:** None.

**Alder Rose LLC Special Permit**  
Case Number SP 16-110  
Assessor's Parcel Number (APN): 210-231-003-000

**Recommended Planning Commission Action**

1. Describe the application as a public hearing.
2. Request that staff present the project.
3. Open the public hearing and receive testimony; and,
4. Close the hearing and take the following action:

*Find the project exempt from environmental review pursuant to Sections 15301 and 15333 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Alder Rose LLC Special Permit subject to the recommended conditions.*

**Executive Summary**

The proposed Special Permit would allow an existing outdoor and mixed-light cannabis cultivation site which currently contains 1,872 square feet of mixed light cultivation and 7,520 square feet of outdoor cultivation for a total of 9,392 square feet of cannabis cultivation within an existing garden area on the property in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical Marijuana Safety and Regulation Act (MMRSA).

The applicant proposes to relocate a separate 3,300 square foot outdoor cultivation area to the vicinity of the rest of the cultivation activity and restore the previous location according to direction from the California Department of Fish and Wildlife (CDFW). By consolidating the cultivation to a single site, the applicant intends to reduce impacts to other areas of the parcel, create a more easily controlled cultivation area by minimizing infrastructure, provide for environmental restoration and remediation by retiring a sensitive site, and reduce road impacts by focusing traffic and cultivation activities to the primary cultivation area. The primary cultivation area is located on the most suitable location on the parcel in terms of slope and topography, access, solar exposure, water resource protection, and site security.

Water is supplied to the property through a riparian right to Burr Creek that flows through the property. The applicant has filed an application for their use of the water with the State Water Resources Control Board Division of Water Rights and has prepared and filed an application for a Streambed Alteration Agreement with the California Department of Fish and Wildlife (CDFW) for the diversion. Currently water storage on the property is split between three existing 20,000 gallon bladders, five 3,000 gallon tanks, and one 65,000 gallon pond, totaling 140,000 gallons of storage capacity. The applicant has agreed to divert water to storage from December 15<sup>th</sup> through April 30<sup>th</sup>, and to forebear from withdrawals for 150 days annually between June 15<sup>th</sup> and November 12<sup>th</sup>.

Additionally, processing will occur on-site in an existing barn, where it will be dried and machine trimmed. Only medical cannabis grown on site will be processed on site, as allowed under the CMMLUO.

The project was originally noticed to the surrounding properties as an administrative approval on August 10, 2017. In response to this Notice of Intent to Approve, the Department received a request for a public hearing for the project. This notification made this permit subject to a public

hearing. The letters did not specify reasons for the request of public hearing. The letter requesting a public hearing is Attachment 5 to the staff report.

Staff recommends that the Planning Commission conduct a public hearing and receive testimony on the project. If the Commission is able to make all the required findings based on the evidence in the record, staff recommends that the Planning Commission approve the application subject to the recommended conditions.

**Alternatives:** The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 17-  
Case Number SP 16-110  
Assessor's Parcel Number: 210-231-003**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Alder Rose LLC Special Permit request.**

**WHEREAS**, Alder Rose LLC submitted an application and evidence in support of approving the Special Permit to permit 1,872 square feet of mixed light cultivation and 7,520 square feet of outdoor cultivation for a total of 9,392 square feet within an existing commercial cannabis establishment; and

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

**WHEREAS**, the project is exempt from environmental review per Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land) and 15333 (Small Habitat Restoration Projects) of the CEQA Guidelines; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Case Number SP 16-110); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on September 7, 2017.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The proposed project is exempt from environmental review; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number SP 16-110 based on the submitted substantial evidence; and
3. Special Permit Case Number SP 16-110 is approved as recommended and conditioned in Attachment 1.

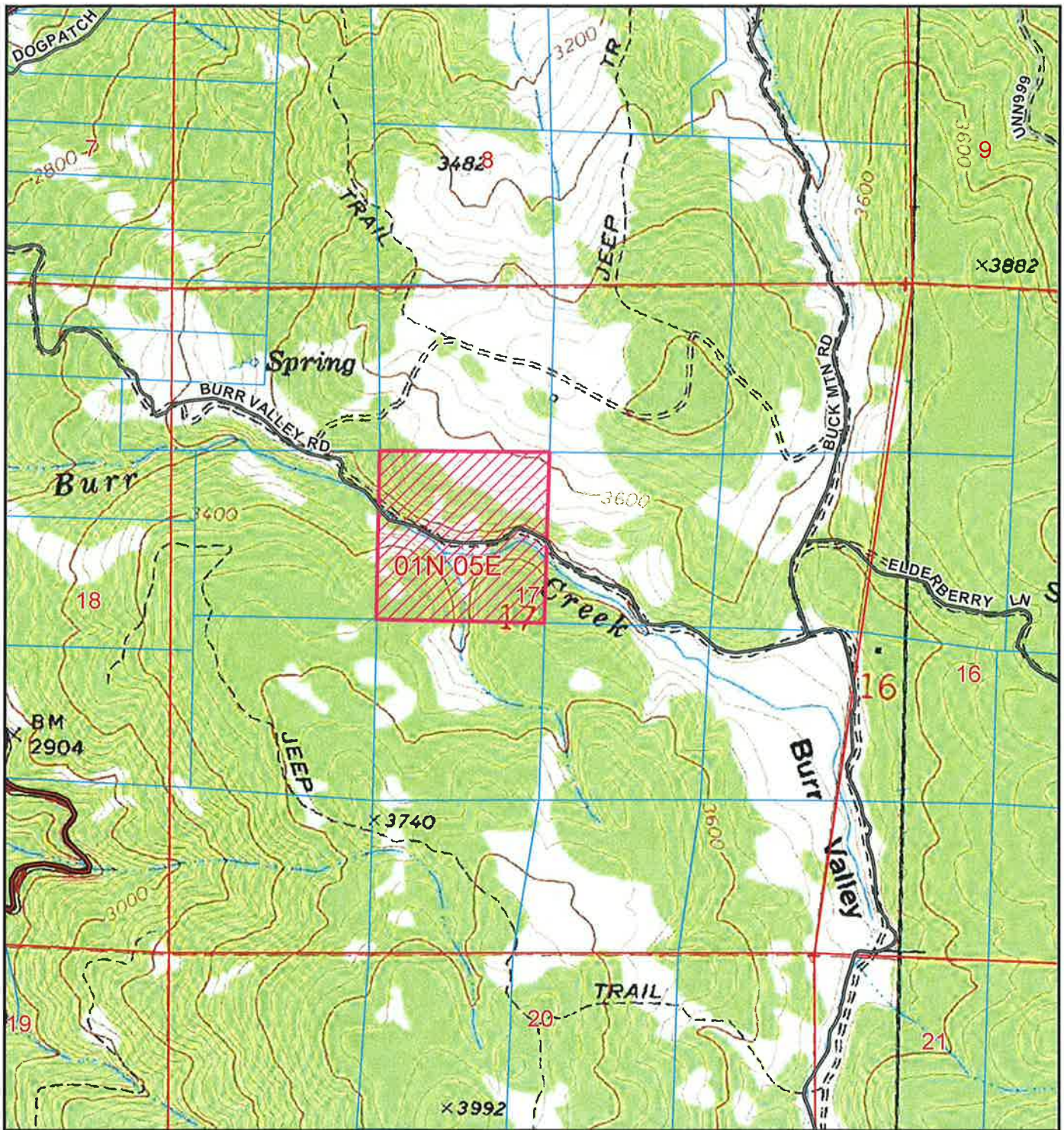
Adopted after review and consideration of all the evidence on September 7, 2017.

The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_:

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

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

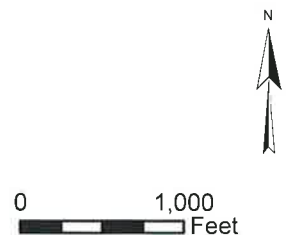
\_\_\_\_\_  
John Ford, Director  
Planning and Building Department

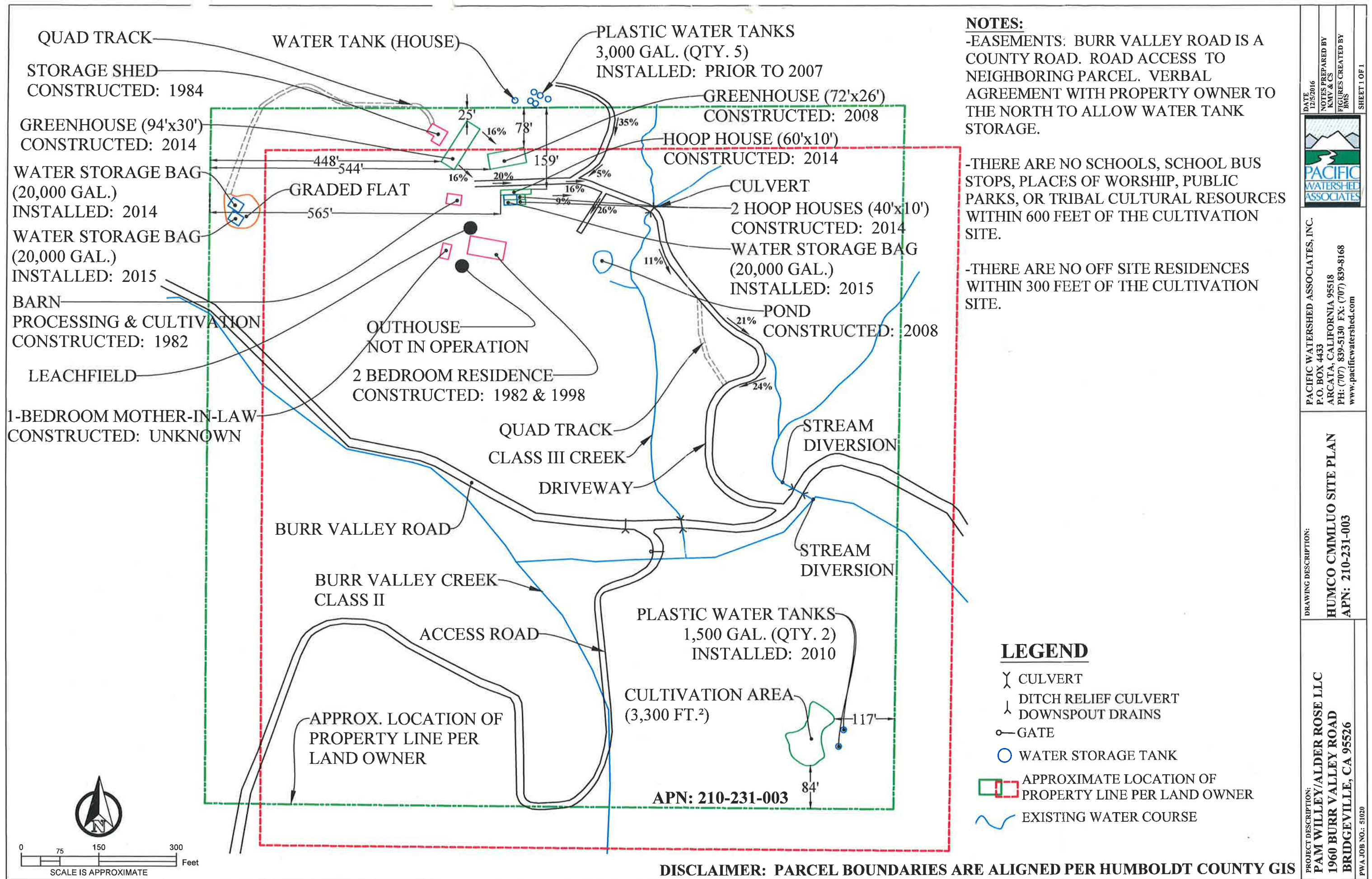


**TOPO MAP**  
**T01N R05E S17 HB&M (Larabee Valley)**

**Project Area =** 

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





**NOTES:**  
-EASEMENTS: BURR VALLEY ROAD IS A COUNTY ROAD. ROAD ACCESS TO NEIGHBORING PARCEL. VERBAL AGREEMENT WITH PROPERTY OWNER TO THE NORTH TO ALLOW WATER TANK STORAGE.  
-THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE.  
-THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.

**LEGEND**

- Y CULVERT
- Y DITCH RELIEF CULVERT
- Y DOWNSPOUT DRAINS
- GATE
- WATER STORAGE TANK
- APPROXIMATE LOCATION OF PROPERTY LINE PER LAND OWNER
- ~ EXISTING WATER COURSE

|                                                                                                                                                      |                               |                           |              |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|---------------------------|--------------|
| DATE<br>12/5/2016                                                                                                                                    | NOTES PREPARED BY<br>KMY & CS | FIGURES CREATED BY<br>BMS | SHEET 1 OF 1 |
|                                                                                                                                                      |                               |                           |              |
| PACIFIC WATERSHED ASSOCIATES, INC.<br>P.O. BOX 4433<br>ARCATA, CALIFORNIA 95518<br>PH: (707) 839-5130 FX: (707) 839-8168<br>www.pacificwatershed.com |                               |                           |              |
| DRAWING DESCRIPTION:<br><b>HUMCO CMMLOU SITE PLAN</b><br>APN: 210-231-003                                                                            |                               |                           |              |
| PROJECT DESCRIPTION:<br><b>PAM WILLEY/ALDER ROSE LLC</b><br><b>1960 BURR VALLEY ROAD</b><br><b>BRIDGEVILLE, CA 95526</b><br>PWA JOB NO.: 51020       |                               |                           |              |



## **ATTACHMENT 1**

### **CONDITIONS OF APPROVAL**

Approval is conditioned on the following terms and requirements which must be satisfied before the provisional cannabis cultivation permit can be finalized.

1. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 12 below. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all unpermitted structures related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
3. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program. A letter or similar communication from the RWQCB verifying that all their requirements have been met will satisfy this condition.
4. The applicant shall submit to the County for review and approval a soils report and a grading plan from a licensed person before ground breaking on the 3,300 square foot site proposed for cultivation. The soils report is required due to the natural slope of the site and the "high instability" rating for the parcel.
5. Prior to any ground-breaking or vegetation removal at the proposed cultivation relocation site, a qualified biologist shall survey the project footprint and adjacent habitat within a 150 foot buffer in order to identify and establish buffers for any sensitive natural communities, such as wetlands, springs, seeps, and riparian areas, or plants with a State Rare Plant Rank of 1 or 2. Biological, botanical, and/or wetland delineation surveys shall be conducted by a qualified biologist and appropriate buffers shall be established and recorded on a development plan for the property to protect biological resources that exist within the project footprint, if any.
6. The applicant shall submit a restoration report for the cultivation area to be retired prepared by a qualified biologist prior to the establishment of relocated cultivation area. The report shall provide a plan for the area, including removal of all cultivation related materials, equipment and improvements, regarding to pre-existing contours, reseeding with native vegetation, reforestation in areas of prior tree removal, and habitat restoration, as determined necessary by the Planning and Building Department. Additionally, the applicant shall comply with the terms of any applicable site restoration activities prescribed by the Department of Fish & Wildlife in their referral. The report for the restoration activity shall include success criteria for revegetation. The applicant shall submit monitoring reports prepared by a qualified biologist annually for the review and approval of the Planning Director for a period of three years.

7. The applicant shall provide a written assessment from a qualified septic consultant confirming a Tier 0 status for the existing on-site septic serving the dwelling.
8. The applicant shall provide a survey of the property by a California licensed surveyor to verify that the requisite 30 foot cannabis cultivation setback and all zoning setbacks are satisfied. If necessary the improvements shall be repositioned to comply with the standard or a lot line adjustment or other remedy suitable to the Planning and Building Department may be pursued.
9. Submit a revised plot plan to reflect the results of the land survey and compliance under Condition #8 above, and to label and accurately depict the location of: 1) the relocated cultivation area; 2) the 3,300 sq. ft. remediation area; and 3) the relocation of any of the cultivation areas and/or appurtenances associated with the commercial cannabis activity.
10. Comply with the all the requirements of the LSA#1600-2016-0543 submitted to CDFW in November 2016. Once final, submit a letter or similar communication from the CDFW verifying that all their requirements have been met will satisfy this condition.
11. The applicant shall submit and implement a bullfrog management plan. See Exhibit A of email from CDFW dated August 31, 2017 for requirements of management plan.
12. The applicant shall demonstrate through specifications and on site testing that the generator meets the requirements of Section 55.4.10(O) of the CMMLUO ordinance. Compliance with this standard will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife Service and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl.
13. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$125.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.
14. 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.
15. Processing by other than the resident operator shall require modification of this permit and development and permitting of a commercial processing building, including ADA accommodations, parking and on-site sewage disposal.
16. Prior to initiating commercial medical cannabis cultivation or associated activities the applicant shall obtain a Business License from the Humboldt County Tax Collector.

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

1. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes to the project 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 MMRSA, as applicable to the permit type.
3. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MMRSA, 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 shall be required. 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, Public Park, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d). A written waiver from the adjacent property owner to the north is required to meet this condition.
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 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 the Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife.
9. Comply with measures listed by CDFW in written comments.
  - a. Redesign or decommission the ford crossing of Burr Valley Creek.
  - b. Decommission or reconstruct road through south of property.
  - c. Decommission redundant and eroding quad road shortcut.
  - d. A qualified person shall survey the pond for bullfrogs during the summer breeding season. If bullfrogs are breeding in the pond, the pond should be drained during the late summer/fall to stop the breeding cycle of the invasive species.

- e. Relocate water bladder sited above class III stream.
  - f. On-site pumps and generators should follow the noise restrictions for Projects in Northern Spotted Owl habitat.
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.
  12. Pay all applicable application and annual inspection fees.
  13. Where surface water diversion provides any part of the water supply for irrigation of cannabis cultivation, permittee shall either: 1) forebear from any such diversion during the period from May 15th to October 31st of each year and establish on-site water storage for retention of wet season flows sufficient to provide adequate irrigation water for the size of the area to be cultivated, or 2) comply with the approved water management plan prepared by a qualified person such as a licensed engineer, hydrologist, or similar qualified professional, that establishes minimum water storage and forbearance period, if required, based upon local site conditions, or 3) adhere to the RWQCB approved Water Resources Protection Plan or other clearance issued by the agency. If the method of compliance changes during the term of the Special Permit, permittee shall notify the Planning and Building Department and furnish appropriate documentation of compliance with this standard.
  14. At least one water meter shall be installed on the water line providing irrigation flow to the cultivation site. The water meter shall have the capacity to measure at least 100,000 gallons of flow before resetting. The water meter shall be used to measure the amount of water provided to the cultivation area during the forbearance period. The meter shall be installed at a point on the water line that provides an accurate measurement of the water used for irrigation. Household water use at the caretaker's residence shall be separately metered if required.
  15. The noise produced by water pumps or by a generator used 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. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
  16. 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.
  17. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.
  18. 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.

19. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

#### Performance Standards for Cultivation and Processing Operations

20. Pursuant to the MMRSA, 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."
21. 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).
22. 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.
23. 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:
    - 1) Emergency action response planning as necessary;
    - 2) Employee accident reporting and investigation policies;
    - 3) Fire prevention;
    - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - 5) Materials handling policies;
    - 6) Job hazard analyses; and
    - 7) Personal protective equipment policies, including respiratory protection.
  - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - 8) Operation manager contacts;
    - 9) Emergency responder contacts;
    - 10) 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.
24. All cultivators shall comply with the approved Processing Plan as to the following:
- i. Processing Practices.
  - ii. Location where processing will occur.
  - iii. Number of employees, if any.
  - iv. Employee Safety Practices.
  - v. Toilet and handwashing facilities.
  - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
  - vii. Drinking water for employees.
  - viii. Plan to minimize impact from increased road use resulting from processing.
  - ix. On-site housing, if any.
25. Permit Duration. Any Commercial Cannabis Cultivation SP issued pursuant to this section shall expire after 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, lessees, and the permitted site have been found to comply with all conditions of approval.

If the inspector or other County official determines that the permittees, lessees, or site do not comply with the conditions of approval, the inspector shall serve the CUP 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 Use 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.

26. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #25 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.
27. 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.

Permittee further acknowledges and declares that:

- (1) 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);

- (2) 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
- (3) 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:

- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
- (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- (3) The specific date on which the transfer is to occur; and
- (4) Acknowledgement of full responsibility for complying with the existing Permit; and
- (5) 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.

30. **Performance Standards for Mixed-Light Cultivation.** Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.

The light source should comply with the 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, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary.

#### **Informational Notes:**

1. If cultural resources are encountered during ground disturbing activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

**The applicant is ultimately responsible for ensuring compliance with this condition.**

2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The 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.

## ATTACHMENT 2

### Staff Analysis of the Substantial Evidence Supporting the Required Findings

**Required Findings:** To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Special Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
5. 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 (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
  - a. Is categorically or statutorily exempt; or
  - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

**Staff Analysis of the Evidence Supporting the Required Findings:** To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

**1. The proposed development must be consistent with the General Plan.** The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Framework Plan (FRWK) and the Willow Creek Community Plan (WCCP).

| <b>Plan Section and Summary of Applicable Goal, Policy or Standard</b>                                                                                                                                                                                                                                                                                                                                                                       | <b>Evidence Which Supports Making the General Plan Conformance Finding</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <p>Land Use §2724 (FRWK)</p> <p>Agriculture Lands (AL): Remote, steep and high natural hazard areas, watershed and wildlife areas, occasional rural residence. Primary and compatible uses include resource production allowing intensive management opportunities, recreational uses, single family residences and cottage industries</p> <p>Density Range: One (1) dwelling unit per 160 acres to one (1) dwelling unit/ per 20 acres.</p> | <p>The MMRSA, Health and Safety Code section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The CMMLUO provides for the cultivation and processing of medical cannabis within the zoning districts where agriculture is a principally permitted use, with limits and in compliance with performance standards that will preserve space for more traditional agricultural activities that supply food and fiber contributing to a diverse economic base. The existing cultivation area includes approximately 1,872 square feet of cultivation in a mixed light greenhouse, 4,240 square feet of outdoor cultivation in a greenhouse and three hoop houses, and 3,300 feet of outdoor cultivation that will be relocated. This totals 9,392 square feet of cultivation on an approximately 42 acre lot. A barn, storage shed, a caretaker's residence, a garage, and a small mother-in-law unit are also on the property.</p> <p>The proposed project is therefore consistent with the AL land use designation because it includes an allowable commercial activity consistent with intensive management for resource production.</p> |
| <p>Cultural Resources §3500 (FRWK)</p> <p>Protect cultural resources, including historic, archaeological, and scenic resources.</p>                                                                                                                                                                                                                                                                                                          | <p>The applicant had an Archaeological Survey Report prepared by James Roscoe and Associates, as part of the preparation of the property's permit application. The survey report included a records search, correspondence with local tribes, an onsite General Reconnaissance survey, and a literature review.</p> <p>The Survey Report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA, would be considered an historic resource, exist in the limits of the project area. This report was provided to the Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria, who indicated the report provided adequate coverage to conclude that the proposed project would not jeopardize cultural resources.</p> <p>Conditions of approval also incorporate the inadvertent discovery protocol to protect cultural resources.</p>                                                                                                                                                                                                                                                                               |

| Plan Section and Summary of Applicable Goal, Policy or Standard                                                                                                                                                                                                                                                                                                                                                                                                     | Evidence Which Supports Making the General Plan Conformance Finding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <p>Housing §2400 (FRWK)<br/>Encourage innovative designs that facilitate optimum use of sites.</p>                                                                                                                                                                                                                                                                                                                                                                  | <p>Under the AL land use designation that applies to the parcel, single family residences are identified as a primary and compatible use. As the property is planned AL, it was not included in the 2014 housing inventory. The project will not impact housing inventory.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>Geologic Hazards §3210 (FRWK)<br/>Goals: To reduce public exposure to natural and manmade hazards. To ensure the continuity of vital services and functions. To educate the community. Policy: Regulate land use to ensure that development in potentially hazardous areas will not preclude preserving and promoting public safety. Standards: Require geologic reports according to the Geologic Hazards Land Use Matrix as denoted in the Framework Plan.</p> | <p>The site is located in an area designated as Highly Unstable (3) on the County's GIS.</p> <p>The proposed relocation of one of the existing cultivation sites to the other centralized existing cultivation site will place new cultivation in an area where slopes may exceed 25%. As part of the process for final permit approval, the applicant's is required to provide a grading plan and soils report for the site.</p> <p>The proposal to retire the site is consistent with the CMMLUO as it helps to protect the public health, safety and welfare and works to reduce or eliminate any adverse environmental effects associated with the existing cultivation site. This is detailed more specifically under Departmental Policy Statement 16-002 which outlines the criteria by which on-site relocation of existing cultivation sites may occur, when relocation would not result in more environmental harm.</p> <p>The project does not pose any other threat to public safety related from exposure to natural or manmade hazards.</p>                                                   |
| <p>Hazards §3200 (FRWK)<br/><br/>Flood §3220 (FRWK)<br/><br/>Fire Hazards §3230 (FRWK)<br/>New development shall minimize risk to life and property in areas of high flood and fire hazards.</p>                                                                                                                                                                                                                                                                    | <p>The project site is located on a side slope of Buck Mountain, above Burr Creek. All Project activities are located above Burr Valley Road, a route built in the 1930s or 1940s. There is no danger of flooding on the property.</p> <p>The subject property is located within the Bridgeville Fire Protection District.</p> <p>The property is in a Calfire Responsibility Area for fire protection. Calfire's comments recommended compliance with the requirements of the County's Fire Safe Regulations. Accordingly, the project must remain in compliance with The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>), which establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>The water storage on the property is split between three existing 20,000 gallon bladders, five 3,000 gallon tanks, and one 65,000 gallon pond totaling 140,000 gallons. With an estimated forbearance period usage of 80,000 gallons, this leaves adequate stores of water to assist a fire suppression effort on the property.</p> |

| Plan Section and Summary of Applicable Goal, Policy or Standard                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Evidence Which Supports Making the General Plan Conformance Finding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <p>Noise §3240 (FRWK)<br/>Conform with noise standards.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>The subject parcel is not located in an area that requires special noise attenuation measures. The proposed cultivation areas are all outdoor greenhouses that use solar powered fans to provide for ventilation.</p> <p>The Processing Area is approximately 160 feet from a property line and well over 600 feet from any nearby residence. The additional power requirements for drying, curing, and processing will demand the use of an electrical generator. Generator usage will be limited to October which is not a noise sensitive time for Northern Spotted Owls or Marbled Murrelets.</p> <p>Noise generated from the generator and the diversion water pumps shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO, which requires that in areas of potential NSO or Murrelet habitat, generator noise may not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer.</p> |
| <p>Sewage Disposal §4530, 4531.5, 4531.6, 3361.2 (FRWK)<br/>Goal: To ensure a safe means for waste disposal and protect the County's water resources for the public's health and safety.<br/>Policy: Septic systems shall not be permitted where the slope exceeds 30% or within 50 feet from an unstable land form.<br/>Policy: Sewage disposal systems placed on an existing lot must meet all of the requirements of the Humboldt County Department of Public Health and the North Coast Regional Water Quality Control Board.<br/>Policy: Regulate development that would pollute watershed areas.</p> | <p>The site has one septic system. The project was referred to the County Department of Environmental Health which recommended approval. The Water Resources Protection Plan (WRPP), however, identified that the existing system did not receive a final inspection. The project is conditioned to require verification of the functioning of the system.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| Plan Section and Summary of Applicable Goal, Policy or Standard                                                                                                                                                                                                                                                                                                                                                                           | Evidence Which Supports Making the General Plan Conformance Finding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <p>Biological Resources §3400 (FRWK)</p> <p>Goal: To maximize where feasible, the long term public and economic benefits from the biological resources within the County by maintaining and restoring fish and wildlife habitats.</p> <p>Policies: Maintain values of significantly important habitat areas by assuring compatible adjacent land uses, where feasible.</p>                                                                | <p>There are no streams or other watercourses subject to the Streamside Management Area Ordinance within 100 feet of any project elements.</p> <p>The site is less than one mile from Northern Spotted Owl habitat and has had occurrences of NSO on the property. Part of the reason for retiring the southeast cultivation area is because of its proximity to the occurrence location.</p> <p>Maintain generator noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is less. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife Service and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl.</p>                                                                                                                           |
| <p>§4220, 4237.7 (FRWK): Access</p> <p>Goal: To develop, operate, and maintain a well-coordinated, balanced, circulation system that is safe, efficient and provides good access to all cities, communities, neighborhoods, recreational facilities and adjoining areas.</p> <p>Policy: New Development shall only be approved which will not significantly create or aggravate safety, capacity or parking problems on County roads.</p> | <p>The parcel is accessed by Burr Valley Road, a private, non-County maintained road, approximately 1.5 miles east of Highway 36. The portion of Burr Valley road between Highway 36 and the applicant's property meets the Firesafe requirement of Road Category 4. Public Works recommends Approval for the project without comment.</p> <p>The Applicant submitted a Road Evaluation Report (Attachment 3) for the portion of Burr Valley Road that lies between the applicant's property line and the intersection with Highway 36. The Report showed that the road is developed equivalent to a Category 4 road, generally 20 feet wide, and therefore adequate for the proposed use. Public Works had no further comment on the Road Evaluation Report and concurred with the conclusion that the road was adequate for the proposed use.</p> |

**2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

| Zoning Section | Summary of Applicable Requirements                                                                                                                                                                                                                                                                                                                  | Evidence That Supports the Zoning Finding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| 314-7.3        | Forestry Recreation (FR): The Forestry Recreation or FR Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.         | <p>According to County maps, the cannabis cultivation areas are located on property zoned FR, and the underlying General Plan Land Use designation is AL20.</p> <p>Project activities do not include the removal of timber, or conversion of timber lands. Cannabis cultivation is consistent with the principal permitted uses which include general agriculture, nurseries and greenhouses, and roadside stands.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| §314-55.4.8.2  | Commercial cannabis cultivation is allowed on parcels zoned AG where the General Plan on parcels one (1) acre or larger. In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area. | <p>The existing cultivation area totals to approximately 9,392 square feet of mixed light and outdoor cultivation areas at two different locations on the property. The current principal cultivation area contains a 1,872 square foot mixed light greenhouse and an additional 4,220 square feet of outdoor cultivation in several gardens. A second location has 3,300 square feet of outdoor cultivation area. This second site is proposed to be decommissioned and the cultivation activity will be relocated to the primary cultivation area. This will not require conversion of timberland.</p> <p>The relocation of existing cultivation to the primary site would allow the other site to be decommissioned as determined by CDFW or PWA. By consolidating the cultivation activities, impacts associated with the project will be reduced. A significant portion of the road network will be retired or decommissioned, and security concerns will be eased by limiting operations to a single location.</p> |
| Min. Lot Size  | One acre                                                                                                                                                                                                                                                                                                                                            | Approximately 42 acres                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Min. Lot Width | 200 feet                                                                                                                                                                                                                                                                                                                                            | Greater than 200 feet wide (approx. 1350 feet)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| Zoning Section                | Summary of Applicable Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Evidence That Supports the Zoning Finding                                                                                                                                                                                                                                                             |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Max. Ground Coverage          | None specified                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                       |
| Setbacks                      | Firesafe setbacks of 30 feet from all property lines applies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Per the Site Plan the nearest cultivation area is 25 feet from the property line. Condition #8 requires that the 30 foot minimum setback be satisfied and that the distance from property line be verified by survey.                                                                                 |
| Max. Building Height          | 35 feet                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | The existing processing facility and caretaker's residence are one story and less than 35 feet in height.                                                                                                                                                                                             |
| Off-Street Parking §314-109.1 | <p>Off Street Parking: Multiple Use and Joint Use: whenever more than one use is proposed for a development site, the total off-street parking spaces required shall be the sum of the spaces required for each use.</p> <p>Residential use: Two (2) parking spaces for each dwelling unit containing more than one bedroom. An additional two (2) on-site spaces are required when the access road fronting the parcel is not developed with a parking lane.</p> <p>Agricultural use*: Parking space per employee at peak shift.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p> | The proposal is for residential and agricultural use (cannabis cultivation and processing), by the resident operator. The Site Plan shows a two-bedroom residence. Per the Parking Regulations four (4) 4 off-street parking spaces are required as Burr Valley Road does not contain a parking lane. |

| Zoning Section                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Summary of Applicable Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Evidence That Supports the Zoning Finding                                                                                                                                                            |
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| <b>314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                      |
| §314-55.4.8.2.2<br>Existing Cultivation<br>A Special Permit may be issued for outdoor or mixed light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016 in zoning districts RA, AG, AE, FP, DF, FR, U, and TPZ only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations. No expansion of the existing cultivation area shall be permitted. Total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation. | <p>The applicant has provided the following satisfactory evidence of cultivation prior to January 1, 2016:</p> <p style="padding-left: 40px;">The site inspection conducted by third party Pacific Watershed Associates verified that the facility had been in operation the previous year.</p> <p>An existing cultivation area will be relocated, but the total cultivation area on the property will not increase. The relocation will include engineered grading plans and a soils report to address the slopes on site. A Condition of Approval has been included to require that these plans and reports be submitted to the County and approved before the development of the relocation area may commence.</p> <p>The source of water for all the existing cultivation areas is diversion from Burr Creek which is allowed by riparian right. This Special Permit, in addition to authorizing the cannabis cultivation as required under the CMMLUO, authorizes the applicant to develop the existing water source as an agricultural diversion as well as continuing to allow it to be used for residential purposes at the proposed caretaker's residence. The surface water diversion requires a permit through the CDFW 1600 process. The applicant has agreed to forbear from diversions during low flow periods and to divert water to storage during the rainy season. Conditions of Approval require forbearance from diverting water for irrigation during the summer months consistent with the CMMLUO.</p> |                                                                                                                                                                                                      |
| §314-55.4.8.10<br>Permit Limit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 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 holds no other cannabis activity permits, and is entitled to four. This application is for a single permit for outdoor cultivation. |
| §314-55.4.9.1<br>Accessory Processing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Existing facilities are used for processing cannabis cultivated on-site. All processing is restricted to the resident occupants per the Cultivation and Operations Plan.                             |
| §314-55.4.9.4<br>Pre-Application Registration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | The applicant submitted the required registration form.                                                                                                                                              |
| §314-55.4.10<br>Application Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Identifies the Information Required for All Applications                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Attachment 3 identifies the information submitted with the application, and shows all the required information was received. Contents of the application are on file.                                |

| <b>Zoning Section</b>                  | <b>Summary of Applicable Requirements</b>                                                                                                                                                                                                                                                                                                                                                                      | <b>Evidence That Supports the Zoning Finding</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| §314-55.4.11<br>Performance Standards  | Identifies the Performance Standards for Cannabis Cultivation Activities                                                                                                                                                                                                                                                                                                                                       | All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| §314-55.4.17<br>Sunset Date            | No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.                                                                                                                                                                                                                                                                 | The applicant submitted the Special Permit Application on August 18, 2016.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 314-61.1<br>Streamside Management Area | Placement of soil within Streamside Management Areas shall be prohibited, except where specifically authorized by the SMA ordinance. Development within Streamside Management Areas may include wildlife enhancement and restoration projects. Streamside Management Area buffer zones in areas within urban expansion areas shall be defined as 50 feet from perennial and 25 feet from intermittent streams. | Water is diverted from Burr Creek which serves both the cultivation site and residence. Agricultural diversions and wells are permitted within Streamside Management Areas when a Special Permit is secured. The Special Permit being requested includes authorization of the aforementioned diversion. The applicant has submitted a notification to the Department of Fish & Wildlife pursuant to section 1602 of the Fish & Game Code. Additionally, a Statement of Diversion has been filed with the State Division of Water Rights. A Condition of Approval is included requiring that the applicant developed sufficient onsite storage to enable forbearance of diversion during an identified forbearance period (June 15th thru November 12th). The Department of Fish and Wildlife has reviewed the project and has recommended conditional approval subject to the remediation measures identified in comments and issuance of a Lake and Streambed Alteration Agreement. |

**4. Public Health, Safety and Welfare.** The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

| Code Section | Summary of Applicable Requirements                                                                                                                                             | Evidence that Supports the Required Finding                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| §312-17.1.4  | The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity. | The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage. All commenting agencies have recommended approval or conditional approval of the project. |

**5. Residential Density Target:** The following table identifies the evidence which supports finding that the proposed project will 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.

| Code Section                                | Summary of Applicable Requirement                                                                                                                                                                               | Evidence that Supports the Required Finding                                                                                                           |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| §312-17.1.5<br>Housing Element<br>Densities | The proposed development shall 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. | The project has one single family residence which is consistent with zoning density plans. The parcel was not included in the 2014 Housing Inventory. |

**6. Environmental Impact:**

The project was found to be exempt from the California Environmental Quality Act for the following reasons. The existing cultivation operation is exempt from environmental review per Sections 15301 (Existing Facilities), which applies to the 9,360 square feet of existing cultivation currently on the parcel as well as the minor improvements to the existing roads; 15304 (Minor Alterations to Land), which applies to the relocation of the 3,300-square foot cultivation area; and 15333, (Small Habitat Restoration Projects). The Small Habitat Restoration Project exemption is applied to the restoration of the area within the Streamside Management Area buffer. The proposed project represents an improvement over the existing condition by consolidating the cultivation facilities to reduce impacts on surrounding habitats; and a forbearance agreement for the summer months to improve habitat quality on the source stream.

Moreover, the project entails permitting existing cultivation operations that will not be expanded. Continuation of the existing cultivation, even with the move to the consolidation site, will not result in any major unanalyzed impacts to the project site. There will be no placement of permanent impermeable surfaces or the significant importation of fill material. Accordingly, the project may be found to be exempt from detailed environmental review per Sections 15301 (Existing Facilities) 15304 (Minor Alterations to Land) and 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (CEQA) Guidelines.

## **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 (not applicable).
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 (on file.)
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 (on file).
6. Description of water source, storage, irrigation plan, and projected water usage (on file).
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 (pending).
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 (pending).

9. If the source of water is a well, a copy of the County well permit, if available (not applicable.)
10. 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.)
11. 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.)
12. 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.)
13. 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).

## CULTIVATION AND OPERATION PLAN

1960 Burr Valley Lane

Alder Rose, LLC

### **Purpose of Cultivation and Operations Plan**

Subsection of Section 314-55.4.10 of the county code sets forth the required elements of a cultivation and operations plan. These required elements are listed below and include: water use, water quality, watershed protection, and materials storage.

Also, the Plan addresses performance standards for cultivation and processing activities; processing practices and employee safety practices.

Additionally, the Cultivation and Operations Plan addresses security measures and protocols to safeguard against criminal activity and prevent the diversion of cannabis for non-medical purposes.

#### **1. Water Source, Storage, Irrigation Plan, and Projected Water Usage**

**Source & Storage:** Water is sourced for cultivation from Burr Creek that runs through the property, between October 31 to May 15 from. There is also an existing 64,000 gallon pond that supplements any additional water needs. Water is stored in 3 20,000 gallon bladders and hard tanks that total an additional 18,000 gallons.

**Water Use & Irrigation Plan:** Water use varies throughout the year. November through April we will not use any water for irrigating plants. Beginning in May we begin hand-watering plants. During May water use per day will not exceed an average of 100 gallons of water per day, with less water being used early in the month, more towards the end of the month as plants grow. Water use begins to increase in June, with plants receiving 300 gallons of water per day, all hand-fed. During the hot dry months: July-September, plants are hand-fed 600 gallons of water per day. October, being colder and wetter, plants are fed an average of 167 gallons per day. The total water usage throughout the year is 80,000 gallons of water. All plants are hand-watered which ensures that there is no water wasted.

#### **2. Site Drainage and Erosion Control**

All cultivation occurs in areas that are relatively flat, less than 5% slope. It occurs in greenhouses and fenced fields and no run-off escapes. All plants are hand-watered which also diminishes run-off. There are no creeks within a 500 feet of our cultivated area.

To ensure erosion control we have hired and are working with Pacific Watershed to develop a road and culvert plan.

We have a water resource protection plan for the property and have been enrolled in the North Coast Regional Water Quality Control Board's Waiver of Waste Discharge program as a Tier 2 Discharger through an approved third party program administered by Pacific Watershed Associates.

### 3. Watershed and Habitat

Our grow is located more than 500 feet from any water course. We are relocating one grow area to within our fenced 3 acres and regenerating one area that may be in the flight plan of the spotted owl. We will work with Fish & Game to determine how best to do so.

### 4. Storage of Farm Products

All garden supplies are stored in a large garage/barn that has a cement floor and is locked when not being used. All fertilizers and pesticide products are kept in the barn and are only products that can be found in local grow supply stores. Any pesticides that are used are organic or natural based. Any person applying any pesticide is supplied with full protective suits, including gloves, and face protection.

### 5. Cultivation Activities

There are 2 grow cycles on the Property. We use greenhouses for season extension. We achieve one light deprivation crop May through July. The second grow cycle does not require any light deprivation and is done in greenhouses and outdoors May through October. Solar panels are used to generate fans that run throughout the hoops. During October a portable generator is used as needed to run fans to eliminate moisture and to help with power drying equipment.

### 6. Processing Plan

We will use a Triminators to process inside of a barn that only requires my husband and I to operate. We will use hand sanitizing liquid, gloves, and face masks.

### 7. Schedule of Activities during the months:

**January-March:** property is not in use. Any additional cleaning that needs to occur does so and any infrastructure updates and repairs occur during this time. Some water is sourced and stored during this peak water flow time.

**April:** All water is stored at this point. Mid-April plants are purchased and put in the barn under florescent lights. Plants are transplanted into 4" pots and are kept inside until the weather warms, usually around May 1.

**May:** Plants are put into 1 gallon pots and brought into the mixed light greenhouse (72x26). The greenhouse is covered at night with a tarp so that light does not shine.

**June:** supplemental lighting is no longer necessary, plants are all put into 5-10 gallon pots and placed in between the 2 larger greenhouses for light deprivation round, 8 weeks. The additional lower area is prepped and plants for the Full Term are moved and not covered with black out tarps, also planted in 5 gallon pots.

**July:** Plants are watered and managed for optimal health. Any additional maintenance needed for the property is usually done at this time.

**August:** Harvest light deprivation round. 8 day drying time. Processing round one. The plants not covered for Full Term are transplanted into 35 gallon pots and spread throughout the greenhouses and the lower area.

**September:** More property maintenance is completed including cleaning and repairs. Plants are watered and cared for.

**October:** Plants from Full Term are harvested and processed. There is usually a 10-14 day drying time, which will run into the beginning of November.

**November:** Plants are drying and being processed. The year is concluded before Thanksgiving. The property is thoroughly cleaned and all belongings stored and secured.

#### 8. Security Plan

There are multiple security measures in place. There is locked gate at the start of the driveway. In addition, there is a perimeter fence around the three acres where the greenhouses, cultivation, home and barn are situated. The residence and barn both have locked doors and windows. There are 2 dogs that live on the property that add additional security. Security cameras are hidden throughout the landscape and barn.



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**Appendix F.** Pesticide, Herbicide, and Fungicide Use Plan and Log Forms

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**Water Resource Protection Plan**  
*for*  
**PWA180101050902-5102**  
**NCRWQCB WDID #1B16494CHUM**  
**1960 Burr Valley Road**  
**Bridgeville, California**

## **1.0 PROJECT SUMMARY**

This Water Resource Protection Plan (WRPP) documents Pacific Watershed Associate's (PWA)<sup>1</sup> site visit and subsequent analysis and documentation of site conditions for PWA project number PWA180101050902-5102 and North Coast Regional Water Quality Control Board (NCRWQCB) Waste Discharger Identification Number (WDID) #1B16494CHUM, located at 1960 Burr Valley Road, Bridgeville, California (Figure 1). This property is located approximately 2.5 miles southwest of Dinsmore, Humboldt County, California, and hereinafter is referred to as the "Project Site." Based on either site conditions and/or total cultivation area, this property falls within **Tier 2** of the NCRWQCB Order No. 2015-0023, Waiver of Waste Discharge and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects ("Order"). Properties that fall into Tier 2 of the Order are required to develop a WRPP. Therefore, as required, this WRPP has been developed for you based on site inspections made by PWA on your property. PWA's recommendations for any remediation or corrective actions are a result of water quality requirements under the Order, including Best Management Practices (BMPs) designed to meet those requirements (Appendix A). This WRPP documents the findings of a site visit conducted on January 14, 2016 by PWA geologists Kathy Moley and Courtney Sundberg, when a reconnaissance level investigation of the property was conducted and the conditions of the property noted.

## **2.0 CERTIFICATIONS, LIMITATIONS AND CONDITIONS**

This WRPP has been prepared by, or under the responsible charge of, a California licensed professional geologist or engineer at Pacific Watershed Associates, Inc. (PWA), and all information herein, including treatment recommendations, are based on observations, data and information collected by PWA staff.

This WRPP has been prepared to: 1) describe the general conditions of the property at the time of our inspection; 2) summarize the site conditions and how they relate to the NCRWQCB twelve (12) Standard Conditions of the Order; 3) provide recommendations for remediation and/or correction of existing or potential water quality threats or impacts; and 4) recommend work to be conducted on this property to meet the 12 Standard Conditions of the Order. The analysis and recommendations submitted in this WRPP are based on PWA's evaluation of the Project Site and your activities which fall under the Order.

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<sup>1</sup> PWA is an approved Third Party Program for the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023, Waiver of Waste Discharge and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects ("Order").

In this WRPP PWA has described the current conditions of the property and any water resource and water quality risk factors we observed at the time of our site inspection. PWA is not responsible for problems or issues we did not observe on our site inspection, or for changes that have naturally occurred or been made to the property after our site review. The interpretations and conclusions presented in this WRPP are based on a reconnaissance level site investigation of inherently limited scope. Observations are qualitative, or semi-quantitative, and confined to surface expressions of limited extent and artificial exposures of subsurface materials. Interpretations of problematic geologic, geomorphic or hydrologic features such as unstable hillslopes, erosion processes and water quality threats are based on the information available at the time of our inspection and on the nature and distribution of existing features we observed on the property.

We have also included recommendations for remediation and/or correction that are based on these observations. The recommendations included in this WRPP are professional opinions derived in accordance with current standards of professional practice, and are valid as of the date of field inspection. No other warranty, expressed or implied, is made. Furthermore, to ensure proper applicability to existing conditions, the information and recommendations contained in this report shall be regularly reevaluated and it is the responsibility of the landowner and/or lessee operating under the Order to ensure that no recommendations are inappropriately applied to conditions on the property that have changed since the recommendations were developed.

If site conditions have changed for any reason, the site should be re-evaluated and the WRPP revised and updated as required. These conditions include any changes in land management activities or property conditions that have occurred since our site visit (regardless of what they are, how they occurred or who performed them). Similarly, if the landowner/lessee uses portions of this property not identified or covered under the current WRPP, this WRPP will need to be updated with new information, including possible additions or changes to the recommended remedial or corrective actions and BMPs (Appendix A).

If the property owner has enrolled their property under the Order, they are responsible for complying with all the requirements thereunder, regardless of who is operating or cultivating on that property. If the property is being formally or informally leased to an operator, and the lessee has enrolled under the Order, then the lessee is responsible for complying with the Order's requirements, including the WRPP and related recommendations and requirements. If the lease expires or the lessee is not otherwise available or does not respond to information requests by the NCRWQCB or PWA, then the landowner automatically assumes responsibility under the Order for the requirements therein and for all related penalties or actions brought by the NCRWQCB.

If at any time in the future the property is to transfer ownership, it is the responsibility of the current owner, or their representatives, to ensure that the information and recommendations contained herein are called to the attention of any future owner or agent for the property. Unless this WRPP is modified by the NCRWQCB, or another approved Third Party Program representative, the findings and recommendations contained in this WRPP shall be utilized as a tool while implementing the recommendations made within this WRPP. Necessary steps shall be

taken to see that contractor(s) and subcontractors carry out such recommendations in the field in accordance with the most current WRPP and BMP standards.

As a Third Party Program, PWA will be responsible for the data, interpretations and recommendations developed by PWA, but will not be responsible for the interpretation by others of that information, for implementation of corrective actions by others, or for additional or modified work arising out of those plans, interpretations and recommendations. PWA assumes no liability for the performance of other workers or suppliers while following PWA's recommendations in the WRPP, unless PWA is under contract to perform or oversee those activities. Additionally, PWA is not responsible for changes in applicable or appropriate standards beyond our control, such as those arising from changes in legislation or regulations, or the broadening of knowledge which may invalidate or alter any of our findings or recommended actions.

Any WRPP plan review or construction management services that may be needed or identified in the recommendations sections of this report are separate tasks from the preparation of this WRPP, and are not a part of the contract under which this WRPP was prepared. If requested, additional PWA field inspections, surveys, WRPP revisions/updates, project layout, design, permitting, construction oversight/management, or other related services arising from tasks described and recommended in the WRPP may be performed under separate agreements requiring advance notice and contracting.

PWA's services consist of professional opinions and recommendations made in accordance with generally accepted principles and practices. No warranty, expressed or implied, or merchantability or fitness, is made or intended in connection with our work, by the proposal for consulting or other services, or by the furnishing of oral or written reports or findings. If the client desires assurances against project failures, they shall obtain appropriate insurance through their own insurance broker or guarantor.

This WRPP is considered a living document and shall be updated at least annually, or sooner if conditions have changed or land management actions have been undertaken after our site inspection. As an official part of the NCRWQCB Waiver of Waste Discharge Program, this WRPP (including all its text, appendices, maps and photos) shall remain on-site and available for NCRWQCB staff to inspect and review upon request.

Prepared by:

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Kathy Moley  
Professional Geologist #7594  
Pacific Watershed Associates, Inc.  
P.O. Box 4433, Arcata, California 95518



### 3.0 INTRODUCTION

This Water Resources Protection Plan (WRPP) summarizes the results of PWA's site visit and subsequent analysis and documentation of site conditions for PWA project number PWA180101050902-5102 and North Coast Regional Water Quality Control Board (NCRWQCB) Waste Discharger Identification Number (WDID) 1B16494CHUM, located at 1960 Burr Valley Road, Bridgeville, California (Figure 1). As stated in the Project Summary portion of this WRPP, based on either site conditions and/or total cultivation area, this property falls within **Tier 2** of the NCRWQCB Order. Therefore, this WRPP describes and addresses the required elements and compliance with the 12 Standard Conditions established by the NCRWQCB's Order No. 2015-0023 to protect water quality from cannabis cultivation and related activities. PWA has identified certain areas where the Project Site does not fully meet all 12 Standard Conditions of the Order. Section 4, below, identifies and discusses each of the 12 Standard Conditions as related to this property with regard to compliance with the NCRWQCB's Order.

This WRPP contains the following required sections:

1. Legible map (Figure 2) depicting site elements as stated in Appendix C of the Order and features associated with the 12 Standard Conditions of the Order;
2. Description of current site conditions, compliance with the 12 Standard Conditions, and prioritized remediation or corrective actions needed to bring the site into compliance with the requirements of the Order;
3. A monitoring and inspection plan to ensure BMPs used to protect and prevent impacts to water quality are being implemented as recommended by PWA (implementation monitoring), and that they are effective (effectiveness monitoring);
4. Water use, including documentation of water sources, water diversions, water storage and water use (quantity) on a monthly basis, and water conservation measures that are employed to prevent adverse impacts to water quality and water quantity in the watershed;
5. List of fertilizers and chemicals stored and used onsite, including a log of the frequency and quantity of these materials used;

### 4.0 STANDARD CONDITIONS CHECKLIST FOR WDID 1B16494CHUM as of 1/14/2016

The NCRWQCB has developed a set of 12 Standard Conditions that shall be followed and implemented to protect and improve water quality as required under the NCRWQCB's Order. For a property to become compliant with the Order, all 12 Standard Conditions must be fully satisfied.

The following section details the specific requirements listed and described in the Order for each of the 12 Standard Conditions. Each Standard Condition has from 1 to 6 sub-requirements (*listed in italic type*), each of which must be satisfied to comply with the Order. The following checklist developed by PWA for your property indicates: 1) whether the Standard Condition or Standard Condition sub-requirement was adequately met as of the date of PWA's field inspection, 2) PWA's observations and comments related to the Standard Condition or Standard Condition sub-requirement, 3) whether a relevant photo has been taken and included in the WRPP, and 4) recommended corrective or remedial actions that need additional work to meet the requirements of the Order.



In Section 5 of this WRPP, PWA has provided a summary prioritized list (Table 1) of the recommended treatments and actions to be implemented by you to meet the requirements of the Order. PWA staff will consult with you to review the WRPP document and findings, and to set a preliminary schedule for implementation of the recommended measures for achieving compliance with the Order. Please note that some of the PWA recommended actions are based on regulatory requirements and deadlines, while others can be scheduled to fit the needs of both you and your property.

#### 4.1 Standard Condition #1. Site Maintenance, Erosion Control and Drainage Features

- a) *Roads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.*

**Meets condition?** No

**Observations/Comments:** There are several road drainage issues on the road ways that were observed which include rilling and gullying down the road, along the roadside ditch and on the adjacent hillslope.

**Photos:** Monitoring Point (MP) #1; MP #2; MP #9

**Corrective or remedial actions needed:** Prepare and implement a road assessment and Erosion Control Plan (ECP) prepared for the property. Recommendations will include improvements in road surface drainage that will reduce or largely eliminate road-related erosion and reduce sediment delivery to streams.

- b) *Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets.*

**Meets condition?** No

**Observations:** Long sections of undrained road and roadside ditch collects and concentrate water and contributes to gully erosion at MP#3 and MP#9.

**Photos:** MP#3 and MP#9

**Corrective or remedial actions needed:** Same as 4.1a; have an ECP developed and implement the recommendations within that ECP. Recommendations will include treating or installing several road drainage features to break up long sections of undrained road and ditch.

- c) *Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.*

**Meets condition?** Yes

**Observations/Comments:** Road drainage is not impacting or contributing to slope instability.

**Photos:** N/A

**Corrective or remedial actions needed:** None at this time.

- d) *Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are hydrologically disconnected, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams.*

**Meets condition?** No

**Observations/Comments:** Rills and gullies forming on the road surface, within roadside ditches and on hillslopes are hydrologically connected to Burr Valley Creek.

**Photos:** MP#6 and MP#9

**Corrective or remedial actions needed:** Have an ECP completed and implement the recommendations within that ECP. Recommendations will include treatment designed to disperse road and ditch runoff and to hydrologically disconnect road drainage from the stream network.

- e) *Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.*

**Meets condition?** No

**Observations/Comments:** Gullies forming within the road surface and within roadside areas and ditches are concentrating water flow which results in erosion and sediment input to the hydrologically connected Burr Valley Creek.

**Photos:** MP#1, MP#2, MP#3, MP#6, MP#9

**Corrective or remedial actions needed:** Same as above; prepare an ECP and implement the erosion prevention and erosion control recommendations. . Recommendations will include installing road drainage structures and improving road shaping to break up long undrained road reaches, stabilize erosional features, and eliminate or reduce sediment transport to streams.

- f) *Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.*

**Meets condition?** Yes

**Observations/Comments:** No spoils or construction materials observed.

**Photos:** No

**Corrective or remedial actions needed:** None

**Standard Condition #1. - General comments and recommendations:** PWA primarily observed the main driveway to the residence and upper cultivation areas. PWA staff observed some minor gullying within the road surface with some more substantial gullying and erosion occurring within the upper roadside ditch and on adjacent hillslope areas. Simple road shaping techniques would minimize road surface erosion and disconnect the road from nearby creeks and streams. There are other roads on the property that PWA was unable to observe due to access limitations at the time of our site visit. All roads within the property will need to be assessed for existing erosion and sediment delivery problems. PWA recommends that an Erosion Control Plan be prepared and implemented to treat this

source of water pollution. See Figure 2 for Monitoring Point locations and Photo Pages for examples of road drainage problems and erosion features.

#### 4.2 Standard Condition #2. Stream Crossing Maintenance

- a) *Culverts and stream crossings shall be sized to pass the expected 100-year peak streamflow.*

**Meets condition?** No

**Observations/Comments:** MP#4 is an example of an undersized culvert. Others may also be undersized for the 100 year flood discharge.

**Photos:** MP#4

**Corrective or remedial actions needed:** See general comments below.

- b) *Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.*

**Meets condition?** No

**Observations/Comments:** Same comment as 4.2a, above.

**Photos:** MP#4

**Corrective or remedial actions needed:** See general comments below.

- c) *Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.*

**Meets condition?** N/A

**Observations/Comments:** See general comments below.

**Photos:** MP#4 and MP#6

**Corrective or remedial actions needed:** See general comments below.

- d) *Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.*

**Meets condition?** No

**Observations/Comments:** See general comments below.

**Photos:** MP#4 and MP#6

**Corrective or remedial actions needed:** See general comments below.

- e) *Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.*

**Meets condition?** No

**Observations/Comments:** The outlet of the culvert at MP#4 is placed a little high in the fill which during high flows can produce a shotgun effect and downstream erosion.

**Photos:** MP#5

**Corrective or remedial actions needed:** The culvert needs to be set at the grade of the natural channel to prevent outlet erosion and lower plugging potential. See general comments.

- f) *Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible.*

**Meets condition?** No

**Observations/Comments:** At the time of our site inspection Burr Creek was diverting down an access road, on the south side of Burr Valley Road. Additionally, at MP#4 there is an undersized culvert with no critical dip at the crossing. In the event that the culvert becomes plugged during a storm event, flow could be diverted down the road causing additional erosion and sediment delivery via the roadside ditch and gully.

**Photos:** MP#6

**Corrective or remedial actions needed:** Stream diversion potential needs to be eliminated at all crossings. See comments below.

**Standard Condition #2. - General comments and recommendations:** There were four observed stream crossings on this property. One crosses Burr Valley Road (see Figure 2 and MP#11), one is higher on the property (MP#4), and a third is an un-culverted ford crossing (MP#6) where the access road to the southern portion of the property crosses Burr Creek. Based on the map (Figure 2). There also appears to be at least one more stream crossing within the southern portion of the property and possibly more. However, this access road was inaccessible due to a locked gate and high flows within Burr Creek.

The culvert at MP#4 is most likely undersized for the upslope drainage area and is at risk of being diverted if and when the culvert plugs. At MP#6, Burr Creek out of its natural stream channel and diverting a short distance down the access road to the southern portion of the property.

In order to satisfy this condition (Standard Condition 2) and the condition above (Standard Condition 1) PWA recommends that a Road Assessment and Erosion Control Plan be developed and implemented. Treatments will include road surface drainage improvements (road shaping and new drainage structures), road surfacing, hydrologic disconnection, stream crossing culvert size analysis and upgrading and elimination of diversion potential at stream crossings. Additionally, this ECP will highlight necessary permitting steps that will be required as part of the Erosion Control Plan implementation.

#### **4.3 Standard Condition #3. Riparian and Wetland Protection and Management**

- a) *For Tier 1 Dischargers, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at a minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class 1 or 2 watercourse or within 50 feet of any Class 3 water course or wetlands.*

**Meets condition?** Yes

**Observations/Comments:** Observed cultivation areas are greater than 200 feet from the nearest Class III stream.

**Photos:** Figure 2

**Corrective or remedial actions needed:** None

- b) *Buffers shall be maintained at natural slope with native vegetation.*

**Meets condition?** Yes

**Observations/Comments:** See general comment below.

**Photos:** No

**Corrective or remedial actions needed:** None

- c) *Buffers shall be of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances.*

**Meets condition?** Yes

**Observations/Comments:** See general comment below.

**Photos:** No

**Corrective or remedial actions needed:** None

- d) *Riparian and wetland areas shall be protected in a manner that maintains their essential functions, including temperature and microclimate control, filtration of sediment and other pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, streambank stabilization, and flood peak attenuation and flood water storage.*

**Meets condition?** Yes

**Observations/Comments:** See general comment below.

**Photos:** Figure 2

**Corrective or remedial actions needed:** None

**Standard Condition #3. - General comments and recommendations:** For this property, the closest point of cultivation operations are greater than 200 feet slope distance from a small Class III stream (Figure 2). Other issues may apply with the forded crossing at Burr Creek, but that is not affected by any cultivation activities.

#### 4.4 Standard Condition #4. Spoils Management

- a) *Spoils shall not be stored or placed in or where they can enter any surface water.*

**Meets condition?** Yes

**Observations/Comments:** See general comment below.

**Photos:** MP#14a and MP# 14b

**Corrective or remedial actions needed:** None.

- b) *Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.*

**Meets condition?** Yes

**Observations/Comments:** See general comment below.

**Photos:** MP#14a and MP# 14b

**Corrective or remedial actions needed:** None

- c) *Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.*

**Meets condition?** N/A

**Observations/Comments:** See general comment below.

**Photos:** No

**Corrective or remedial actions needed:** None.

**Standard Condition #4 - General comments and recommendations:** Based on field observations it is PWA's opinion that the project site is currently compliant with this condition. Upon PWA's site visit there were two spoils areas where used soil was stored. However, spoils piles were greater than 200 feet from any Class III stream. PWA recommends that in the future, spoil piles be covered with a tarp or other cover to assist in keeping the spent soils from migrating or discharging residual nutrients. Additionally, PWA recommends that spoil piles be encircled with a fiber roll or hay bales to further prevent runoff and downslope transport of soil or nutrients.

#### **4.5 Standard Condition #5. Water Storage and Use**

- a) *Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC 12 watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.*

**Meets condition?** Unknown

**Observations/Comments:** See general comment below.

**Photos:** No

**Corrective or remedial actions needed:** You should monitor your water use so as to determine the required volume of water storage that will be needed to support all water needs during the dry summer season. To be compliant with the Order, you should strive to achieve sufficient water storage volumes on the property such no surface water diversions occur from May 15th to October 31st.

- b) *Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.*

**Meets condition?** Unknown

**Observations/Comments:** PWA's site visit was conducted during January where operations were shut down for winter. PWA is uncertain of the watering methods and watering frequency utilized on this site.

**Photos:** N/A

**Corrective or remedial actions needed:** Water conservation measures should be utilized throughout the growing season in order to minimize stream flow diversions.

- c) *For Tier 2 Dischargers, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods.*

**Meets condition?** Yes

**Observations/Comments:** At the time of PWA's site visit there were five (5) 3,000-gallon water storage tanks and one small off-stream pond that is estimated to hold approximately 64,000-gallons of water when full.

**Photos:** MP# 7 and MP# 8

**Corrective or remedial actions needed:** PWA recommends you increase your water storage capacity so as to minimize water diversions from Burr Creek and to eliminate them during the dry season (May15 through October 31). Additionally, rainwater harvested during the wet season is unregulated and rainwater can be stored for summertime usage. Collection systems and storage tanks can be used to capture this rainwater for later use. Your consumption of water for greenhouse operations may exceed your current water storage capacity. A water budget will assist you in determining your water storage needs. Ultimately, in order to be compliant with the Order, you will not be allowed to draft water for the purpose of cultivation from Burr Creek between May 15<sup>th</sup> and October 31<sup>st</sup>.

- d) *Water is applied using no more than agronomic rates.*

**Meets condition?** Unknown

**Observations/Comments:** None

**Photos:** No

**Corrective or remedial actions needed:** Start measuring and recording your daily water usage on a weekly and monthly basis. The more refined your tracking is the better and more accurate your water budget will be. Attached log forms within Appendix D can assist you in recording your water diversions, storage and use over time. Water conservation measures should be taken whenever possible to lower your rate of diversion and water consumption.

- e) *Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.*

**Meets condition?** No

**Observations/Comments:** This property currently diverts water from Burr Creek via a gasoline powered pump with a screened intake (see MP#10). Water is pumped up to storage tanks above the residence. PWA was told that the gasoline pump is filled at the residence and not in or next to the creek. Please be aware that the refueling of even a small gas powered pump may not occur within 100 feet of Burr Creek, or any other water course.

**Photos:** MP#7, MP#8 and MP#10

**Corrective or remedial actions needed:**

This property has a Riparian Water Right to Burr Creek and other small streams on the property. However, the California State Water Resource Control Board (SWRCB) requires that individuals report their surface water diversions by filing an Initial Statement of Diversion and Use (ISDU) on an annual basis quantifying the volume of water utilized during the previous year. If domestic diverted water is stored longer than 30 days the diverter/user must file for either a Small Domestic Use (SDU)

Appropriation Registration. However, the SWRCB has stated that commercial agricultural activities do not qualify for this registration. Therefore, for commercial cannabis, you need to file for a full Water Right Appropriation with the SWRCB, Division of Water Rights.

Appropriate water rights applications to be filed with the SWRCB include:

- Initial Statement of Diversion and Use (ISDU)  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/docs/intl\\_stmtnt\\_form.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/docs/intl_stmtnt_form.pdf)
- Small Domestic Use (SDU) Appropriation Registration  
[http://www.waterboards.ca.gov/waterrights/publications\\_forms/forms/docs/sdu\\_registration.pdf](http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf)
- Application to Appropriate Water  
[http://www.waterboards.ca.gov/waterrights/publications\\_forms/forms/docs/app\\_for\\_m.pdf](http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/app_for_m.pdf)

You might decide to file a SDU for your residential water use and develop a rainwater catchment system for your irrigation needs. For commercial agricultural use, your only choices for this parcel are to:

- provide all your irrigation water through on-site collection of rainwater
- drill a water well to satisfy your irrigation needs, or
- file for a full appropriative water right for your flow diversion (likely a multi-year proposition).

Note: the SWRCB may develop a small irrigation water right in this region in the near future but until they do, the full appropriation appears to be the only option for diversion water use associated with commercial agricultural production.

- f) *Water storage features, such as ponds, tanks, and other vessels shall be selected, sited, designed, and maintained so as to insure integrity and to prevent release into waters of the state in the event of a containment failure.*

**Meets condition?** Yes

**Observations/Comments:** Tanks are located on stable slopes far from any streams making it unlikely that water storage structure failures will result in delivery to the stream network. However, the CDFW considers all ponds within their jurisdiction and will likely want a LSA for the pond and any diversion from the pond.

**Photos:** MP#7 and MP#8

**Corrective or remedial actions needed:** Submit a Lake and Streambed Alteration Agreement (LSA) with CDFW for your use of the pond (if you use pond water for your operations).

**Standard Condition #5 - General comments and recommendations:** The water on this property comes from a stream diversion on Burr Creek. The rate of diversion from Burr Creek must be monitored to determine volumes of water diverted, stored and utilized.

As stated above, water rights documentation should be submitted to the SWRCB,

- An ISDU should be filed with the SWRCB with supplemental filing annually thereafter.
- A SDU Registration should also be filed for any domestic water stored for greater than 30 days.

Additionally, while not stated in the Order, because you are directly diverting water from Burr Creek, you are required to file a Lake and Streambed Alteration Agreement (LSA) with the California Department of Fish and Wildlife (CDFW):

- Lake and Streambed Alteration Agreement (LSA).  
<https://www.wildlife.ca.gov/Conservation/LSA>

PWA highly recommends, and state agencies may require, that you install flow meters on your water tanks and/or on your diversion lines, to accurately document your diversion volumes and rates, and your monthly water use. PWA also strongly suggests you install shut-off float valves on each tank to prevent overfilling and to reduce unnecessary water diversions when the tanks are full. The NCRWQCB requires that you report the amount of water you are diverting, storing and using through time. This reporting is due March 31 of each year for the previous calendar year. PWA has created log sheets to help you monitor your water usage and can assist you with both monitoring and annual reporting. They can be found within Appendix D of this report

#### 4.6 Standard Condition #6. Irrigation Runoff

- a) *Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water. In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing off-stream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.*

**Meets condition?** Unknown

**Observations/Comments:** Operations were shut down for winter at the time of PWA's site visit.

**Photos:** No

**Corrective or remedial actions needed:** See general comments, below

**Standard Condition #6 - General comments and recommendations:** You are required to monitor the application rate for watering, fertilizers and other assorted amendments to soils and plants. Log forms included within this WRPP (Appendix E) should assist with record keeping.

According to the Order, irrigation and fertilization shall occur at agronomic rates and chemicals shall be applied according to the label instructions and specifications. Agronomic rates are those rates of application of water, fertilizers and other amendments that are sufficient for utilization of the crop being grown, but not at a rate that would result in surface runoff or infiltration below the root zone of the crop being grown.

In the event that irrigation runoff occurs, or could occur, you shall ensure that contaminated runoff does not enter nearby watercourses. This can be accomplished by constructing or designing containment measures, including sediment basins, berms, infiltration ditches and/or other Best Management Practices (BMPs), as needed, to contain and control surface runoff (see Appendix A).

#### 4.7 Standard Condition #7. Fertilizers and Soil Amendments

- a) *Fertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.*

**Meets condition?** Yes

**Observations/Comments:** At the time of PWA's site visit all nutrients and fertilizers were stored inside a barn and/or storage shed.

**Photos:** Figure 2

**Corrective or remedial actions needed:** Soil amendments, potting soils, compost and fertilizers shall continue to be stored under a roof and or tarped during the rainy season and tarped during the growing season during rain events. Also see general comments and recommendations below.

- b) *Fertilizers and soil amendments shall be applied and used per packaging instructions and/or at proper agronomic rates.*

**Meets condition?** Unknown

**Observations/Comments:** Fertilizers and amendments were not observed on PWA's site inspection.

**Photos:** No

**Corrective or remedial actions needed:** Keep detailed records of any fertilizers and/or other soil amendments you use in your operations on Log Sheets such as those PWA has provided in Appendix E, or by using some other record keeping method. Observe and monitor soil moisture so watering, fertilizer and chemical applications are made only when necessary and overwatering and excess infiltration is avoided. Also see general comments and recommendations below.

- c) *Cultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.*

**Meets condition?** Yes

**Observations/Comments:** The cultivation area is located on low gradient topography and has a wide vegetative buffer so it does not present a significant threat to water quality.

**Photos:** Figure 2

**Corrective or remedial actions needed:** None.

**Standard Condition #7 - General comments and recommendations:** Based on field observations, PWA noted that there were proper storage facilities for fertilizers and soil amendments. Most growing amendments will be brought in during the growing season and either stored inside or under tarps such that they are protected from the weather.

With the closest stream located well away from the cultivation area, any runoff that theoretically might make it off the cultivation area is not anticipated to deliver to a stream due to the distance and vegetative buffer between the cultivation area and the stream network.

Under the Order, you are required to keep track of the timing and volume of fertilizers and other soil amendments that are applied during your operations. See Appendix E for log forms that can be used to record the use of fertilizers and soil amendments.

#### **4.8 Standard Condition #8. Pesticides/Herbicides**

- a) *At the present time, there are no pesticides or herbicides registered specifically for use directly on cannabis and the use of pesticides on cannabis plants has not been reviewed for safety, human health effects, or environmental impacts. Under California law, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue tolerance requirements and either registered and labeled for a broad enough use to include use on cannabis or exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and California Code of Regulations, title 3, section 6147. For the purpose of compliance with conditions of this Order, any uses of pesticide products shall be consistent with product labelling and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters.*

**Meets condition?** Unknown

**Observations/Comments:** Neither pesticides nor herbicides were observed on the property at the time of our inspection.

**Photos:** No

**Corrective or remedial actions needed:** See general comments below.

**Standard Condition #8 - General comments and recommendations:** No pesticide or herbicide chemicals were observed on the site during PWA's inspection. When present, pesticides and herbicides should be stored within enclosed buildings in such a way they cannot enter or be released into surface or ground waters.

Under the Order you are required to keep records (logs) of the timing and volume of pesticides and herbicides used in your operations. This can be done using a simple log form, such as the one included in Appendix F. Additionally, for any pesticide use you must comply with the Pesticide Registration Requirements. See Appendix E2 included in the NCRWQCB Order, or on their web site at:  
[http://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2015/150728\\_Appendix\\_E2\\_DPR\\_MJ%20Pesticide%20Handout.pdf](http://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2015/150728_Appendix_E2_DPR_MJ%20Pesticide%20Handout.pdf)

#### 4.9 Standard Condition #9. Petroleum Products and other Chemicals

- a) *Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.*

**Meets condition?** Yes

**Observations/Comments:** At the time of PWA's site visit there were several empty 3- to 5- gallon gasoline containers stored within a small shed. Note that once operations are under way, all petroleum products should be stored under cover, off the ground and within a secondary containment basin (tote, tub, etc.) sufficient to contain the full volume of the stored liquids.

**Photos:** MP# 12

**Corrective or remedial actions needed:** See general comments and recommendations below.

- b) *Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.*

**Meets condition?** N/A

**Observations/Comments:** No above ground storage containers.

**Photos:** No

**Corrective or remedial actions needed:** None.

- c) *Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.*

**Meets condition?** N/A

**Observations/Comments:** N/A

**Photos:** No

**Corrective or remedial actions needed:** None

- d) *Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.*

**Meets condition?** No

**Observations/Comments:** No spill prevention cleanup kit was observed on-site.

**Photos:** No

**Corrective or remedial actions needed:** You are required to have a spill prevention cleanup kit onsite at all times to help clean up small spills.

- e) *Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.*

**Meets condition?** N/A

**Observations/Comments:** There are no underground storage tanks.

**Photos:** No

**Corrective or remedial actions needed:** None

**Standard Condition #9 - General comments and recommendations:** There are no large generators or fuel storage containers on the site; however, there were at least ten (10) 3- to 5-gallon gasoline tanks observed on site.

Note that the State of California requires an owner or operator of a facility to complete and submit a Hazardous Material Business Plan (HMBP) if the facility handles a hazardous material or mixture containing a hazardous material that has a quantity at any one time during the reporting year equal to or greater than:

- 55 gallons (liquids)
- 500 pounds (solids), or
- 200 cubic feet for compressed gas (propane).

If at any time during the year you exceed any one of these quantities, you need to prepare and file a HMBP for your operation. Information regarding HMBPs can be found at <http://ca-humboldtcounty.civicplus.com/DocumentCenter/Home/View/3224>.

Finally, the Order requires that a Petroleum Storage Spill Prevention, Control and Countermeasures (SPCC) Plan be implemented for the site (see the CA-EPA fact sheet: <http://www.rivcoeh.org/Portals/0/documents/guidance/hazmat/FactSheetSPCC.pdf>).

Additionally observed on the property was a gasoline powered water pump. Any maintenance and/or fueling of this pump must be conducted at a minimum 100 feet from any drainage.

#### 4.10 Standard Condition #10. Cultivation-Related Wastes

- a) *Cultivation-related wastes including, but not limited to, empty soil/soil amendment/fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium shall, for as long as they remain on the site, be stored at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwater.*

**Meets condition?** Yes

**Observations/Comments:** The Project Site was clean upon PWA's site inspection.

**Photos:** No

**Corrective or remedial actions needed:** None

**Standard Condition #10 - General comments and recommendations:** Based on field observations, it is PWA's opinion that the Project Site was compliant with the cultivation-related wastes condition. However, as mentioned above, there are some instances where spent soils were left unattended and uncovered for the winter season. In the future, these piles should be covered with either a tarp or black plastic to prevent any remaining nutrients from being transported off the site.

#### 4.11 Standard Condition #11. Refuse and Human Waste

- a) *Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.*

**Meets condition?** No

**Observations/Comments:** This site has an Onsite Wastewater Treatment System which was permitted for installation, but it was never signed-off (finalized) by the HCDEH. Additionally there appears to be an outhouse on the property. It is unclear to PWA if it is currently in use.

**Photos:** MP-15a and MP-15b

**Corrective or remedial actions needed:** Site investigations should be conducted in an effort to permit the existing septic system. If possible, the OWTS needs to be permitted. See general comments below.

- b) *Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.*

**Meets condition?** Yes

**Observations/Comments:** Site was clean.

**Photos:** No.

**Corrective or remedial actions needed:** None

- c) *Garbage and refuse shall be disposed of at an appropriate waste disposal location.*

**Meets condition?** Yes

**Observations/Comments:** Site was clean. Operator periodically hauls refuse off site and dumps at official transfer stations.

**Photos:** No

**Corrective or remedial actions needed:** None

**Standard Condition #11 - General comments and recommendations:** This site currently has an in-ground Onsite Wastewater Treatment System (OWTS). However, PWA conducted research within the HCDEH and found that while there was a permit to install this system, the system was never finalized and therefore, in the eyes of the HCDEH, it is not a permitted system. PWA recommends unearthing the outlet end of the septic tank and by carefully unearthing the sewer main thereby exposing the distribution box and the ends of the leach lines. The Order requires a permitted or approved OWTS. By working with the HCDEH, and provided the installation meets code requirements, you should be able to finalize this permit. If it cannot be permitted, PWA recommends starting the permit process to install a new system.

#### **4.12 Standard Condition #12. Remediation/Cleanup/Restoration**

- a) *Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road outslowing and rolling dip installation where safe and suitable, installing ditch relief culverts and overside drains, removing berms, stabilizing unstable areas, reshaping cutbanks, and rocking native-surfaced roads. Restoration and cleanup conditions and provisions generally apply to Tier 3 sites, however owners/operators of Tier 1 or 2 sites may identify or propose water resource improvement or enhancement projects such as stream restoration or riparian planting with native vegetation and, for such projects, these conditions apply similarly.*

*Appendix B accompanying the NCRWQCB Order, (and Appendix A in your WRPP), includes environmental protection and mitigation measures that apply to cleanup activities such as: temporal limitations on construction; limitations on earthmoving and construction equipment; guidelines for removal of plants and revegetation; conditions for erosion control, limitations on work in streams, riparian and wetland areas; and other measures.*

*These protection and mitigation measures have been developed to prevent or reduce the environmental impacts and represent minimum, enforceable standards by which cleanup activities shall be conducted under this Order.*

**Meets condition?** N/A

**Observations/Comments:** This is not a Tier 3 site. Some erosion assessments and corrective actions related to erosion and sediment delivery to streams has been listed earlier in the WRPP. No cleanup or major site restoration is required. See general comments within 4.1 and 4.11 (and Table 1) for specific recommendations and corrective actions on those topics.

**Photos:** No

**Corrective or remedial actions needed:** See Table 1 below.

**Standard Condition #12 - General comments and recommendations:**

## 5.0 PRIORITIZED CORRECTIVE ACTIONS AND SCHEDULE TO REACH FULL COMPLIANCE

The following check list should be followed to become fully compliant with the Order. Please see the detailed comments and recommendations, above, for a more complete description of the problems and the needed corrective actions and monitoring requirements.

| Table 1. Features Needing Improvement or Action Items (Prioritized implementation schedule for corrective actions) |                    |                        |                                                                                                                                                                                                                                                                                                     |                                 |                   |                |
|--------------------------------------------------------------------------------------------------------------------|--------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------|----------------|
| Standard Condition requiring action                                                                                | Treatment Priority | Schedule               | Corrective Action / Recommendation                                                                                                                                                                                                                                                                  | Map point and photo #           | Estimated cost    | Date completed |
| 1 – Site Maintenance, Erosion Control and Drainage Features                                                        | Moderate           | 2016 - 2018            | Conduct a road erosion control assessment and develop and implement an erosion and sediment control plan for the road system and bare soil areas. Install road drainage features to break up long undrained road reaches and reduce road-related erosion.                                           | MP-1, MP-2, MP-3, MP-6 and MP-9 | \$4,500 - \$5,000 |                |
| 2 – Stream Crossing and Maintenance                                                                                | Moderate           | 2016 - 2018            | Stream crossings need to be analyzed and upgraded as needed. This site has the added difficulty that some culverts are on a community road. You may need to work with other landowners to upgrade the road drainage and any culverts along at least the part of this road that is on your property. | MP-4, MP-5, MP-6                | Part of 1 costs   |                |
| 5 – Water Use                                                                                                      | 5a                 | 2016                   | Utilize log forms provided to you in Appendix D to closely monitor your water diversions, storage and water use through time. These numbers will have to be reported to the NCRWQCB every March for the preceding calendar year.                                                                    |                                 | TBD               |                |
|                                                                                                                    | 5a                 | 2016 and then annually | Install float valves and water meters on storage tanks and log water diversion, storage and use using log sheets provided in Appendix D.                                                                                                                                                            |                                 | TBD               |                |
|                                                                                                                    | 5b                 | 2016 and then annually | Increase your use of water saving strategies, such as watering in the late afternoon or evening, use of drip irrigation, etc. Develop and test new methods, and employ them to conserve water and reduce your diversions from Burr Creek.                                                           |                                 | TBD               |                |

**Table 1. Features Needing Improvement or Action Items (Prioritized implementation schedule for corrective actions)**

| Standard Condition requiring action | Treatment Priority | Schedule                                               | Corrective Action / Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Map point and photo # | Estimated cost | Date completed |
|-------------------------------------|--------------------|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------|----------------|
| 5c                                  | Moderate-High      | 2017                                                   | Increase your water storage capacity to match your anticipated water demand during the dry season. Consider developing rainwater harvesting to fill your water storage tanks during the rainy season. Ultimately you will be required to forbear from diverting water from Burr Creek for the purpose of cultivating between May 15 <sup>th</sup> and October 31 <sup>st</sup> .<br><br>You currently have an off-stream pond that is fed through rainwater and a small gully which originates from a graded pad on your property. Filing for a CDF&W LSA for this pond should allow you the use of this collected water during the dry season.<br><br>Start measuring and recording your average water usage on a per-week and per-month basis. The more refined your monitoring is, the better your water budget will be. | MP-5,<br>MP-8.        | TBD            |                |
| 5d                                  | High               | 2016                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                       |                |                |
| 5e                                  | High               | 2016 and a supplemental statement Annually thereafter. | File an Initial Statement of Diversion and Use and registration with SWRCB Division of Water Rights establish your use of this riparian water source.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                       |                |                |
| 5e                                  | High               | 2016                                                   | Submit a Small Domestic Use Registration to the SWRCB Division of Water Rights for the storage of water for domestic use for greater than 30 days.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                       |                |                |
| 5e                                  | High               | 2016                                                   | File a Lake and Streambed Alteration Agreement (LSA) with CDFW for water diversion from Burr Creek and for the existing pond.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                       |                |                |
| 7 - Fertilizer and Amendment Use    | High               | 2016 and then annually                                 | Document fertilizer and amendment use on log sheets such as those provided in Appendix E. These numbers will need to be reported to the NCRWQCB every March for the preceding calendar year.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                       |                |                |

**Table 1. Features Needing Improvement or Action Items (Prioritized implementation schedule for corrective actions**

| Standard Condition requiring action        | Treatment Priority | Schedule               | Corrective Action / Recommendation                                                                                                                                                                                               | Map point and photo # | Estimated cost | Date completed |
|--------------------------------------------|--------------------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------|----------------|
| 8 – Pesticides and Herbicides              | Moderate           | 2016 and then annually | Document pesticide, herbicide, and fungicide use on log sheets such as those provided in Appendix F. These numbers must be reported to the NCRWQCB every March for the preceding calendar year.                                  |                       |                |                |
| 9 – Petroleum Products and Other Chemicals | High               | 2016                   | Acquire spill prevention supplies and place where easily accessible in case of accidental spill. Continue to store petroleum products under a roof and within a containment structure that would prevent release of the product. |                       |                |                |
| 11 – Refuse and Human Waste                | 11a                | 2016-2017              | Work with a qualified professional to help locate the existing leach field, and the Humboldt County Division of Environmental Health to finalize your permit.                                                                    |                       |                |                |
|                                            | 11a                | 2017-2019              | If you have additional workers on the property, the Division of Environmental Health may want to see additional leach lines installed.                                                                                           |                       |                |                |

## 6.0 MONITORING AND INSPECTION PLAN

Under the Order, sites are required to be monitored and inspected periodically to ensure conformance with the 12 Standard Conditions. In most cases, inspections and records of inspections identify conditions that have been corrected and are now in compliance; conditions that remain in compliance; and conditions that have changed and may no longer be in compliance with the Order. An inspection and monitoring plan is used to document these conditions, identify problems and make corrections using best management practices (BMPs) to protect water quality (Appendix A).

Monitoring Plan – Monitoring guidelines and reporting standards have been created by the NCRWQCB as part of the Order. Monitoring of the project site includes visual inspection and photographic documentation of each feature of interest listed on the project site map, with new photographic documentation recorded with any notable changes to the feature of interest.

Please refer to Appendix B and Figure 2 to review the monitoring plan and specific monitoring points for which you are responsible.

Site inspection schedule - According to the NCRWQCB, periodic inspections should include visual inspection of the site, including any management measures/practices, to ensure they are being implemented correctly and are functioning as expected. Inspections include photographic documentation of any controllable sediment discharge sites, as identified on the site map, and a visual inspection of those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water.

At a minimum, sites shall be inspected at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional management measures is necessary to prevent or minimize discharges of waste or pollutants to surface water:

- 1) Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on-site.
- 2) Prior to October 15 to evaluate site preparedness for storm events and stormwater runoff.
- 3) Following the accumulation of 3 inches cumulative precipitation (starting September 1<sup>st</sup>) or by December 15<sup>th</sup>, whichever is sooner.
- 4) Following any rainfall event with an intensity of 3 inches precipitation in 24 hours.  
Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>; Pick the nearest or most relevant zip code and then select the 3 day history that will also show precipitation totals.

Inspection and Monitoring Checklist – Appendix B contains a checklist data form that will be used by the landowner and/or operator to 1) document inspection dates, 2) document visual and photographic inspection results, 3) describe remediation and management measures that are being applied, 4) identify new problems and their treatments, and 5) document the progress and effectiveness of implementing remedial and corrective measures that are needed to meet the 12

Standard Conditions, as outlined in this WRPP. Appendix C contains photo documentation of your monitoring points and will need to be updated as corrective treatments are implemented and treatments are monitored and evaluated over time.

Annual Reporting – An Annual Report is to be submitted either directly to the NCRWQCB or to the NCRWQB through PWA (through PWA's 3<sup>rd</sup> Party Program). The information in the annual reporting form must be submitted to the NCRWQCB by March 31 of each year. The reported information is to be reflective of current site conditions, and includes monitoring data and tasks accomplished to protect water quality. The report includes such items as the reporting of monthly monitoring data collected during the year (e.g., fertilizers, amendments and chemicals used, water diversions, water storage, water use, etc.), management measures (BMPs) applied during the year and their effectiveness, and tasks accomplished during the year towards meeting each of the 12 Standard Conditions identified as deficient in this WRPP.

## 7.0 WATER USE

Requirements - According to the Order, a Water Use Plan shall record water source, relevant water right documentation, and amount used monthly. All water sources shall be recorded, including alternative sources such as rain catchment and groundwater, and/or hauled water. Other elements of the Water Use Plan will include:

- Developing a water budget for determining the timing and volume of actual water use on the site. Water related data will be summarized monthly for the preceding month.
- Designing and implementing water conservation measures to reduce water diversion and water use.
- Calculating water storage requirements needed to support cultivation activities during the dry season, and implementing those required storage measures

Water use must also consider water conservation measures and document your approach to ensure that the quantity and timing of water use is not impacting water quality objectives and beneficial uses (including cumulative impacts based on other operations using water in the same watershed). As per the NCRWQCB water use will only be presumed to not adversely impact water quality under one of the following scenarios:

- No surface water diversions occur from May 15 to October 31.
- Water diversions are made pursuant to a local plan that is protective of instream beneficial uses.
- Other options that may affect water quality: (e.g., percent of flow present in stream; minimum allowable riffle depth; streamflow gage at bottom of Class I stream; AB2121 equations; CDFW instream flow recommendations; promulgated flow objective in Basin Plan; etc.).

Site Water Use – The site water use for this site shall be monitored, logged and recorded in data tables and site records. As part of complying with these requirements PWA has developed some relatively simple log forms to assist in recording amounts of water diverted, water stored and water used on a monthly basis. It will be important for you as a diverter to keep accurate measurements because this information is what will be required to report back to the Water Board by March 31<sup>st</sup> and every year thereafter. The forms that have been included within Appendix D of

this Plan, and should be kept up to date by the landowner and/or their agents.

*Water Storage and Forbearance* - The ultimate goal of the applicant is to accumulate enough water storage capacity to forebear the entire period from May 15 through October 31. This will ensure the timing of water use is not impacting water quality objectives and beneficial uses. The current tank farm area provides a relatively stable location where water tanks may be safely installed. Additionally, with proper engineering it may be possible to enlarge the existing pond. Even if it is not changing the footprint, but in making it deeper. This action would likely need some planning, engineering and permitting.

*Water Conservation* - Water conservation measures currently practiced by others include growing many of the plants in-ground (as compared to above ground pots) and/or watering either early in the morning or late in the afternoon or evening to minimize water loss through evaporation and maximize water up-take by the plants. Starting this year PWA recommends the new water conserving techniques and equipment will be utilized and tested, to evaluate their effectiveness and efficiency. To accomplish this it will be important to be diligent about filling out water use log forms on a regular basis.

*Water sources and use* - Though several seasonal Class III streams are located within the project site parcel, the only point of diversion PWA is aware of is on Burr Creek, a Class II watercourse. At the diversion location a gasoline powered pump is set on the side of the creek and a screened intake line is placed into the creek. It is PWA's understanding that the gasoline pump is filled elsewhere on the property and then transported to the diversion site via truck or quad. Regardless, refueling should never take place within 100 feet of the banks of the stream channel. Water is then pumped several hundred feet in elevation up to the existing tank farm. At this location water is divided into either one (1) 3,000-gallon tank, utilized strictly for domestic use, or four (4) 3,000-gallon tanks, used for irrigation purposes (see Figure 2).

Water is gravity fed to either the residence, or the cultivation area. Additionally, it is PWA's understanding that you were in the process of setting up a large (20,000-gallon) bladder on a lower, topographic bench on the property. However, that had not been completed as of PWA's site visit. Additional water available to you is the small, rain fed pond which PWA estimates to contain approximately 65,000-gallons of stored water (Figure 2).

It will be important for you, over the coming year and into the future, to understand the amount of water you are diverting, storing and using on this site, utilizing flow meters or other methods or devices for accurately measuring flow rates and water volumes. You will need to determine how much water storage you will need in order to forbear (not divert) between May 15<sup>th</sup> and October 31<sup>st</sup> each year for your cultivation related activities. This documentation, monitoring and analysis is of high priority under the Order

Over the course of the current season, water use shall be documented either using log forms we have developed and provided for your use (Appendix D), or using some other equally useful and accurate method. Furthermore, you should submit an Initial Statement of Diversion and Use (ISDU) for your use of your riparian water and either an Appropriative Water Rights

(Appropriative) for any water that is stored for greater than 30 days. For your domestic water rights, you may be able to file a Small Domestic Use Registration. However, both the SDU and the full Appropriation can take up to two years or longer to get approved. However, it will be important to have at least filed that paperwork. If you would like, PWA can assist you with undertaking and completing all these actions.

In addition to your water rights documentation, you are required to file a Lake and Streambed Alteration Agreement (LSA) with CDFW for your diversion, and probably for your pond. As more accurate water diversion, storage and use data is gathered, refined targets can be made to ensure adequate water storage exists to protect downstream water quality and beneficial uses during the driest time of the year when fish habitat and water quality is at greatest risk.

## 8.0 LIST OF CHEMICALS

The WRPP must contain a list of chemicals being stored on site, in addition to quantities used and frequency of application. These include fertilizers/soil amendments, pesticides, herbicides, petroleum products and other chemicals used in, or associated with, your cultivation activities and related operations.

Because this is the first year of enrollment, information regarding chemical use and storage is deficient or anecdotal. Appendixes E and F contains monitoring forms that should be used to list the chemical inventory record over time, as supplies are added to the site and used during the growing season. The landowner or operator will use these forms to track the types, storage volumes, timing of application, and volume of use of these products throughout the year. The initial chemicals and amendment list that may be used and stored onsite include:

Below is a place for you to list the fertilizers and amendments, pesticides, herbicides, fungicides, petroleum products and other chemicals stored and used at this site. Between this summary list and the log forms provided to you in Appendixes E and F, you will need to accurately document the chemicals stored and used on your property. This documentation is required as a part of the Order. Additionally, take careful note to Section 4.9 of this report as there may be EPA reporting requirements as part of having chemicals onsite for use in the operation of a commercial business.

### Fertilizers and amendments:

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Pesticides, Herbicides, and Fungicides:

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Petroleum and Other Chemicals:

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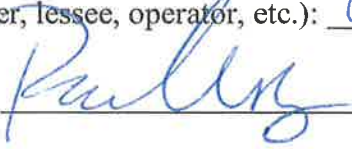
## 9.0 LANDOWNER/ LESSEE CERTIFICATION/SIGNATURES

This Water Resource Protection Plan (WRPP) has been prepared by Pacific Watershed Associates, an approved Third Party Program acting on behalf of the North Coast Regional Water Quality Control Board (NCRWQCB).

"I have read and understand this WRPP, including Section 2.0 – Certifications, Conditions and Limitations. I agree to comply with the requirements of the California Regional Water Quality Control Board North Coast Region Order No. 2015-0023 (Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region), including the recommendations and actions listed in this WRPP."

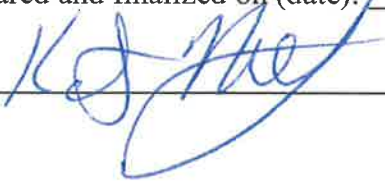
Name of legally responsible person (LRP) PAMELA WILLEY

Title (owner, lessee, operator, etc.): OWNER

Signature:  Date: 10/25/16

WRPP prepared by (if different from LRP): **Pacific Watershed Associates, Inc.**

WRPP prepared and finalized on (date): 10-25-16

Signature:  Date: 10-25-16

## 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                                              | Recommendation                                                                                 | Location                          |
|--------------------------------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------|
| Building Inspection Division                                 | Recommend Approval                                                                             | On file with Planning             |
| Land Use Division                                            | Recommend Approval                                                                             | On file with Planning             |
| Division of Environmental Health                             | Recommend Approval                                                                             | On file with Planning             |
| Department of Fish & Wildlife                                | Conditional Approval – complete mitigation measures and successfully file and adhere to LSAA   | On file with Planning and pending |
| NWIC                                                         | Conditional Approval                                                                           | On file with Planning             |
| Bear River Band of the Rohnerville Rancheria                 | Approval – A cultural resources investigation was reviewed and approved by the Bear River THPO | On file with Planning             |
| RWQCB                                                        | No Response                                                                                    |                                   |
| Sheriff                                                      | No Response                                                                                    |                                   |
| District Attorney                                            | No Response                                                                                    |                                   |
| Bridgeville School District                                  | Recommend Approval                                                                             | On file with Planning             |
| State Water Resources Control Board-Division of Water Rights | No response                                                                                    |                                   |
| Humboldt County Agriculture Commissioner                     | No Response                                                                                    |                                   |

## Moreno, Elizabeth

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**From:** Yandell, Rodney  
**Sent:** Thursday, August 31, 2017 1:37 PM  
**To:** Moreno, Elizabeth  
**Subject:** FW: Alder Rose LLC Special Permit Application-APPS 10941  
**Attachments:** Exhibit A\_Bullfrog Management Plan-CEQA\_2016\_0357.pdf

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**From:** Bocast, Kalyn@Wildlife [mailto:Kalyn.Bocast@Wildlife.ca.gov]  
**Sent:** Thursday, August 31, 2017 12:00 PM  
**To:** Yandell, Rodney <RYandell@co.humboldt.ca.us>  
**Cc:** Planning Clerk <planningclerk@co.humboldt.ca.us>; Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>  
**Subject:** Alder Rose LLC Special Permit Application-APPS 10941

Hello Rodney Yandell,

Thank you for referring the Alder Rose LLC Special Permit application (APPS 10941, Project) to the California Department of Fish and Wildlife (CDFW) for review and comment. The project consists of a CUP for a 7,520SF of outdoor cannabis cultivation and 1,872 of mixed-light cannabis cultivation on APN: 210-231-003.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code section 21000 et seq.). These are comments intended to assist the Lead Agency in making informed decisions early in the planning process.

- The applicant submitted a Notification of Lake or Streambed Alteration (LSA#: 1600- 2016-0543) in November of 2016. As of August 2017, the LSA Agreement is in process and has not been deemed Final.
- A Northern Spotted Owl (*Strix occidentalis caurina*, a State and Federally Threatened species) activity center is located less than one mile from cultivation area, although recent survey results were not available. CDFW recommends a biological assessment of the property by a qualified wildlife biologist with experience in NSO protocol level surveys to determine whether the area has Northern Spotted Owl presence or the project should propose mitigation to ensure that NSO disturbance is minimized and/or mitigated.
- The referral materials show that the applicant will be utilizing mixed-light cultivation methods. CDFW recommends that the county require, as a condition of Project approval, that the applicant provide a lighting plan demonstrating that the proposed cultivation area would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, which may affect fish and/or wildlife directly, or from a distance. Light pollution has the potential to impact sensitive species such as the Northern Spotted Owl (*Strix occidentalis caurina*, a State and Federally Threatened species).
- The referral materials state that there is a constructed pond onsite for the use of cannabis cultivation. CDFW recommends as a condition of project approval, that the applicant provide a bullfrog management plan to the CA Department of Fish and Wildlife (see-attached Exhibit A).
- The referral materials state that the applicant will be utilizing generators for cultivation. CDFW recommends that the county require, as a condition of Project approval, that the applicant provide a noise pollution plan demonstrating that the proposed generator would not deliver noise pollution, which may affect fish and/or wildlife directly, or from a distance. Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, interference to predation, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration.
- This project has the potential to affect sensitive fish and wildlife resources such as amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please contact me at [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov) if you need additional information.

Please confirm that you have received this email.

Sincerely,

Kalyn Bocast  
Environmental Scientist  
Watershed Enforcement Team  
California Department of Fish and Wildlife  
619 2nd Street  
Eureka, CA 95501  
(707) 441-2077

## **EXHIBIT A.**

### **BULLFROG MONITORING AND MANAGEMENT PLAN FOR CEQA-2016-0357-R1**

#### **GENERAL BULLFROG INFORMATION**

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California that poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result, bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

#### **MONITORING**

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of five total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey efforts must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night\* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of five total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

\*Day time monitoring can also be conducted to aid detection but is not required under this plan.

#### **SUCCESS CRITERIA**

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successful if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

## OPTIONS FOR MANAGEMENT

Two removal methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by phone at (707) 441-2077 or via email at [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov).

### Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of **five** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

### Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

### **Pond Dewatering**

Pond dewatering may be appropriate if the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

### **REPORTING**

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

### **APPENDIX A. BULLFROG REFERENCE PHOTOS**



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).



The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and the underside of the bullfrogs hind legs are not shaded pink or red.

## **ATTACHMENT 5**

### **Letter requesting a public hearing**



**August 13, 2017**

**Planning and Building Department  
Planning Division  
County of Humboldt  
3015 H Street  
Eureka, California 95501**

**I request a public hearing on this permit for parcel 210-221-003.**

**Drew Rotermund  
4300 Jacoby Creek Road  
Bayside, California 95524**

**707-822-2851**

**I am the owner of parcel 210-221-002.**