



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

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Hearing Date: February 03, 2022

To: Humboldt County Planning Commission

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

Subject: **Lacks Creek Ventures, LLC, Conditional Use Permit**  
Record Number: PLN-10430-CUP  
Assessor's Parcel Number (APN): 521-123-005  
Section 13 of Township 07 North, Range 03 East, H.B.&M., Redwood Creek area

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Please contact Megan Marruffo, Assigned Planner, at 707-443-5054 or by email at [marruffom@lacoassociates.com](mailto:marruffom@lacoassociates.com), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 03, 2022	Conditional Use Permit	Megan Marruffo

**Project Description:** A Conditional Use Permit for 17,380 square feet (SF) of existing mixed light cultivation and outdoor cultivation utilizing light deprivation techniques, including 1,700 SF of ancillary propagation. Irrigation water is sourced from rainwater catchment. Existing available water storage is 71,000 gallons in a 50,000-gallon rainwater catchment pond and a series of hard-sided tanks, with an additional 120,000 gallons proposed, for a total of 196,000 gallons of onsite storage. Estimated annual water usage is 80,000 gallons. Drying and processing occurs onsite in an existing 1,500 SF building. A maximum of five (5) people may be onsite during peak operations. Power is provided by three (3) generators; however, there are plans to convert to solar and wind energy by 2026.

**Project Location:** The project is located in the Redwood Creek area, on the north and south sides of Bair Road, approximately 1 mile from the intersection of UNN4 and Bair Road, on the property known to be in Section 13 of Township 07 North, Range 03 East, Humboldt Base & Meridian.

**Present Plan Land Use Designations:** Timberland (T) Density: 40-160 acres per dwelling unit, Slope Stability: Moderate Instability (2).

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

**Assessor's Parcel Number:** 521-123-005

**Applicant**

Lacks Creek Ventures, LLC  
C/O Joshua Jones and Robert Schultz  
61 Carter Lane  
Eureka, CA 95503

**Owner**

Robert Shultz  
61 Carter Lane  
Eureka, CA 95503

**Agent**

Humboldt Logistics  
Brittany Massaro  
P.O. Box 457  
Scotia, CA 95565

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

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

**Major Issues:** None.

**Recommended Planning Commission Action:**

1. Describe the application as part of the Consent Agenda;
2. Survey the audience for any person who would like to discuss the application;
3. If no one requests discussion, approve the Consent Agenda thereby adopting the Resolution to take the following actions

*Adopt the Resolution to 1) find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) pursuant to Section §15164 of the State CEQA Guidelines, 2) make all of the required findings for approval of the Conditional Use Permit, and 3) approve the Lacks Creek Ventures, LLC, project as recommended by staff subject to the recommended conditions.*

**Executive Summary:** Lacks Creek Ventures, LLC, seeks a Conditional Use Permit to allow the continued cultivation of 17,380 square feet (SF) of existing mixed light cultivation and outdoor cultivation utilizing light deprivation techniques, including 2,000 SF of ancillary propagation, in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Timberland Production Zone (TPZ). Cultivation takes place within the western and central portions of the property within six (6) greenhouses, with 14,500 SF of outdoor cultivation utilizing light deprivation techniques and 2,880 SF of mixed light cultivation. Ancillary propagation (1,700 SF total) occurs in a separate greenhouse. Two (2) harvests are anticipated annually.

Drying and processing occurs onsite in an existing 1,500 SF shop building. A maximum of five (5) people may be onsite during peak operations. Power is provided by three (3) generators; however, there are plans to convert to solar and wind energy by 2026. Specifically, the applicant is proposing a solar array atop the existing shed, with a windmill proposed in front of the shop building. The operation is secured behind locked gates, and utilizes guard dogs and solar-powered security lighting. Video surveillance is also proposed.

**Cultivation and Nursery Space**

As noted above, the application is for 17,380 SF of existing mixed light and outdoor cannabis cultivation, which includes 1,700 SF of existing ancillary propagation. The onsite nursery equates to approximately 9.8% of the total current cultivation area, which complies with what planning division staff and the Planning Commission have found allowable in the past (i.e., a nursery space of 10% of the cultivation area). Based on the County's cultivation area verification and a site visit conducted by County staff, 17,380 SF of cultivation was in existence prior to the CMMLUO environmental baseline date of January 1, 2016. Although the parcel is over 5 acres in size, irrigation water is sourced from a non-diversionary source and the cultivation and propagation areas occur on slopes less than 15%, the subject property is zoned TPZ. As a result, new cultivation could not be considered on the subject parcel. Planning staff recommends a condition of approval reducing the overall cultivation amount (including propagation) to a maximum of 17,380 SF, consistent with County's cultivation area verification. A recommended condition of approval has been included to require the applicant to revise both the Site Plan and Operations Plan to reflect a maximum of 15,304 SF of cultivation (limited to a maximum of 2,500 SF of mixed light cultivation) with a maximum of 10% nursery space, or 1,700 SF (currently in existence), for a total of 17,380 SF of onsite cultivation. Combined, the total cultivation area and nursery space (17,380 SF) would be in conformance with the cultivation amount previously verified by the County.

**Timber Conversion**

Review of aerial imagery dating back to 2004 indicates the site contained an existing open area in the western portion of the property as of 2004 and timber conversion occurred northeast of this area between 2004 and 2005, with additional timber conversion occurring within the central portion of the

site between 2010 and 2012, and 2016 and 2018. It appears some conversion occurred on the subject property after the CMMLUO baseline date of January 1, 2016.

A Less Than Three Acre Conversion Exemption was issued by the California Department of Forestry and Fire Protection (CAL FIRE) in May 2016 (1-16EX-135HUM; Attachment 3) for a conversion area of 1.4 acres. Based on the Conversion Map, the proposed conversion areas appear to be consistent with the size and location of the timber conversion areas observed on the aerial imagery. As the timber conversion that occurred onsite after the CMMLUO baseline date is consistent with the Less Than Three Acre Conversion, no restocking is required. No additional tree removal is proposed or authorized by this permit.

### Water Resources

Estimated annual water usage is 80,000 gallons (4.60 gal/SF) with peak demand occurring in August and September at approximately 20,000 gallons, respectively, per the table below.

Projected Water Use Table

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
0	0	1000	2500	5000	6500	10000	20000	20000	10000	5000	0

**TOTAL PROJECTED WATER USE FOR THE YEAR: 80,000 GALLONS**

Water for irrigation is provided by rainwater catchment and non-diversionary tank farm. The site contains an existing 50,000-gallon rainwater catchment pond and 21,000 gallons of hard-sided tank storage, with a 5,000-gallon tank dedicated for fire suppression. In addition, the applicant proposes an additional 120,000 gallons of onsite water storage in twenty-five (25) 4,800-gallon tanks for rainwater catchment, for a total of 196,000 gallons of onsite storage. Conditions of approval require the applicant to monitor water use from the pond and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs.

According to Humboldt County Web GIS and depicted on the Site Plan, Pine Creek traverses the northern portion of the subject parcel. Although the respective Streamside Management Area (SMA) is not depicted on the Site Plan, the Site Plan provides setback distances from the creek to the project area, which, at the nearest point, is 620 feet from Pine Creek. Based on the setback distances and as shown on the Site Plan, all cultivation activities and respective infrastructure would be located outside of the required SMA buffer.

A Water Resource Protection Plan (WRPP; WDID 1B16448CHUM) was prepared by Timberland Resource Consultants for the subject site in August 2016 (Attachment 3) in compliance with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023. The WRPP assesses compliance with the required elements and standard conditions established in the Order to protect water quality from cannabis cultivation and related activities. Included in the WRPP is a prioritized list of the recommended treatments and actions to be implemented to meet the requirements of the Order. Specifically, three (3) items were identified requiring remediation, including planned off-stream pond improvements, covering and providing secondary containment for generator and fuel storage, and adding an on-site septic system. The project is conditioned to require the applicant to implement all remaining corrective actions contained in the WRPP. Additional conditions of approval require the applicant to comply with the State Water Resources Control Board Cannabis Cultivation Policy, which includes development and implementation of a Site Management Plan.

A Final Streambed Alteration Agreement (SAA; Notification No. 1600-2016-0108-R1) was issued by the California Department of Fish and Wildlife (CDFW) in July 2016 for one (1) encroachment to reconstruct the onsite pond and spillway in accordance with signed engineering plans that include specification on

compaction, fill-slope gradient, and spillway size and monitoring. Per the applicant's agent in December 2021, the pond improvements have been completed (Attachment 3).

### **Biological Resources**

Per review of CDFW's California Natural Diversity Database (CNDDDB) in December 2021, the site is mapped within potential habitat area for the foothill yellow-legged frog (*Rana boylei*), a state-listed endangered species. Additionally, the cultivation areas are located near, but outside of, mapped Final Critical Habitat area for Northern Spotted Owl (NSO). The nearest NSO positive sighting is located approximately 0.20 miles from the cultivation area, with the nearest NSO activity center located approximately 0.49 miles away. Power at the site is currently provided by three (3) generators; however, there are plans to convert to solar and wind energy by 2026.

CDFW provided comments on the project in February 2019, in which was noted that CDFW requested pond reconstruction in 2016 to minimize the potential for pond failure, which was "built on a steep slope without permits, and shows signs of instability." A Final Streambed Alteration Agreement was issued for this work (see Attachment 3). The applicant's agent confirmed in December 2021 that the pond improvements have been completed (Attachment 3).

CDFW also expressed concerns regarding the use of mixed light within occupied NSO habitat where there have been documented NSO occurrences on the subject parcel. CDFW recommends denial of mixed light cultivation to avoid potentially significant impacts to NSO. CDFW requests that no mixed light cultivation be permitted prior to conducting two-year protocol level surveys, the applicant assume presence, implement avoidance measures such as prohibiting the use of generators, project lightings, and fans, and requests confirmation of mixed light use prior to the CMMLUO environmental baseline date of January 1, 2016. A Biological Resources Assessment was prepared by Blair Forestry Consulting in June 2020 (see Attachment 3) "...to review site conditions and evaluate the necessity for protocol level surveys associated with disturbance from cultivating cannabis." As noted in the Report, the site is likely outside of the range of marbled murrelet (*Brachyramphus marmoratus*, MAMU), and due to prior timber management in the vicinity of the project area, MAMU-preferred habitat "not is present in any abundance." The CNDDDB database indicates there are no known occurrences of MAMU near the project area; however, there are two historical NSO activity centers within 1.3 miles. In addition, within 1.3 miles of the project area, the CNDDDB records four (4) other special status species (one amphibian and three plants) – foothill yellow legged frog (*Rana boylei*), Pacific gilia (*Gillia capitata* ssp. *pacifica*), coast fawn lily (*Erythronium revolutum*), and giant fawn lily (*Erythronium oregonum*). Due to the project's location of more than 4,000 feet from the nearest Class I watercourse, detrimental effects to anadromous fisheries and the foothill yellow legged frog are not anticipated.

Regarding NSO, it is noted in the Report that NSO habitat includes mature forest patches with permanent water and suitable nesting trees and snags. Per the U.S. Fish and Wildlife Service (USFWS), competition from the invasive barred owl (*Strix varia*) is the largest threat to California's NSO population, rather than habitat encroachment. It is further noted that the landscape surrounding the site has historically undergone habitat modification due to logging, and the project area has undergone habitat modification in the form of tree removal associated with an approved Timberland Conversion Exemption. Review of CNDDDB indicates positive NSO sightings associated with the two (2) nearest NSO activity centers were only up through 1995, and there have only been negative observations beyond 1995. The Report notes that although there are no activity centers within one-quarter mile of the project area, there is suitable NSO habitat present within one-quarter mile, and "utilizing mixed-light cultivation as proposed by the landowner could create a disturbance and a light and noise attenuation plan would need to be developed." At a minimum, it is noted the project would need to comply with Dark Sky Association guidelines for Lighting Zones 0 and 1 and CDFW's 50 decibel level threshold for disturbance. Complying with these requirements would also ensure significant impacts to other species types would be minimized. Noise levels were taken onsite with a sound meter to assess two (2) generators utilized, which were below the 50 dB threshold at 100 feet or edge of suitable habitat established by CDFW.

Regarding the potential for sensitive plant species to be impacted by the project, it is noted in the Report that the potential for significant impacts is not anticipated, since the project would not result in additional ground disturbance.

A *Bullfrog Management Report 2019* was prepared by the property owner, date stamped received in September 2019 (Attachment 3), where it was noted the pond was drained in October 2019 for the pond reconstruction and no signs of bullfrogs were found at that time.

In response to CDFW comments, the conditions of approval require the applicant to implement light and noise attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. Further, as requested by CDFW, the project is conditioned to follow CDFW's Bullfrog Management Plan and meet the annual reporting requirements, and shall not stock the pond with fish without written permission from CDFW. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

### **Access**

Access to the site is via a driveway off Bair Road (which traverses the southern portion of the site) from Redwood Valley Road, both County-maintained. Bair Road is included on the list of County-maintained roads that meet (or are equivalent to) road Category 4 standards for cannabis projects. A Road Evaluation Report for an approximately 6.5 to 7.0-mile segment of Bair Road, from Redwood Valley Road to the subject property, was prepared by the applicants in February 2018 (Attachment 3), which indicates that the roadway meets a Category 4 road equivalent standard and is adequate for the proposed use. Per comments received from the Department of Public Works, Land Use Divisions, dated December 2017 and April 2018, any existing or proposed driveways that will serve as access for the proposed project that connect to a County-maintained road shall be improved to current standards for a commercial driveway and that private road intersections onto the County road shall be maintained in accordance with County Code section 341-1 (Sight Visibility Ordinance), which have been included as conditions of approval.

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Lower Klamath and Redwood Creek Planning Watersheds, and cultivation on the subject site would occur within both watersheds. Under Resolution 18-43, the Lower Klamath Planning Watershed is limited to 161 permits and 56 acres of cultivation, and the Redwood Creek Planning Watershed is limited to 141 permits and 49 acres of cultivation. Approximately 2,880 sf is located in the Redwood Creek Planning Watershed with the remainder in the Lower Klamath. With the approval of this project the total approved permits in the Lower Klamath Planning Watershed would be 16 permits and the total approved acres would be 5 acres of cultivation, and the total approved permits in the Redwood Creek Planning Watershed would be 12 permits and the total approved acres would be 3.25 acres of cultivation.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

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

**ALTERNATIVES:** The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially

significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

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

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number: 22-  
Record Number: PLN-10430-CUP  
Assessor's Parcel Number: 521-123-005**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Lacks Creek Ventures, LLC, Conditional Use Permit request.**

**WHEREAS**, Lacks Creek Ventures, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 17,380 square foot (SF) mixed light cultivation and outdoor cultivation utilizing light deprivation techniques with 14,500 SF of outdoor cultivation utilizing light deprivation techniques and 2,880 SF of mixed light cultivation that includes 1,700 SF of ancillary propagation. Irrigation water is sourced from rainwater catchment and non-diversionary tank farm. Existing available water storage is 71,000 gallons in a 50,000-gallon rainwater catchment pond and a series of hard-sided tanks, with an additional 120,000 gallons proposed, for a total of 196,000 gallons of onsite storage. Estimated annual water usage is 80,000 gallons. Drying and processing occurs onsite in an existing 1,500 SF building. A maximum of five (5) people may be onsite during peak operations. Power is provided by three (3) generators; however, there are plans to convert to solar and wind energy by 2026; and

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

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on February 3, 2022, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit, and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:**                    **Project Description:** The application is a Conditional Use Permit to allow an existing 17,380 square foot (SF) mixed light cultivation and outdoor cultivation utilizing light deprivation techniques with 14,500 SF of outdoor cultivation utilizing light deprivation techniques and 2,880 SF of mixed light cultivation that includes 1,700 SF of ancillary propagation. Irrigation water is sourced from rainwater catchment and non-diversionary tank farm. Existing available water storage is 71,000 gallons in a 50,000-gallon rainwater catchment pond and a series of hard-sided tanks, with an additional 120,000 gallons proposed, for a total of 196,000 gallons of onsite storage. Estimated annual water usage is 80,000 gallons. Drying and processing occurs onsite in an existing 1,500 SF building. A maximum of five (5) people may be onsite during peak operations. Power is provided by three (3) generators; however, there are plans to convert to solar and wind energy by 2026.

**EVIDENCE:**            a) Project File: PLN-10430-CUP

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



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

**EVIDENCE:**

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Water Resource Protection Plan (WRPP; WDID 1B16448CHUM) was prepared by Timberland Resource Consultants for the subject site in August 2016 in compliance with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, and a Notice of Applicability was submitted by the applicant to show compliance with the State Water Board Cannabis General Order for Waste Discharge. Conditions of approval require the applicant to comply with the State Water Resources Control Board Cannabis Cultivation Policy, which includes development and implementation of a Site Management Plan.
- d) California Department of Fish and Wildlife Resource Maps indicate the site is mapped within potential habitat area for the foothill yellow-legged frog (*Rana boylei*), a state-listed endangered species. Additionally, the cultivation areas are located near, but outside of, mapped Final Critical Habitat area for Northern Spotted Owl (NSO). The nearest NSO positive sighting is located approximately 0.20 miles from the cultivation area, with the nearest NSO activity center located approximately 0.49 miles away. Power at the site is currently provided by three (3) generators; however, there are plans to convert to solar and wind energy by 2026. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.

A Biological Resources Assessment was prepared by Blair Forestry Consulting in June 2020 (on file and confidential). Per the Report, the CNDDDB database indicates there are two historical NSO activity centers within 1.3 miles of the project area, with four additional special status species (one amphibian and three plants) recorded within the same distance – foothill yellow legged frog (*Rana boylei*), Pacific gilia (*Gillia capitata ssp. pacifica*), coast fawn lily (*Erythronium revolutum*), and giant fawn lily (*Erythronium oregonum*). However, due to the project's location of more than 4,000 feet from the nearest Class I watercourse, detrimental effects to anadromous fisheries and the foothill yellow legged frog are not anticipated.

Regarding NSO, it is noted in the Report that NSO habitat includes mature forest patches with permanent water and suitable nesting trees and snags. Per the U.S. Fish and Wildlife Service (USFWS), competition from the invasive barred owl (*Strix varia*) is the largest threat to California's NSO population, rather than habitat encroachment. It is further noted that the landscape surrounding the site has historically undergone habitat modification due to logging, and the project area has undergone habitat modification in the form of tree removal associated with an approved Timberland Conversion Exemption. Review of CNDDDB indicates positive NSO sightings associated with the two (2) nearest NSO activity centers were only up through 1995,

and there have only been negative observations beyond 1995. The Report notes that although there are no activity centers within one-quarter mile of the project area, there is suitable NSO habitat present within one-quarter mile, and “utilizing mixed-light cultivation as proposed by the landowner could create a disturbance and a light and noise attenuation plan would need to be developed.” At a minimum, it is noted the project would need to comply with Dark Sky Association guidelines for Lighting Zones 0 and 1 and CDFW’s 50 decibel level threshold for disturbance. Complying with these requirements would also ensure significant impacts to other species types would be minimized. Noise levels were taken onsite with a sound meter to assess two (2) generators utilized, which were below the 50 dB threshold at 100 feet or edge of suitable habitat established by CDFW.

Regarding the potential for sensitive plant species to be impacted by the project, it is noted in the Report that the potential for significant impacts is not anticipated, since the project would not result in additional ground disturbance.

A *Bullfrog Management Report 2019* was prepared by the property owner, date stamped received in September 2019 (Attachment 3), where it was noted the pond was drained in October 2019 for the pond reconstruction and no signs of bullfrogs were found at that time.

In response to CDFW comments, the conditions of approval require the applicant to implement light and noise attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. Further, as requested by CDFW, the project is conditioned to follow CDFW’s Bullfrog Management Plan and meet the annual reporting requirements, and shall not stock the pond with fish without written permission from CDFW. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

- e) The cultivation of cannabis will not result in the net conversion of timberland. Review of aerial imagery dating back to 2004 indicates the site contained an existing open area in the western portion of the property as of 2004 and timber conversion occurred northeast of this area between 2004 and 2005, with additional timber conversion occurring within the central portion of the site between 2010 and 2012, and 2016 and 2018. It appears some conversion occurred on the subject property after the CMMLUO baseline date of January 1, 2016.

A Less Than Three Acre Conversion Exemption was issued by the California Department of Forestry and Fire Protection (CAL FIRE) in May 2016 (1-16EX-135HUM; Attachment 3) for a conversion area of 1.4 acres. Based on the Conversion Map, the proposed conversion areas appear to be consistent with the size and location of the timber conversion areas observed on the aerial imagery. As the timber conversion that occurred onsite after the CMMLUO baseline date is consistent with the Less Than Three Acre Conversion, no restocking is required. No additional tree removal is proposed or authorized by this permit.

- f) A Cultural Resources Investigation was prepared by Archaeological Research and Supply Company in July 2021 (on file and confidential), which concluded that the proposed project will not result in any adverse changes

to historical or archaeological resources. The Report recommended Inadvertent Discoveries Protocol, which has been included as an ongoing condition of approval.

- g) A Road Evaluation Report for an approximately 6.5 to 7.0-mile segment of Bair Road, from Redwood Valley Road to the subject property, was prepared by the applicants in February 2018, which indicates that the roadway meets a Category 4 road equivalent standard and is suitable for safe access to and from the project site. Per comments received from the Department of Public Works, Land Use Divisions, dated December 2017 and April 2018, any existing or proposed driveways that will serve as access for the proposed project that connect to a County-maintained road shall be improved to current standards for a commercial driveway and that private road intersections onto the County road shall be maintained in accordance with County Code section 341-1 (Sight Visibility Ordinance), which have been included as conditions of approval.

### **FINDINGS FOR CONDITIONAL USE PERMIT**

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

**EVIDENCE** a) General agriculture is a use type permitted in the Timberland (T) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural and timber purposes (where all general agricultural uses are principally permitted), consistent with the use of Open Space land for managed production of resources. The use of the parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

**4. FINDING** The proposed development is consistent with the purposes of the existing Timberland Production Zone (TPZ) zone in which the site is located.

**EVIDENCE** a) The Timberland Production Zone or TPZ Zone is intended to be applied to areas of the County in which primary uses include the growing and harvesting of timber and timber production facilities, including portable processing equipment. Compatible uses other than the direct growing, harvesting, and portable processing of timber include grazing and other agricultural uses.

b) All general agricultural uses are principally permitted in the TPZ zone.

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 17,380 square feet of cultivation on a 170-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

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

**EVIDENCE** a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (HCC 314-55.4.8.2.2).

- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by deed recorded April 6, 1908, before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
- c) Water for irrigation is provided by rainwater catchment and non-diversionary tank farm. The site contains an existing 50,000-gallon rainwater catchment pond and 21,000 gallons of hard-sided tank storage, with a 5,000-gallon tank dedicated for fire suppression. In addition, the applicant proposes an additional 120,000 gallons of onsite water storage in twenty-five (25) 4,800-gallon tanks for rainwater catchment, for a total of 196,000 gallons of onsite storage. Conditions of approval require the applicant to monitor water use from the pond and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs.
- d) A Road Evaluation Report for an approximately 6.5 to 7.0-mile segment of Bair Road, from Redwood Valley Road to the subject property, was prepared by the applicants in February 2018, which indicates that the roadway meets a Category 4 road equivalent standard and is functionally appropriate for the expected traffic. Per comments received from the Department of Public Works, Land Use Divisions, dated December 2017 and April 2018, any existing or proposed driveways that will serve as access for the proposed project that connect to a County-maintained road shall be improved to current standards for a commercial driveway and that private road intersections onto the County road shall be maintained in accordance with County Code section 341-1 (Sight Visibility Ordinance), which have been included as conditions of approval.
- e) The slope of the land where cannabis will be cultivated is less than 30%.
- f) The cultivation of cannabis will not result in the net conversion of timberland. Review of aerial imagery dating back to 2004 indicates the site contained an existing open area in the western portion of the property as of 2004 and timber conversion occurred northeast of this area between 2004 and 2005, with additional timber conversion occurring within the central portion of the site between 2010 and 2012, and 2016 and 2018. It appears some conversion occurred on the subject property after the CMMLUO baseline date of January 1, 2016.

A Less Than Three Acre Conversion Exemption was issued by the California Department of Forestry and Fire Protection (CAL FIRE) in May 2016 (1-16EX-135HUM; Attachment 3) for a conversion area of 1.4 acres. Based on the Conversion Map, the proposed conversion areas appear to be consistent with the size and location of the timber conversion areas observed on the aerial imagery. As the timber conversion that occurred onsite after the CMMLUO baseline date is consistent with the Less Than Three Acre Conversion, no restocking is required. No additional tree removal is proposed or authorized by this permit.

- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

## 6. FINDING

The cultivation of 17,380 SF of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the

public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE**
- a) The site is located on road that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation. The project is conditioned to implement the recommendations received from the Department of Public Works, Land Use Divisions, dated December 2017 and April 2018, which will require the driveway to be improved to current standards for a commercial driveway and maintain private road intersections onto the County road in accordance with County Code section 341-1 (Sight Visibility Ordinance), which have been included as conditions of approval
  - b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
  - c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
  - d) Irrigation water will come from rainwater catchment.
  - e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

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

- EVIDENCE**
- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element and is not currently developed with an existing residence. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be developed on this parcel.

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

- EVIDENCE**
- a) The project site is located in the Lower Klamath and Redwood Creek Planning Watersheds, and cultivation on the subject site would occur within both watersheds. Under Resolution 18-43, the Lower Klamath Planning Watershed is limited to 161 permits and 56 acres of cultivation, and the Redwood Creek Planning Watershed is limited to 141 permits and 49 acres of cultivation. With the approval of this project the total approved permits in the Lower Klamath Planning Watershed would be 16 permits and the total approved acres would be 5 acres of cultivation, and the total approved permits in the Redwood Creek Planning Watershed would be 12 permits and the total approved acres would be 3.25 acres of cultivation.

**DECISION**

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

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

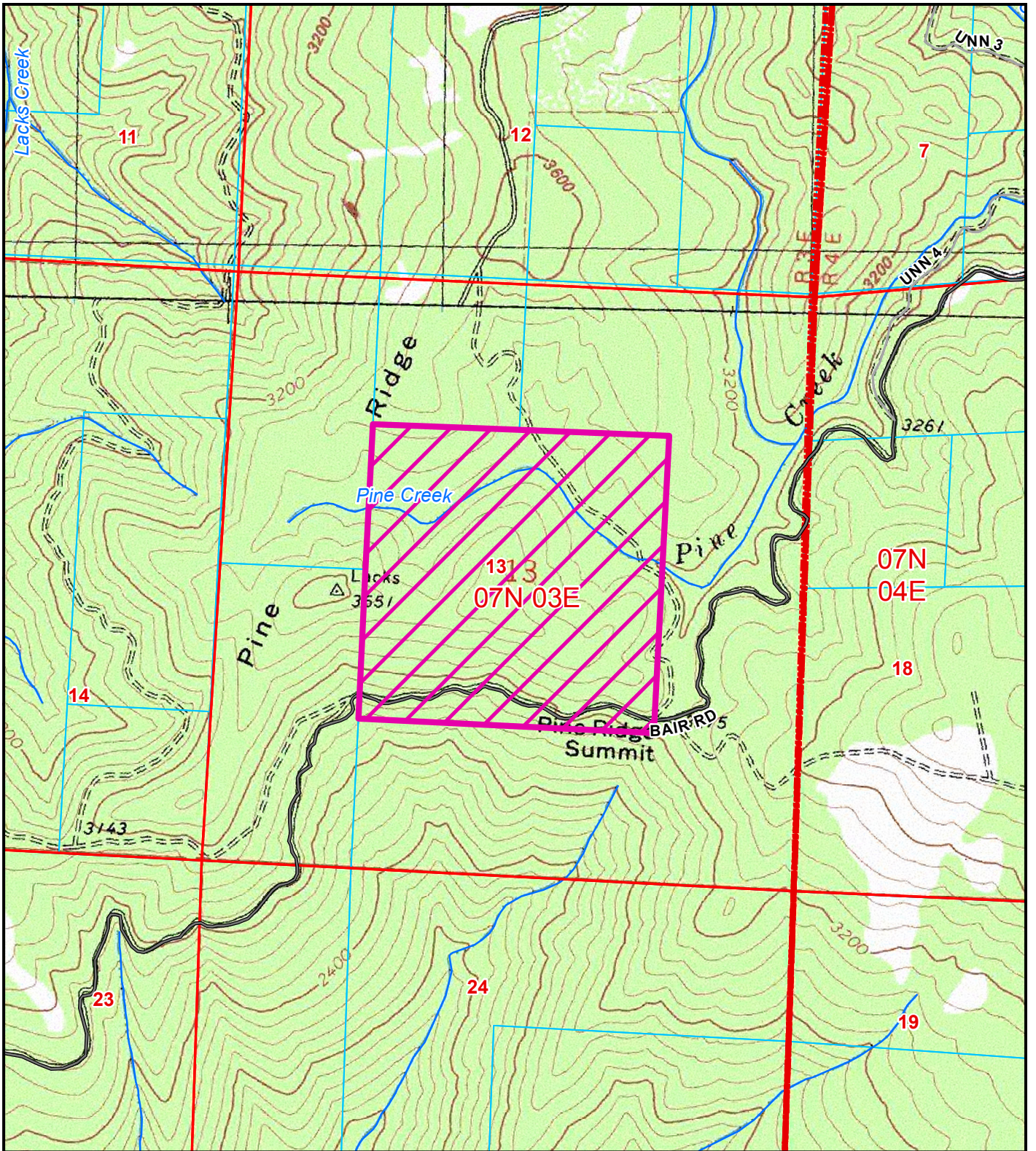
Adopted after review and consideration of all the evidence on February 03, 2022.

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

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

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

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

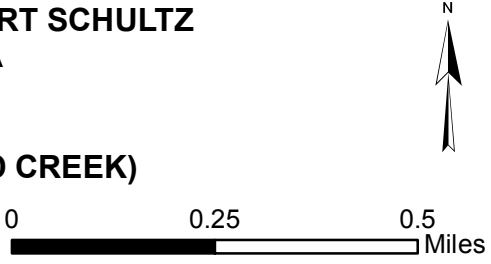


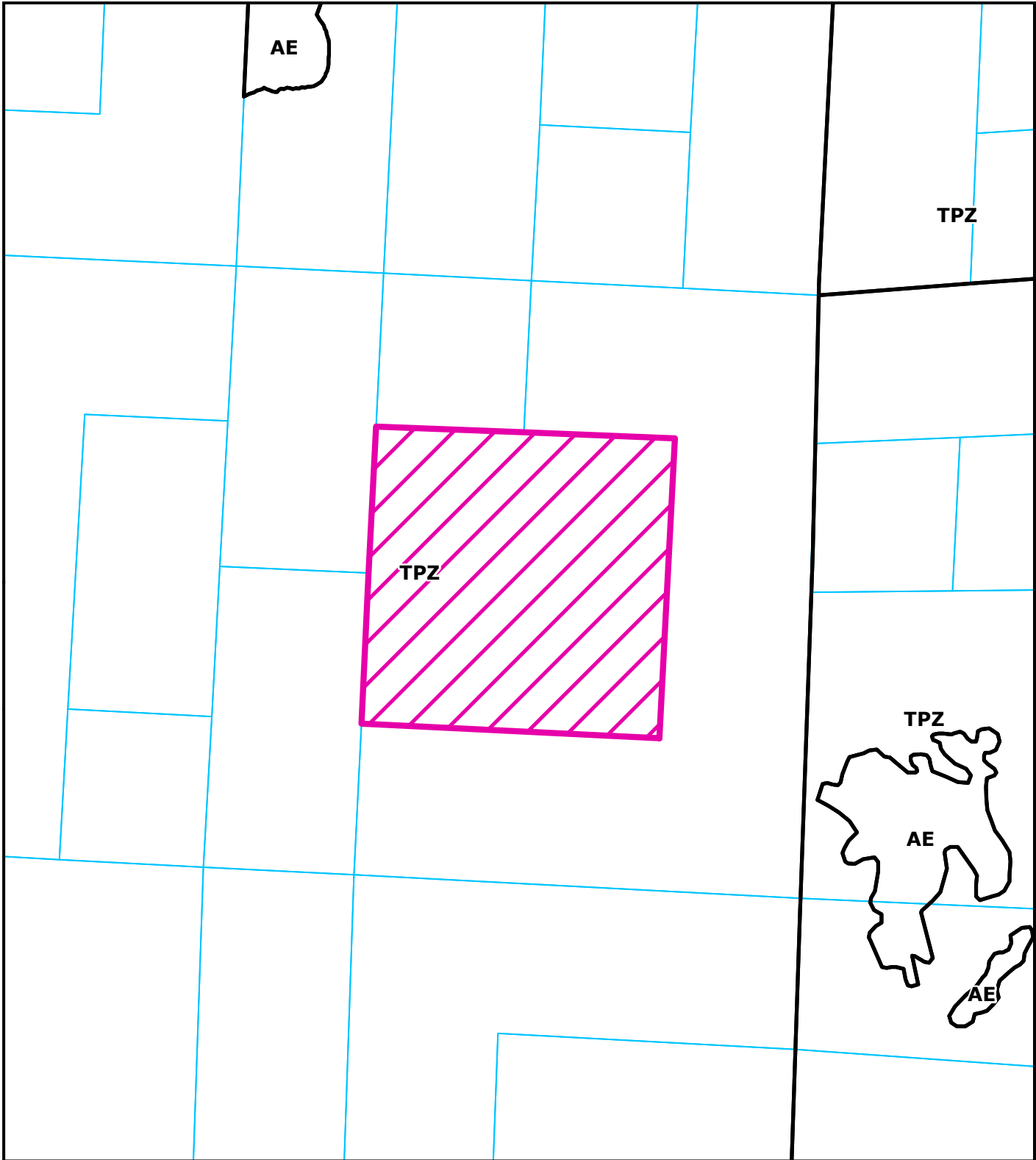
**TOPO MAP**  
**PROPOSED JOSHUA JONES & ROBERT SCHULTZ**  
**REDWOOD CREEK AREA**  
**AA-16-153, CUP-16-576**  
**APN: 521-123-005**

**Project Area =**


**T07N R03E S13 HB&M (REDWOOD CREEK)**

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

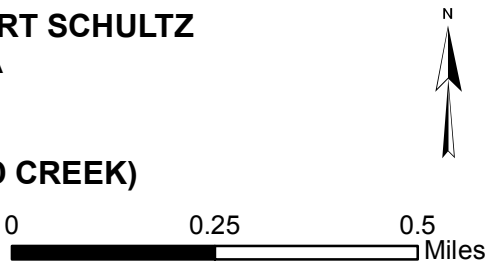




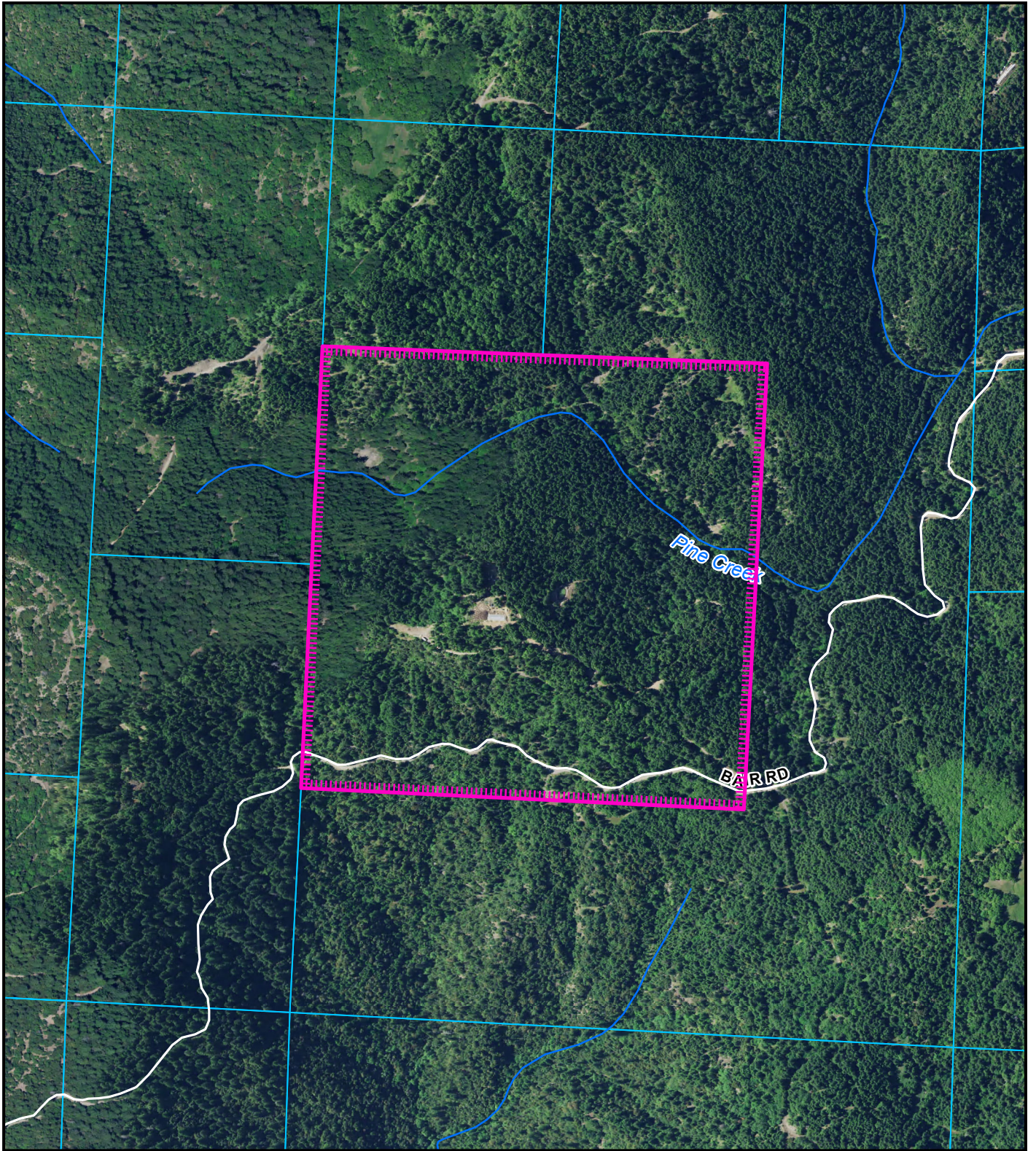
**ZONING MAP  
 PROPOSED JOSHUA JONES & ROBERT SCHULTZ  
 REDWOOD CREEK AREA  
 AA-16-153, CUP-16-576  
 APN: 521-123-005**

**Project Area =**  **T07N R03E S13 HB&M (REDWOOD CREEK)**

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





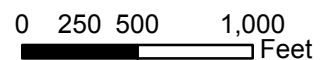


**AERIAL MAP  
PROPOSED JOSHUA JONES & ROBERT SCHULTZ  
REDWOOD CREEK AREA  
AA-16-153, CUP-16-576  
APN: 521-123-005**

**Project Area =** 

**T07N R03E S13 HB&M (REDWOOD CREEK)**

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



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APR 28 2021

Humboldt County

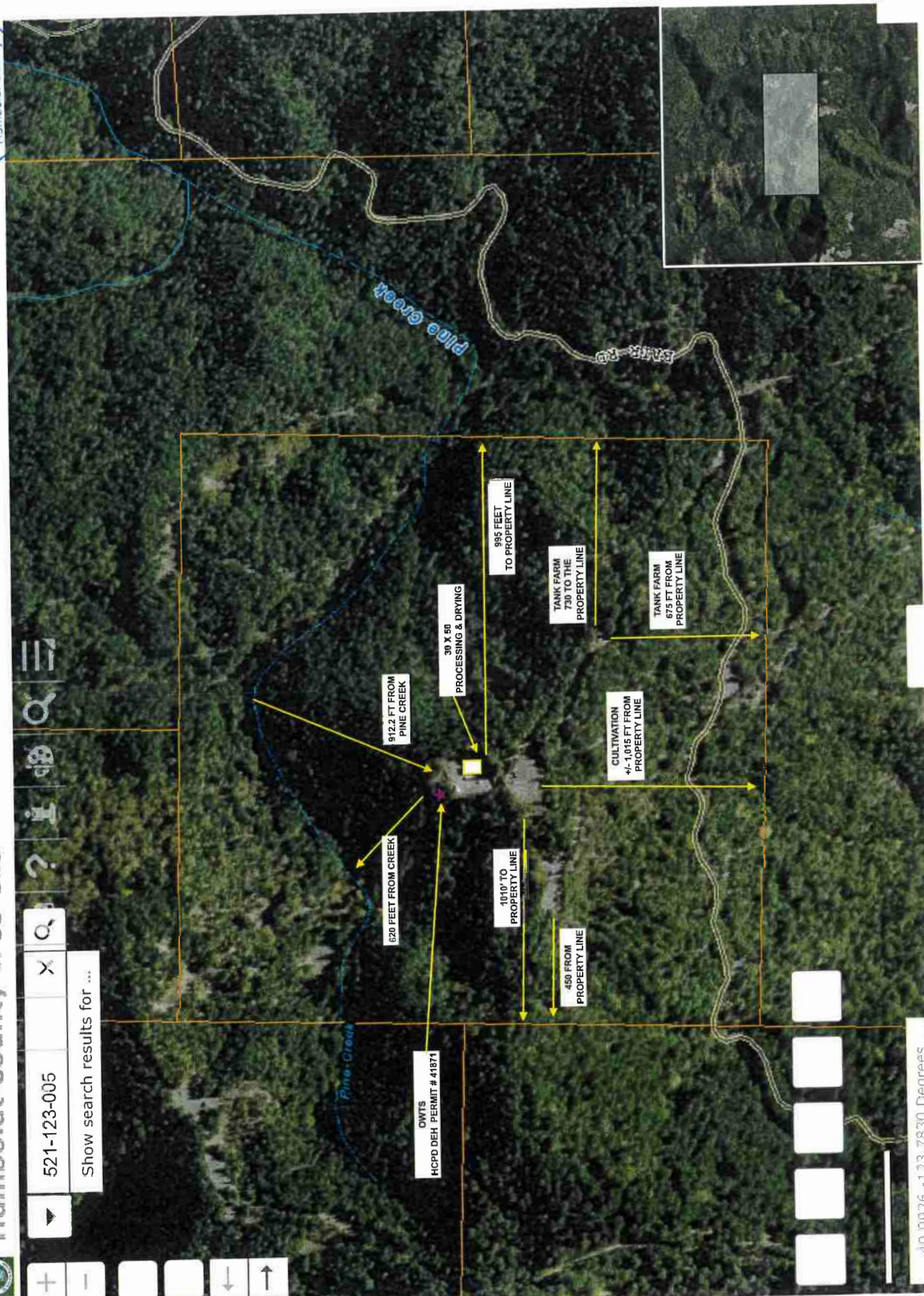
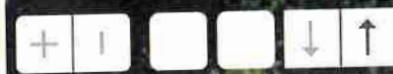
Planning & Building Department

Humboldt County Web GIS



521-123-005

Show search results for ...



OWTS  
HCPD DEH PERMIT # 41871

40.9926 -123.7830 Degrees

HUMBOLDT COUNTY APN 521-123-005  
 ESSENTIAL DESIGN SOLUTIONS - ROBERT SCHULTZ  
 1094 BAIRD  
 BLUE LAKE, CALIFORNIA 95525  
 707-434-2091

TOTAL FLOWER SF ON SITE: 17,380  
 TOTAL IMMATURE SF ON SITE: 2,000

TOTAL STORAGE ON SITE: 21,000 GALLON EXISTING  
 HARD TANK STORAGE  
 120,000 G HARD TANK STORAGE PROPOSED  
 50,000 GALLON RAINWATER CATCHMENT POND

AG FERTILIZER, NUTRIENT STORAGE & PUMP SHED AREAS  
 (1) 18 X 16 & (1) 14X8  
 (2) 500 GALLON FEEDER TANKS EXISTING  
 (2) 5000 GALLON WATER TANKS EXISTING

30 X 96 = 2,880 SF  
 EXISTING MIXED LIGHTCANOPY  
 (1) 5000 GALLON WATER TANK

500 GALLON  
 PROPAANE TANK FOR  
 HEATING AND DRYING

NOV 18  
 MCPD DEN #PERMIT 241871

8 X 20 SHIPPING CONTAINER  
 DRYING AND STORAGE  
 MOTHERS BOOSTING AREA

14,500 SF EXISTING OUTDOOR  
 LIGHT DEPRIVATION  
 CULTIVATION CANOPY

BAIRD ROAD  
 ENTRANCE AND  
 EXIT

2,000 SF  
 IMMATURE PLANT AREA

30 x 50  
 DRYING AND PROCESSING SHOP  
 MOTHERS BOOSTING AREA  
 RESEARCH AND DEVELOPMENT

SOUND PROOF  
 GENERATOR SHEDS 15 X 20  
 AND SECONDARY  
 CONTAINMNET

3 PARKING SPOTS

8 X 20 SHIPPING CONTAINER  
 DRYING AND STORAGE

SOLAR PANEL ARRAY  
 PROPOSED ON TOP OF SHOP  
 AND WINDMILL PROPOSED IN  
 FRONT OF SHOP

50,000 G RAINWATER CATCHMENT  
 POND  
 NON DIVERSIONARY IRRIGATION  
 995 FEET FROM THE PROPERTY LINE

PROPOSED (25) 4800 G  
 SELF CAPTURE  
 NON DIVERSIONARY  
 RAINWATER CATCHMENT TANK FARM  
 TOTALING 120,000 GALLONS  
 BENEFICIAL IRRIGATION AND FIRE  
 SUPPRESSION USE  
 (1) 5000 G EXISTING TANK

Legend



400 ft

Google Earth

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

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

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, whichever comes first, the applicant shall submit a revised plot plan detailing and showing the following, in addition to what is shown:
  - a. Revise the square footage of onsite cultivation and ancillary propagation areas to reflect a maximum of 17,380 SF of cultivation (limited to a maximum of 2,500 SF of mixed light cultivation) with a maximum of 10% nursery space, or 1,700 SF (currently in existence), for a total of 17,380 SF of onsite cultivation.
  - b. Size and dimensions of all structures, including but not limited to onsite greenhouses.
  - c. All areas of ground disturbance, including but not limited to graded flats.
6. Within 60 days of the effective date of permit, the applicant shall submit a revised cultivation and operations plan detailing the following, in addition to what is currently described:
  - a. A maximum of 17,830 SF of cultivation (limited to a maximum of 2,500 SF of mixed light cultivation) with a maximum of 10% nursery space, or 1,700 SF (currently in existence), for a total of 17,380 SF of onsite cultivation.
  - b. A description of activities that occur onsite each month.
7. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #8 through #17. The agreement shall provide a timeline for completing all outstanding items. All activities detailed

under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

8. The applicant shall secure building permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying, storage, and processing, or any activity with a nexus to cannabis, off-stream pond, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
9. The applicant shall improve the intersection of the private driveway and Bair Road as follows:
  - a. If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
  - b. If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
  - c. If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter, or sidewalk that is damaged shall be replaced.

The applicant shall obtain an encroachment permit from the Department of Public Works prior to commencing any work. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. A letter or similar communication from the Department of Public Works will satisfy this condition.

10. All driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. A letter or similar communication from the Department of Public Works will satisfy this condition.
11. The applicant shall adhere to the Final Streambed Alteration Agreement (Notification No. 1600-2016-0108-R1) issued by CDFW in July 2016, and comply with all applicable terms. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
12. The applicant shall implement any remaining corrective actions identified in the Water Resource Protection Plan (WDID 1B16448CHUM) prepared by Timberland Resource Consultants in August 2016. A sign-off from the Planning Department will satisfy this condition.
13. The applicant shall submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.

14. Per CDFW's comments received in February 2019, due to the onsite pond, the applicant shall follow CDFW's Bullfrog Management Plan and meet the annual reporting requirements. If not already in place, the applicant shall install an overflow spillway to the off-stream pond that will withstand a 100-year flood event, and exit ramps to the off-stream pond to prevent wildlife entrapment. The overflow spillway shall be designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. Exit ramps shall be installed no grater that 2:1 slope, secured at the upslope end, and made of solid material (e.g., wood). As applicable, the applicant shall obtain an addendum to the Final Streambed Alteration Agreement from CDFW for these items or obtain an additional Final Streambed Alteration Agreement from CDFW, whichever is required. Alternatively, a letter or similar communication from CDFW stating an addendum or second agreement is not required shall satisfy this condition.
15. The applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation prior to processing on-site. This can be accomplished by either installing a new, permitted septic system; or by providing the Department of Environmental Health (DEH) with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or registered environmental health specialist (REHS) that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. Portable toilet and handwashing facilities may be utilized during the construction of these improvements to support cultivation staff only. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
16. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
17. All artificial lighting including greenhouse, security, and propagation area lighting shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.
18. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
19. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
20. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the 50,000-

gallon rainwater catchment pond and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.

21. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
22. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
23. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. The applicant shall abide by recommendations of the Timber Conversion Report prepared by Timberland Resource Consultants (TRC) July 4, 2019, and received November 8, 2019 which include but are not limited to, floristic surveys to ensure no potentially special status plant species or communities are present should additional ground disturbance or habitat conversion be proposed in the future; ensuing supplemental lighting associated with mixed-light cultivation is fully contained with black out tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion

control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. 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.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.



17. Comply with the terms of the Final Lake and Streambed Alteration Agreement (EPIMS-HUM-09230-R1), as well as any subsequent amendments, obtained from the California Department of Fish and Wildlife (CDFW).
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
25. Fish stocking of the onsite pond is prohibited without written permission from CDFW pursuant to Section 6400 of the Fish and Game Code.

#### Performance Standards for Cultivation and Processing Operations

26. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
27. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
28. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
29. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

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

33. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
34. 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.
35. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
  - a. Identifying information for the new owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - c. The specific date on which the transfer is to occur;
  - d. Acknowledgement of full responsibility for complying with the existing permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
36. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

**ATTACHMENT 2**

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

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

**APN 521-123-005; Section 13 of Township 07 North, Range 03 East, H.B.&M., Redwood Creek  
County of Humboldt**

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

**January 2022**

## Background

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

The modified project involves a Conditional Use Permit to allow an existing 17,380 square foot (SF) cannabis cultivation (mixed light cultivation and outdoor cultivation utilizing light deprivation techniques), including 1,700 SF of ancillary propagation and a maximum of 2,500 SF of mixed light cultivation. Irrigation water is sourced from rainwater catchment and non-diversionary tank farm. Existing available water storage is 71,000 gallons in a 50,000-gallon rainwater catchment pond and a series of hard-sided tanks, with an additional 120,000 gallons proposed, for a total of 196,000 gallons of onsite storage. Estimated annual water usage is 80,000 gallons. Drying and processing occurs onsite in an existing 1,500 SF building. A maximum of five (5) people may be onsite during peak operations. Power is provided by three (3) generators; however, there are plans to convert to solar and wind energy by 2026.

The project site contains riparian habitat associated with Pine Creek, which traverses the northern portion of the subject parcel. All approved cannabis cultivation activities would occur outside of the required stream setbacks and on slopes less than 30%. Per review of CDFW’s California Natural Diversity Database (CNDDDB) in December 2021, the site is mapped within potential habitat area for the foothill yellow-legged frog (*Rana boylei*), a state-listed endangered species. Additionally, the cultivation areas are located near, but outside of, mapped Final Critical Habitat area for Northern Spotted Owl (NSO). The nearest NSO positive sighting is located approximately 0.20 miles from the cultivation area, with the nearest NSO activity center located approximately 0.49 miles away.

A Biological Resources Assessment was prepared by Blair Forestry Consulting in June 2020 (on file and confidential). Per the Report, the CNDDDB database indicates there are two historical NSO activity centers within 1.3 miles of the project area, with four additional special status species (one amphibian and three plants) recorded within the same distance – foothill yellow legged frog (*Rana boylei*), Pacific gilia (*Gillia capitata* ssp. *pacifica*), coast fawn lily (*Erythronium revolutum*), and giant fawn lily (*Erythronium oregonum*). However, due to the project’s location of more than 4,000 feet from the nearest Class I watercourse, detrimental effects to anadromous fisheries and the foothill yellow legged frog are not anticipated.

Regarding NSO, it is noted in the Report that NSO habitat includes mature forest patches with permanent water and suitable nesting trees and snags. Per the U.S. Fish and Wildlife Service (USFWS), competition from the invasive barred owl (*Strix varia*) is the largest threat to California’s NSO population, rather than habitat encroachment. It is further noted that the landscape surrounding the site has historically undergone habitat modification due to logging, and the project area has undergone habitat modification in the form of tree removal associated with an approved Timberland Conversion Exemption. Review of CNDDDB indicates positive NSO sightings associated with the two (2) nearest NSO activity centers were only up through 1995, and there have only been negative observations beyond 1995. The Report notes that although there are no activity centers within one-quarter mile of the project area, there is suitable NSO habitat present within one-quarter mile, and “utilizing mixed-light cultivation

as proposed by the landowner could create a disturbance and a light and noise attenuation plan would need to be developed." At a minimum, it is noted the project would need to comply with Dark Sky Association guidelines for Lighting Zones 0 and 1 and CDFW's 50 decibel level threshold for disturbance. Complying with these requirements would also ensure significant impacts to other species types would be minimized. Noise levels were taken onsite with a sound meter to assess two (2) generators utilized, which were below the 50 dB threshold at 100 feet or edge of suitable habitat established by CDFW.

Regarding the potential for sensitive plant species to be impacted by the project, it is noted in the Report that the potential for significant impacts is not anticipated, since the project would not result in additional ground disturbance.

The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Cultural Resources Investigation prepared by Archaeological Research and Supply Company in July 2021 (on file and confidential).

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise. Further, as requested by CDFW, the project is conditioned to follow CDFW's Bullfrog Management Plan and meet the annual reporting requirements, and shall not stock the pond with fish without written permission from CDFW.

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

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

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the original MND recommended mitigations. The proposal to authorize

the continued operation of an existing cannabis cultivation site consisting of 17,380 square feet of cultivation with ancillary propagation, drying, and processing activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 3 for a complete listing of document):

- Site Plan prepared by applicant, received 4/28/21.
- Cultivation and Operations Plan prepared by applicant, received 4/28/21, with additional project info from applicant's agent, received 12/6/21.
- Right to Divert and Use Water issued by the State Water Resources Control Board (Registration ID H505294; Certificate No. H100466), dated 1/10/19.
- Water Resource Protection Plan (WDID 1B16448CHUM) prepared by Timberland Resource Consultants, dated 9/20/16, for the North Coast Regional Water Quality Control Order No. R1-2015-0023.
- Final Streambed Alteration Agreement (Notification No. 1600-2016-0108-R1) issued by the California Department of Fish and Wildlife, dated 7/6/16.
- Road Evaluation Report for Bair Road, from Redwood Valley Road to the subject site, prepared by the applicant, dated 2/8/18.
- Notice of Applicability (WDID 1B16448CHUM) issued by the North Coast Regional Water Quality Control Board, dated 3/16/18.
- Less Than Three Acre Conversion Exemption (1-16EX-135HUM) issued by the California Department of Forestry and Fire Protection, dated 5/13/16.
- Bullfrog Management Report 2019 prepared by the applicant, received 9/7/19.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

### **FINDINGS**

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



## **CONCLUSION**

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

### ATTACHMENT 3

#### Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (**Attached** - Site Plan prepared by applicant, received 4/28/21)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached** - Cultivation and Operations Plan prepared by applicant, received 4/28/21, with additional project info from applicant's agent, received 12/6/21)
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. Small Irrigation Use Registration for deeded spring access (**Attached** – Right to Divert and Use Water issued by the State Water Resources Control Board (Registration ID H505294; Certificate No. H100466), dated 1/10/19)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Water Resource Protection Plan prepared for North Coast Regional Water Quality Control Order No. R1-2015-0023 (item 7. below)
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. (Water Resource Protection Plan (WDID 1B16448CHUM) prepared by Timberland Resource Consultants, dated 9/20/16; On file - Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ (WDID 1B16448CHUM) issued by the North Coast Regional Water Quality Control Board, issued 3/16/18)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (**Attached** – Final Streambed Alteration Agreement (Notification No. 1600-2016-0108-R1) issued by the California Department of Fish and Wildlife, dated 7/6/16)

9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (On File) (Less Than Three Acre Conversion Exemption (1-16EX-135-HUM) issued by the California Department of Forestry and Fire Protection, dated 5/13/16)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Road Evaluation Report for Bair Road from Redwood Valley Road to Subject Site, prepared by the applicant, dated 2/8/18. **(Attached)**
16. Bullfrog Management Report 2019 prepared by the applicant, received 9/7/19. **(Attached)**
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
18. Biological Resource Assessment for Schultz Cannabis Cultivation Site prepared by Blair Forestry Consulting, LLC, dated June 1, 2020 **(Attached)**.

# Cultivation and Operations Plan



Humboldt County Planning Department  
 Application 10430  
 APN 521-123-005-000  
 10494 Baird Blue Lake CA 95525

## Water

Water is currently sourced thru a captured 50,000-gallon rainwater catchment pond. A (24) 4,800-gallon self-capture tank farm is proposed, totaling for 120,000 gallons of non-diversionary beneficial irrigation use. The 50,000-gallon rainwater catchment pond and the 120,000 gallon of self-capture tank farm will consist of an immediate 170,000 gallons of beneficial irrigation water use storage on site for the cannabis irrigation.

Two (3) 500-gallon feed tanks are at the main flat with the 14,500 square feet of outdoor light deprivation cultivation. (2) 5000-gallon water tanks are at the flat with the 14,500 square feet of cultivation, and there is another 5,000-gallon water tank at the mixed light cultivation flat of 2,880 square feet. There is a 5,000-gallon existing tank on the proposed tank farm flat, for fire suppression.

Water is pumped from the pond or proposed tank farm to the tanks at the cultivation sites in order to provide irrigation for the cannabis cultivation. This methodology of tank filling allows the operator to monitor the water usage and intake of the plants during the season to calculate the amount of water used for the year.

The outdoor light deprivation greenhouses and the mixed light greenhouse are sourced with automated irrigation emitter systems to allow a quantitative method of conserving and monitoring water usage. The water lines are connected to a pump from the tanks at the allocated sites.

Projected Water Use Table

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
0	0	1000	2500	5000	6500	10000	20000	20000	10000	5000	0

**TOTAL PROJECTED WATER USE FOR THE YEAR: 80,000 GALLONS**

## **Erosion Control and Site Drainage**

Pine Creek is to the North of the property, but not within the stream side management jurisdiction, and the cultivation facility meets and exceeds all setbacks necessary to comply with cultivation within the streamside management area zoning.

Erosion control measures on site for winterization will be applying waddles and jute netting around the cultivation facility to weather the winter wet seasons. All organic methods, nutrients, and amendments are used on site, and no chemicals or salts are added into the native soils.

A water resource protection plan was prepared for the property owner on September 20<sup>th</sup> 2016 by Timberland Resource Consultants.

## **Measures Taken to Ensure Protection of Watershed and Nearby Habitat**

Applicant was initially enrolled in the North Coast Regional Water Quality Control Board (R1-2015-023). (WDID # 1B16448CHUM) A water resource protection plan was prepared for the property owner on September 20<sup>th</sup> 2016 by Timberland Resource Consultants.

One culvert is applicant's responsibility leading up to the cultivation facility, and is enrolled with CDFW LSAA 1600 program. Notification Number: 1600-2016-0108-R1.

## **Description of Cultivation Activities**

This facility consists of 14,500 square feet of existing outdoor light deprivation and 2,880 square feet of existing mixed light cultivation. There is a 2,000 square foot nursery for boosting and vegging in-between plant cycles.

The outdoor light deprivation plants are boosted in the immature plant area, then planted in the ground for one week. After one week the plants are now being manipulated through light deprivation tarps to start triggering their flower phase.

The mixed light plants are associated with supplemental lighting that is a whisper-watt diesel generator that is connected to fans and lights. These plants are allowed more vegetative time for development in their permanent location. The generator will be enrolled in the Humboldt County CUPA Program.

The nurse uses a honda eu 3000 to run led lights over the plants to allow them to stay in vegetative cycle and boost until they are needed for the second planting on site. Heating pads are also used to keep the plants warm and at a constant temperature while propagating and developing.

## **Processing**

All processing is done on-site in the 30 x 50 existing building. This building is proposing to modify the plans and re-engineer the building to be able to withstand the snow load. This building uses propane heating. Campora propane will be servicing the property with their services for 500 gallon propane delivery's to an on-site tank. A use of a whisperwatt generator is

also used for research and development, genetics, and mothers to produce in-house clones for the season. Two employees are anticipated.

A distribution license will be associated with the property in order to allow the proper handling through CDFA CA METRC system to get off property and be brought onto the property.

There will be an administrative office on site, in a proposed junior barn, that will hold all record storage of all harvest logs.

### **Generators, Noise Source Assessments and Mitigation Plan**

Noise from cultivation and related activities will not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site.

A generator shed is being built that will be insulated to protect the habitat in the surrounding area from the noise. One, whisperwatt will be by the mixed light greenhouse, in its own generator shed with a secondary containment, and lifted for when oil change time comes, it's an easy transition to change the oil while in place and can slide the pans in and out from the base of the shed.

Another whisperwatt, in its own shed with the same engineered design will be by the processing and boosting building. During the winter months the building will be used for research and development of genetics and strains, as well as starting mothers and seeds for the operation.

A generator log will be next to it, which will be required by employees to log the times on, duration running, etc. The generator will fuel Agnetix LED grow lights to produce lumens to allow for heating and cooling all within the same system.

The honda 3000 is used for LED lights in the nursery as well as the water pumps from the pond to the tanks, and as well as the mixing tanks. These pumps are run during the day and do not exceed 24 decibels when on. There are two ag structures at the 14,500 square feet plot where the generators and pumps are placed to control and mitigate noise pollution.

A solar power array and windmill are being proposed within the next two years to transition off of the generators and onto the renewable resource energy.

There is an emergency response kit, as well as personal protective equipment that employees must wear when administering diesel and gas into the generators. This goes the same for the propane tank. All fuels, gases, and volatile or flammable substances are kept in fire-retardant areas and there are fire extinguishers on site.

### **Parking Plan**

On-site parking of three spots is provided for employees and visitors in existing areas historically used for that purpose (see Site Plan). All employees and visitors will be required to park on-site when conducting business on-site.

## Security Plan

Locked gates, dogs, and solar powered sensor security lights are used on site. A video system is proposed for the future.

## International Dark Sky Association Standards (IDSAS)

Black out tarps are used on the 2,880 square feet of mixed light cultivation to comply with the IDSAS.

No light is seen from the sky, and there is no lights on the 14,500 square feet of outdoor light deprivation cultivation. These houses are usually covered before the light goes down during the day to manipulate flowering.

The 2,000 sf nursery is covered with a light deprivation tarp if it is the first run of the season and the plants are boosting for the second run and have yet to be planted in the final destination. During the winter, the propagation and research and development will be done in the 30 x 50 processing building therefore, it will be indoors and no light pollution will occur.

## Pest Management Plan

All project operations will comply with all pesticide laws and regulations enforced by the California Department of Pesticide Regulation and by the Humboldt County Department of Agriculture. Employees will (i) read and follow all pesticide labels in all storage, use, handling and disposal of any pesticides used, and (ii) use personal protective equipment (PPE) as required and provided for by the applicant.

The applicant will (i) obtain an operator identification number from the Humboldt County Agricultural Commissioner before applying any pesticides, and (ii) provide for and require the use by all employees of PPE, training, and access to pesticide labels and safety information in the proper storage, handling, and disposal of pesticides.

## Product Name and Active Ingredient(s) of All Pesticides to Be Applied to Cannabis at Any Time

<i>Product Name</i>	<i>Active Ingredient(s)</i>
Lost Coast Plant Therapy	Soybean oil, isopropyl alcohol, citric acid, peppermint oil
Dr. Zymes	Citric acid derived from fermentation
Zerotol 2.0	Hydrogen dioxide, peroxyacetic acid
Neem oil	Neem oil

## **Biological Pest-Management Control Methods**

Once a pest population has been identified and monitored, beneficial insects or other organisms are introduced to control and suppress the continued growth of that population. Biological controls come in the form of insect predators/parasites, fungi, bacteria and more, and are chosen based on their effectiveness at controlling the target pest(s) in the cultivation environment. Examples include (1) cats for rodent control, (2) predator nematodes to suppress root aphids and fungus gnats, and (3) predator mites to suppress thrip, russet mites, and spider mites.

## **Chemical Pest-Management Control Methods**

Chemical controls may include spraying, dunking, and root drenching.

## **Cultural Pest-Management Control Methods**

1. Reduce and disrupt pest habitat around crops; weeding, cleaning, rototilling, mowing, etc.;
2. Adjusting crop density and planting to reduce pests;
3. Pruning and leafing plants for greater airflow;
4. Monitoring and identify types of pest and population size of pest; scouting and trapping and locations of pest in and around the crop;
5. Utilize proactive attempts to prevent pests and disease rather than reactive treatment; and
6. Sanitation to remove organic and inorganic residues, helping reduce egg/spore populations, deterring overwintering, and minimizing pest control efforts throughout the growing season.

## **Waste Management Plans**

### *Cannabis Waste Management Plan*

Cannabis waste generated on the premises will be managed by self-hauling to a fully permitted and manned, (a) solid waste landfill or transformation facility, or (b) composting facility or manned composting operation. A 10 x 10 compost is on site.

### *Hazardous Substances Management Plan*

Hazardous substances handled on-site include pesticides, fertilizers, fuels and solvents. All pesticides and fertilizers will be stored, handled and used according to manufacturer's instructions. All hazardous substances will be stored in appropriate containers.

### *Solid Waste Management Plan*

The project's plan for disposal of project-related solid waste includes managing plant material, greenhouse framing, plastics and tarpaulin used in greenhouse sheathing and coverings, household trash, product packaging and containers, irrigation tubing, pots and similar containers used for propagation and cultivation, lighting, tanks, electrical lighting fixtures, wiring and related equipment, and fencing.



Solid waste generated on the premises will be managed by self-hauling to a fully permitted solid waste management facility.

### **Recordkeeping**

All required records will be legibly prepared and stored in the administrative hold area required by CDFA, which is a secured area where they are protected from debris, moisture, contamination, hazardous waste, fire, and theft. This administrative hold area is a limited access area, where only those with the correct managerial credentials have access to these documents. All records specifically required to be kept and maintained for state licensure will be kept for the time period prescribed and, in a manner, allowing for their provision or delivery upon request. This includes all monthly inventory reporting, monthly METRC inventory reports of all items, and any other jurisdictional paperwork.

### **Personnel Safety, Employee Protections**

#### *Workplace Safety Standards*

Standard operating procedures for all employees will include posting of the address of the property and evacuation routes, and emergency phone numbers for first responders and fire safety responders. All workplace safety standards will be complied with and posted OSHA compliant workplace safety posters will be made available in employee common areas.

#### *Employee Safety Protocols and Training*

All operations will implement safety protocols and all employees will be provided with adequate safety training relevant to their specific job functions, which may include:

- Emergency action response planning;
- Fire prevention planning;
- Hazard communication policies, including maintenance of Material Safety Data Sheets;
- Materials handling policies;
- Job hazard analyses;
- Personal protective equipment policies; and/or
- Employee accident reporting and investigation policies.

#### *Safe Drinking Water, Toilets, & Sanitary Facilities*

Employees will at all times have access to safe drinking water, toilets, and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Drinking water will be provided either by a potable on-site water supply or by bottled water, or a combination thereof.

#### *Sanitation Practices*

Employees will comply with the following sanitation practices:

- Operations must be maintained in a clean and sanitary condition, including all work surfaces and equipment;
- Employees handling cannabis will have access to and use Personal Protective Equipment in good operable condition, as job circumstances require; and
- Employees will implement protocols which prevent contamination or mold and mildew growth.

*Agricultural Employer Declaration*

The permit applicant declares that it is an agricultural employer as defined in the California Labor Code, Division 2, Part 3.5 commencing with Section 1140, and agrees to comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employer.



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H505294

CERTIFICATE H100466

Right Holder: *Robert Schultz*  
*61 North carter Ln Lane*  
*eureka, CA 95503*



The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 03/04/2019. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Primary POD	Unnamed Spring	Unnamed Stream	Pine Creek	40.992997	-123.782902	Humboldt	521-123-005-000

- 2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Fire Protection	Humboldt	521-123-005-000	0.23

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 01/10/2019. The place of use is shown on the map filed on 01/10/2019 with the State Water Board.

- 4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.63 **acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.63 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

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

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

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 78, 82 – 94, 96, and 98 – 103.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:  
[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/docs/policy.pdf](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf).

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

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

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

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

Dated: 01/10/2019 13:38:03

© 2019 - State Water Resources Control Board

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

RECEIVED

JUL 05 2016

CDFW - EUREKA



**STREAMBED ALTERATION AGREEMENT**  
NOTIFICATION NO. 1600-2016-0108-R1

Unnamed Tributary to Pine Creek, Tributary to the Klamath River and the Pacific Ocean

Mr. Robert Schultz  
Schultz Pond Reconstruction and Spillway Project  
1 Encroachment

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

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on March 17, 2016, that the Permittee intends to complete the project described herein.

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

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

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

**PROJECT LOCATION**

The project to be completed is located within the Pine Creek watershed, approximately 6.8 miles southwest of the town of Hoopa, County of Humboldt, State of California. The project is located in Section 13, T7N, R3E, Humboldt Base and Meridian; in the Lord Ellis Summit U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 521-123-05; latitude 40.9930 N and longitude 123.7829 W at the pond.

**PROJECT DESCRIPTION**

The project is limited to one encroachment. The encroachment is to reconstruct a pond that was built without permits or the oversight of an engineer. The current pond has cracks in the fill-slope and an over steepened fill face that has the potential for failure. The spill way is poorly constructed and lacks the size to carry a 100 year rainfall event.

The spillway also lacks armoring to prevent erosion. The project will reconstruct the pond and spillway in accordance with signed engineering plans that include specifications on compaction, fill-slope gradient, and spillway size and armoring.

## **PROJECT IMPACTS**

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

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

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

increased water temperature;  
reduced instream flow;  
temporary increase in turbidity;

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

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

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

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

## **MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES**

### **1. Administrative Measures**

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.

- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

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

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on March 17, 2016, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the storage system. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water pumped to and from the system on a weekly basis. Alternatively, the Permittee can record the frequency of pumping and the time to fill storage.



- 2.3 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.4 Intake Screening. Screens shall be installed on intakes wherever water is diverted, and shall be in place whenever water is diverted. Openings in intakes shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.5 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.6 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.7 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:  
[http://www.swrcb.ca.gov/waterrights/publications\\_forms/forms/docs/sdu\\_registration.pdf](http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf).
- 2.8 Work Period. All work shall be confined to the period May 15 through October 1 of each year. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.9 Pond Spillway. The pond spillway shall be designed to pass flow from a 100-year rainfall event and associated overland flow. The spillway shall be properly armored to minimize erosion and prevent channel down-cutting.
- 2.10 Vegetation Disturbance. Vegetation disturbance shall not exceed the minimum necessary to perform the work.
- 2.11 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

- 2.12 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.13 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.14 Management of Invasive Bullfrogs. The pond shall be monitored annually for the presence of invasive bullfrogs (*Rana catesbeiana*). If bullfrogs are located within the pond, the Permittee shall contact CDFW within 30 days and implement a bullfrog management plan to control this invasive species.
- 2.15 Project Inspection. The Project shall be inspected by Josh McKnight of Trinity Valley Consulting or another licensed engineer to ensure that the pond and spillway reconstruction was built as designed. A copy of the inspection report shall be submitted to CDFW by October 31, 2016.

### 3. Reporting Measures

- 3.1 Measurement of Diverted Flow. Copies of the **water diversion records** shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 office **no later than December 31 of each year beginning in 2016**.
- 3.2 Project Inspection. A copy of the Pond Reconstruction inspection report shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 by October 31, 2016.

### CONTACT INFORMATION

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

To Permittee:

Mr. Robert Schultz  
550 South G Street, #14  
Arcata, California 95521  
707-824-2091

To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2016-0108-R1

**LIABILITY**

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

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

**SUSPENSION AND REVOCATION**

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

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

**ENFORCEMENT**

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

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

## **OTHER LEGAL OBLIGATIONS**

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

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

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

## **AMENDMENT**

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

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

## **TRANSFER AND ASSIGNMENT**

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

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

## EXTENSIONS

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

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

## EFFECTIVE DATE

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

## TERM

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

## AUTHORITY

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

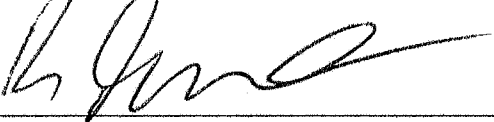
## AUTHORIZATION

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

**CONCURRENCE**

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

**FOR Mr. Robert Schultz**

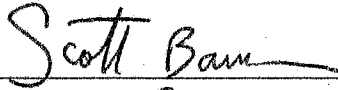


Robert Schultz

6/30/16

Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

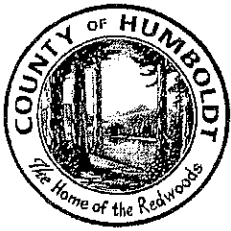


Gordon Leppig *for*  
Senior Environmental Scientist Supervisor

7-6-16

Date

Prepared by: David Manthorne, Environmental Scientist, June 6, 2016



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT

NOTICE AND ACKNOWLEDGMENT OF LAND USE LIMITATIONS  
Timberland Conversion

OWNER(S): Robert Schultz

LOCATION: \_\_\_\_\_

ASSESSOR PARCEL NO.: 521-123-005 APPLICATION NO.: \_\_\_\_\_

Bona Fide Use (Basis for proposed conversion): \_\_\_\_\_

ZONING: TPZ

Pursuant to Section 311-10 of the Humboldt County Zoning Regulations (Title III, Division I, Humboldt County Code), no building shall be erected or premises used in a manner other than included among the uses permitted in the zone in which the property is located.

A less-than-3-acre conversion of timberland is being sought pursuant to 14 CCR § 1104.1(a) to effectuate a bona fide use on the subject parcel, as described above and in the application materials on file with Cal-FIRE. Sections 313 and 314-55.4.8.2 of the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) prohibit the commercial cultivation of cannabis for medical use within new areas of timberland conversion (not in existence as of January 1, 2016). Additionally, Sections 313 & 314-55.4.8.2.2 prohibit expansion of an existing area under cultivation, unless qualifying in accordance with 313 & 314-55.4.8.2.1 of the CMMLUO.

Use of the proposed conversion area for commercial activities involving cannabis, constitutes a violation of County Code and will subject the owner to possible enforcement action by the County, which may include administrative penalties and/or criminal prosecution.

ACKNOWLEDGMENT:

I have read and acknowledge the land use limitations under which this property and buildings/structures may be used consistent with provisions of the County Zoning Regulations.

[Signature]  
Property Owner

4.27.16  
Date

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Date

E

3 ACRE CONV



## DEPARTMENT OF FORESTRY AND FIRE PROTECTION

135 Ridgway Ave.  
 Santa Rosa, CA 95401  
 Website: [www.fire.ca.gov](http://www.fire.ca.gov)  
 (707) 576-2959



Date: May 13, 2016  
 Ref.: 1-16EX-135-HUM

✓ ROBERT SCHULTZ  
 61 CARTER LANE  
 EUREKA, CA 95501

Dear Mr. Schultz:

This is to acknowledge that your **Less Than 3 Acre Conversion Exemption** was accepted on **May 12, 2016**. It has been assigned the above listed Exemption number. All timber operations must be complete within one year. All conversion activities must be complete within two years, unless under permit by local jurisdiction.

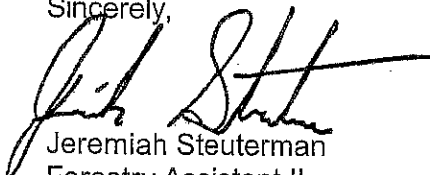
**\*\*\*Please read the enclosed notice regarding Listed Anadromous Salmonids, Slash Clean-up, Sudden Oak Death, Pitch Canker, and Operations between October 15 – May 1.\*\*\***

In addition, please note the requirement for submittal of the Timber Operations Work Completion and/or Stocking Report (blue form) upon completion of the project.

Compliance with all provisions of the Forest Practice Act, rules pursuant to Section 1104.1(a)—Title 14 of the California Code of Regulations, will be determined by future inspection(s).

If you have any questions you may contact your local CAL FIRE Forest Practice Inspector or me at (707) 576-2959.

Sincerely,

  
 Jeremiah Steuterman  
 Forestry Assistant II

Enclosure

cc: Unit  
 Board of Equalization  
 RPF – Chris Carroll  
 LTO – Gary Johnston  
 File  
[ftp://thp.fire.ca.gov/THPLibrary/North Coast Region/](ftp://thp.fire.ca.gov/THPLibrary/North_Coast_Region/)

*"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."*



LESS THAN 3 ACRE CONVERSION EXEMPTION

STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NOTICE OF TIMBER OPERATIONS THAT ARE EXEMPT FROM
CONVERSION AND TIMBER HARVESTING PLAN REQUIREMENTS
RM-73 (1104.1a) (11/12)

FOR ADMIN. USE ONLY
Ex. # 1-16EX-135 HUM
Date of Receipt APR 28 2016
Date Accepted May 12, 2016
Date Expires May 11, 2017

VALID FOR ONE YEAR FROM DATE OF RECEIPT BY CAL FIRE
TIMBER OPERATIONS CANNOT START UNTIL VALID COPY
OF A NOTICE OF ACCEPTANCE IS RECEIVED FROM CAL FIRE

The Director of the Department of Forestry and Fire Protection (CAL FIRE) is hereby notified of timber operations under the requirements of 14 CCR § 1104.1(a): Harvesting of trees that is a single conversion to a non-timber growing use of timberland of less than three acres.

1. TIMBER OWNER(S) OF RECORD: Robert Schultz

Address: 61 Carter Lane

City: Eureka State: CA Zip: 95503 Phone: 707-834-2091

TIMBER TAX EXEMPTION: Timber owners owe timber yield tax when they harvest trees unless the harvest is exempt (Revenue and Taxation Code sec. 38116). Some small or low value harvests may be exempt from timber yield tax: Timber removed from an operation whose value does not exceed \$3,000 within a quarter, according to BOE Harvest Value Schedules, Rule 1024.

A. Circle the option that most closely estimates the total volume for this harvest, in thousands of board feet (mbf - Net Scribner short log):

Under 8 mbf 8-15 mbf 16-25 mbf Over 25 mbf

B. Estimate the species composition of the timber that will be removed during this harvest (numbers should sum to 100%):

Redwood \_\_\_\_\_%; Ponderosa/Sugar pine \_\_\_\_\_%; Douglas-fir 100%; Fir \_\_\_\_\_%;
Port-Orford Cedar \_\_\_\_\_%; Cedar (IC, WRC) \_\_\_\_\_%; Other Hardwood \_\_\_\_\_%; Other conifer \_\_\_\_\_%;

2. TIMBERLAND OWNER(S) OF RECORD: Robert Schultz

Address: 61 Carter Lane

City: Eureka State: CA Zip: 95503 Phone: 707-834-2091

I certify, under penalty of perjury, that this is a one-time conversion to a non-timberland use and that there is a "bona fide intent" [14 CCR § 1100(b)] to convert to a home site and agriculture.

SIGNATURE [Signature] Date 4/26/16

3. LICENSED TIMBER OPERATOR(S): Gary Johnston

Lic. No. A-1345

Address: 1925 G Street

City: Eureka State: CA Zip: 95501 Phone: 707-407-5344

SIGNATURE [Signature] Date 4/27/16

4. Designate the legal land description of the location of timberland conversion. A map showing the location of the timberland conversion MUST be attached. The map must show the ownership boundaries, the location of the timber operation, boundaries of the conversion, location and classification of all watercourses, and landing locations.

Section 13 Township 7N Range 3E Base & Meridian Humboldt County Humboldt Acreage to be Converted 1.4 Assessor's Parcel Number 521-123-005

RECEIVED

APR 28 2016

COAST AREA OFFICE
RESOURCE MANAGEMENT

## **Project Description**

This conversion proposes to convert timberland into agriculture. Per the Humboldt County General Plan, the conversion exemption area is presently zoned Timber Production Zone. Humboldt County's Grading and Open Space Ordinance applies to this project and the County has reviewed and signed off on this project.

### **Addendum 14CCR 1104.1(a)(1)(E)(1-4)**

The timberland owner has certified via his signature, under penalty of perjury, that this is a one-time conversion to a home site and agriculture. The timberland owner understands that a "Bona Fide Intention or bona fide intent" is a present, sincere intention of the applicant to conform with and successfully execute the conversion plan, as determined by the Director in accordance with provisions of Sec. 1105.2 (Ref.: Sec. 4623, PRC). The timberland owner, acting as an individual, acting as a member of a partnership, or acting as an officer or employee of a corporation or other legal entity, has not obtained an exemption pursuant to this section in the last five years.

### **Addendum 14CCR 1104.1(a)(2)(F)**

There are no watercourses, ELZs, or WLPZs within the conversion exemption area. As shown on the Conversion Exemption Map, the conversion area is located up on ridgetop areas far from watercourses. A Class II watercourse is located at least 500 feet to the north. Portions of this conversion area are shown as areas previously converted on the Conversion Map. Please note that these areas were already converted prior to submission of this conversion exemption and can be seen to have occurred from between 2010 and 2012 from a review of aerial photography.

### **Addendum 14CCR 1104.1(a)(6)**

#### **The extent of the vegetation removal and site preparation required for the conversion;**

The conversion area consists of merchantable even-aged Douglas-fir and tanoak. Due to the size and density of the timber, extensive harvesting and site preparation are required for the conversion. A chipper will likely be used to treat the slash and non-merchantable trees. Merchantable trees will be processed into logs and hauled to local mills. Stumps will be windrowed at the base of the fillslope. Despite the gentle-moderate topography, significant excavation will be necessary to make the sites useable for their intended use.

#### **The suitability of soils, slope, aspect, and microclimate for the stated non-timber use;**

The conversion exemption area's slopes and aspects are favorable for agriculture. The soils are inadequate for agriculture but grow medium is imported and therefore not a limiting factor.

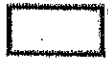
**RECEIVED**

**APR 28 2016**

**COAST AREA OFFICE  
RESOURCE MANAGEMENT**

APN 521-123-005

Conversion Map



Property Line



Conversion Boundary



Area Previously Converted



Existing Seasonal Road



Landing

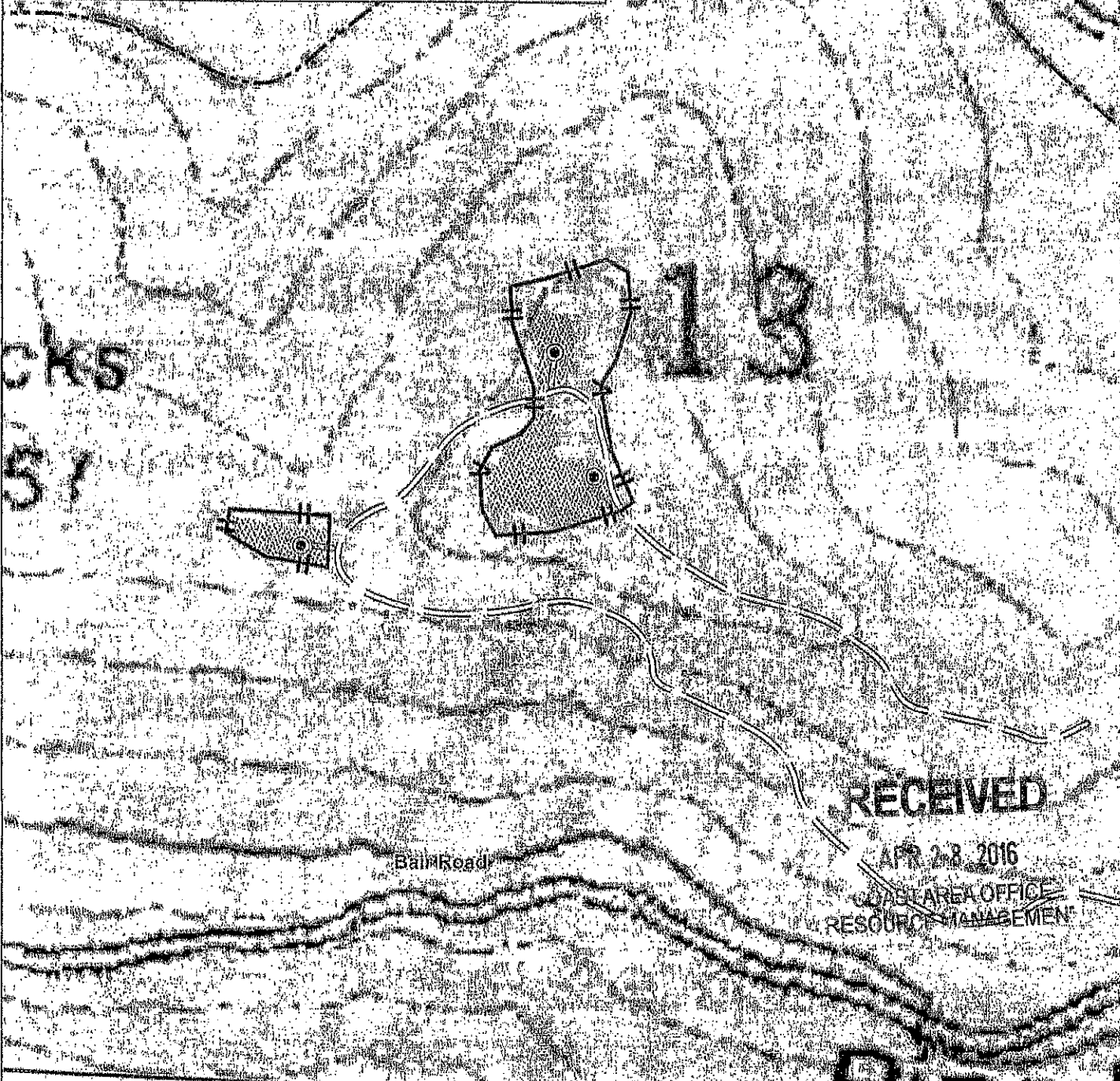


Class II Watercourse



1" = 250'

Section 13, T7N-R3E, H.B.M.

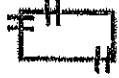


APN 521-123-005

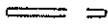
General Location Map



Property Line



Conversion Boundary

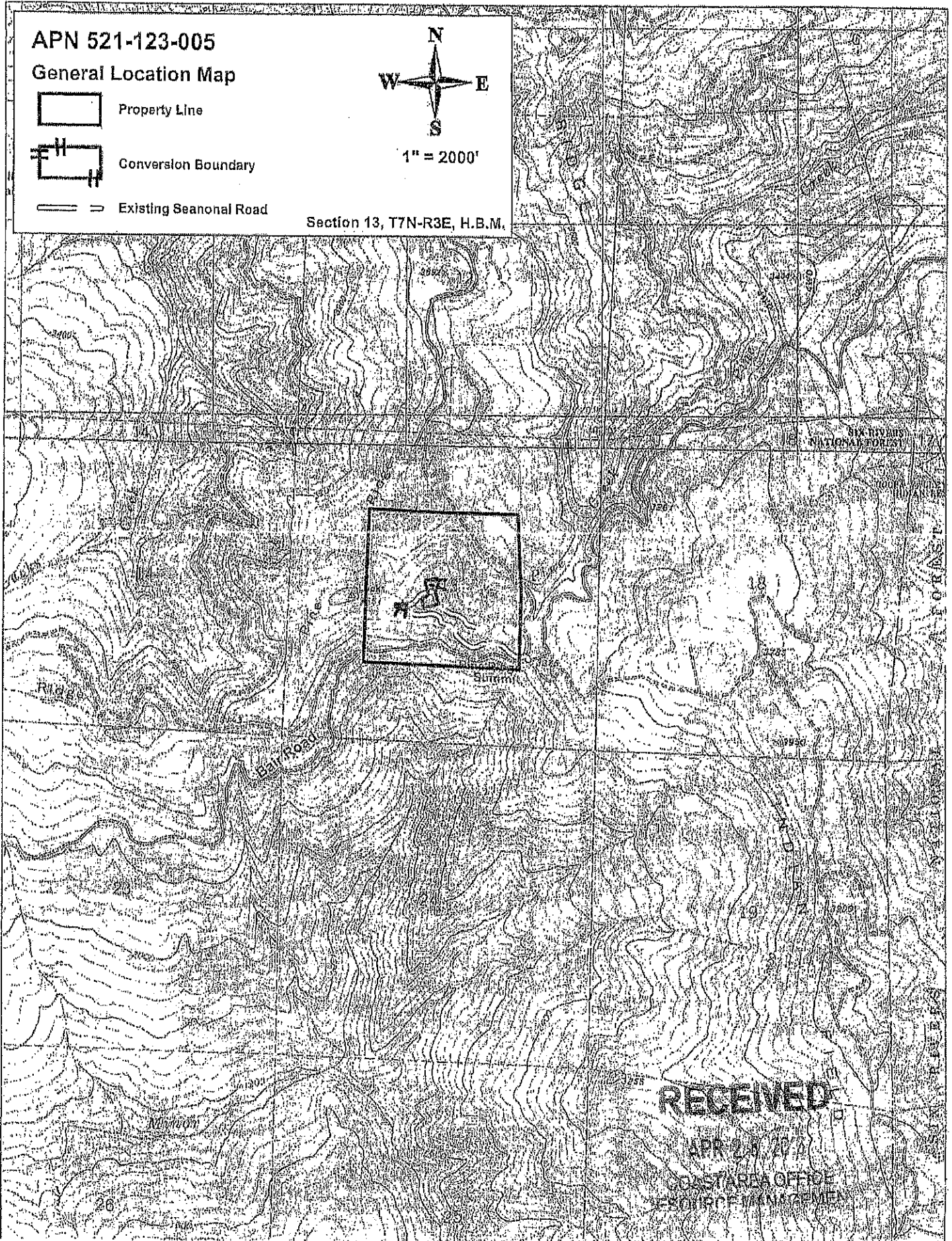


Existing Seasonal Road



1" = 2000'

Section 13, T7N-R3E, H.B.M.



# Less Than 3-acre Conversion NOTICE OF TIMBER OPERATIONS

Date of Posting of this Notice: April 20, 2016

A Conversion exemption that may be of interest to you will be submitted to the California Department of Forestry & Fire Protection. The California Department of Forestry & Fire Protection will be reviewing the proposed timber operation for compliance with various laws and rules. The following briefly describes the proposed conversion exemption and where and how to get more information. Questions about the proposed conversion exemption or laws and rules governing timber operations should be directed to:

California Department of Forestry and Fire Protection  
Forest Practice Program  
135 Ridgeway Avenue  
Santa Rosa, CA 95402  
(707) 576-2959

## Information about the Conversion Exemption is as follows:

1. TIMBER OWNER OF RECORD: Robert Schultz  
Address: 61 Carter Lane  
City: Eureka State: CA Zip: 95503 Phone: 707-834-2091
2. TIMBERLAND OWNER OF RECORD: Robert Schultz  
Address: 61 Carter Lane  
City: Eureka State: CA Zip: 95503 Phone: 707-834-2091
3. LICENSED TIMBER OPERATOR(S): Gary Johnston Lic. No. A-1315  
Address: 1325 G Street  
City Eureka State CA Zip 95501 Phone 707-407-5544
4. REGISTERED PROFESSIONAL FORESTER PREPARING NOTICE: Chris Carroll Number 2628  
Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4  
City Fortuna State CA Zip 95540 Phone (707) 725-1897
5. AGENCY OF HUMBOLDT COUNTY RESPONSIBLE FOR LAND USE CHANGES: Humboldt County Planning Department
6. PROJECT LOCATION: Located in Section 13, Township 7 North, Range 3 East, Humboldt County, HB&M. APN 521-123-005.
7. TYPE OF CONVERSION: This is a conversion from timberland to a home site and agriculture. The maximum size of this conversion exemption is less than three acres.

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APR 28 2016

COAST AREA OFFICE  
RESOURCE MANAGEMENT



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

April 27, 2016

Native American Heritage Commission  
1550 Harbor Blvd., Room 100  
West Sacramento, CA 95691

Dear Native American Heritage Commission:

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

1. TIMBER OWNER OF RECORD: Robert Schultz  
Address: 61 Carter Lane  
City: Eureka State: CA Zip: 95503 Phone: 707-834-2091
2. TIMBERLAND OWNER OF RECORD: Robert Schultz  
Address: 61 Carter Lane  
City: Eureka State: CA Zip: 95503 Phone: 707-834-2091
3. LICENSED TIMBER OPERATOR(S): Gary Johnston Lic. No. A-1315  
Address: 1325 G Street  
City Eureka State CA Zip 95501 Phone 707-407-5544
4. REGISTERED PROFESSIONAL FORESTER PREPARING NOTICE: Chris Carroll Number 2628  
Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4  
City Fortuna State CA Zip 95540 Phone (707) 725-1897
5. AGENCY OF HUMBOLDT COUNTY RESPONSIBLE FOR LAND USE CHANGES: Humboldt County Planning Department
6. PROJECT LOCATION: Located in Section 13, Township 7 North, Range 3 East, Humboldt County, HB&M. APN 521-123-005.
7. TYPE OF CONVERSION: This is a conversion from timberland to a home site and agriculture. The maximum size of this conversion exemption is less than three acres.

Sincerely,



Chris Carroll, RPF #2628  
Timberland Resource Consultants

**RECEIVED**

APR 28 2016

COAST AREA OFFICE  
RESOURCE MANAGEMENT



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

April 27, 2016

Blue Lake Rancheria  
P.O. Box 428  
Blue Lake, CA 95525

Dear Janet Eldsness, Tribal Historic Preservation Officer:

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

1. TIMBER OWNER OF RECORD: Robert Schultz  
Address: 61 Carter Lane  
City: Eureka State: CA Zip: 95503 Phone: 707-834-2091
2. TIMBERLAND OWNER OF RECORD: Robert Schultz  
Address: 61 Carter Lane  
City: Eureka State: CA Zip: 95503 Phone: 707-834-2091
3. LICENSED TIMBER OPERATOR(S): Gary Johnston Lic. No. A-1315  
Address: 1325 G Street  
City Eureka State CA Zip 95501 Phone 707-407-5544
4. REGISTERED PROFESSIONAL FORESTER PREPARING NOTICE: Chris Carroll Number 2628  
Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4  
City Fortuna State CA Zip 95540 Phone (707) 725-1897
5. AGENCY OF HUMBOLDT COUNTY RESPONSIBLE FOR LAND USE CHANGES: Humboldt County Planning Department
6. PROJECT LOCATION: Located in Section 13, Township 7 North, Range 3 East, Humboldt County, HB&M. APN 521-123-005.
7. TYPE OF CONVERSION: This is a conversion from timberland to a home site and agriculture. The maximum size of this conversion exemption is less than three acres.

Sincerely,



Chris Carroll, RPF #2628  
Timberland Resource Consultants

**RECEIVED**

APR 28 2016  
COAST AREA OFFICE  
RESOURCE MANAGEMENT



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

April 27, 2016

Yurok Tribe of California  
HC 67 P.O. Box 196  
Hoopa, CA 95546

Dear Robert McConnell, Tribal Historic Preservation Officer:

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

1. TIMBER OWNER OF RECORD: Robert Schultz  
Address: 61 Carter Lane  
City: Eureka State: CA Zip: 95503 Phone: 707-834-2091
2. TIMBERLAND OWNER OF RECORD: Robert Schultz  
Address: 61 Carter Lane  
City: Eureka State: CA Zip: 95503 Phone: 707-834-2091
3. LICENSED TIMBER OPERATOR(S): Gary Johnston Lic. No. A-1315  
Address: 1325 G Street  
City Eureka State CA Zip 95501 Phone 707-407-5544
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Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4  
City Fortuna State CA Zip 95540 Phone (707) 725-1897
5. AGENCY OF HUMBOLDT COUNTY RESPONSIBLE FOR LAND USE CHANGES: Humboldt County Planning Department
6. PROJECT LOCATION: Located in Section 13, Township 7 North, Range 3 East, Humboldt County, HB&M, APN 521-123-005.
7. TYPE OF CONVERSION: This is a conversion from timberland to a home site and agriculture. The maximum size of this conversion exemption is less than three acres.

Sincerely,



Chris Carroll, RPF #2628  
Timberland Resource Consultants

**RECEIVED**

APR 28 2016

COAST AREA OFFICE  
RESOURCE MANAGEMENT





## DEPARTMENT OF FORESTRY AND FIRE PROTECTION

135 Ridgway Avenue  
 Santa Rosa, CA 95401  
 Website: [www.fire.ca.gov](http://www.fire.ca.gov)  
 (707) 576-2959



Dear Timberland Owner and Licensed Timber Operator:

**SUBJECT: LESS THAN 3 ACRE CONVERSION EXEMPTION**—information regarding Listed Anadromous Salmonids, Slash Clean-up, Sudden Oak Death, Pitch Canker, and Operations between October 15 – May 1.

### LISTED ANADROMOUS SALMONIDS

The California Department of Forestry and Fire Protection (CAL FIRE) received your notice regarding commencement of timber operations under the enclosed accepted exemption. This notice is to inform you that your exemption is located in the geographical range of listed anadromous species.

If your exemption is specifically located:

- In a planning watershed with listed anadromous salmonids, additional operational provisions under 14 CCR §§ 916.9 [936.9, 956.9] and 923 [943, 963] et al. must be followed (a few of which have been copied below), including the specific provisions for exemptions listed under 14 CCR § 916.9 [936.9, 956.9](s);
- In a planning watershed immediately upstream of, and contiguous to, a watershed with listed anadromous salmonids, additional operational provisions under 14 CCR §§ 916.9 [936.9, 956.9] (k)-(q) and 923 [943, 963] et al. must be followed.

CAL FIRE has not made a take avoidance regarding any listed anadromous salmonids (or other listed plant or animal species) through acceptance of this exemption. The responsibility for take avoidance under the Federal and State Endangered Species Acts rests with you and the licensed timber operator (LTO). "Take" under the federal definition (reference Title 14 of the California Code of Regulations (CCR) § 895.1), means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt to engage in any such conduct with regard to a federally listed wildlife species (also note "Take for state listed species" under 14 CCR § 895.1).

If you are uncertain whether your operation will adversely impact or result in take of listed anadromous fish, or other listed species, please contact NOAA at (707) 575-6059 or DFW at (707) 445-6493 or 944-5568.

Excerpts of the Forest Practice Rules under 14 CCR §§ 916.9 [936.9, 956.9] (rules pertaining to listed anadromous salmonids have been copied below for your convenience. Please note that not all of the pertinent rules are included. As an example WLPZ widths in anadromous salmonid watersheds differ in some instances compared to the standard Forest Practice Rules. A complete copy of the Forest Practice Rules can be found at:

[http://calfire.ca.gov/resource\\_mgt/downloads/2015%20FP%20Rulebook\\_with%20TRA%20No%20%201\\_FINALw%20Links.pdf](http://calfire.ca.gov/resource_mgt/downloads/2015%20FP%20Rulebook_with%20TRA%20No%20%201_FINALw%20Links.pdf)

**14 CCR § 916.9 [936.9, 956.9](s) Exemption notices** - No timber operations are allowed in a WLPZ, or within any ELZ or EEZ designated for watercourse or lake protection, under exemption notices except for:

- (1) Hauling on existing roads.
- (2) Road maintenance.
- (3) Operations conducted for public safety.
- (4) Construction or reconstruction of approved watercourse crossings.
- (5) Temporary crossings of dry Class III watercourses that do not require notification under Fish and Game Code §1600 et seq.
- (6) Harvesting recommended in writing by DFW to address specifically identified forest conditions.

*"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."*

## **ATTENTION: SLASH CLEANUP REQUIREMENTS**

As required by Section 1104.1(a)(2)(D) of Title 14 of the California Code of Regulations, the Licensed Timber Operator (LTO) shall be the responsible party for the treatment of logging slash and woody debris.

Unless otherwise required, slash greater than one inch in diameter and greater than two feet long, and woody debris (except pine) shall receive full treatment no later than April 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.

All pine slash three inches and greater in diameter, and longer than four feet, must receive initial treatment within 7 days of its creation. All pine woody debris longer than four feet must receive an initial treatment prior to full treatment and be fully treated by March 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption.

Further restrictions apply, and can be found under the above listed rule. Your Registered Professional Forester of Licensed Timber Operator can provide you with further rule requirements. Please be aware of these requirements. The time frame in which the slash is to be treated must be strictly adhered to. The Department of Forestry and Fire Protection is mandated by law to pursue violations in a vigorous, legal manner.

Within one month from the completion of conversion exemption timber operations, which includes all slash disposal work, a work completion report shall be submitted to the Director, as required by Section 1104.1(a)(5). A copy of the completion report is enclosed.

If you have any questions regarding what is required of either the Licensed Timber Operator or Landowner, please contact your local CDF Forest Practice Inspector.

## **WINTER OPERATIONS**

Although a winter operations plan is not required, if winter operations are conducted, all rules pertaining to winter operations apply, in addition to 14 CCR §§ 1104.1(a)(2)(E) and 914.7 [934.7, 954.7] (c)). If your operations fall within, or upstream of, a planning watershed with listed anadromous salmonids, wet weather and winter operation rules pursuant to 14 CCR § 916.9 [936.9, 956.9] et al. will also apply.

## **HAZARD REDUCTION**

### **14 CCR § 917.9 [937.9, 957.9] Prevention Practices. [All Districts]**

Timber operations shall be conducted so as to minimize the build-up of destructive insect populations or the spread of forest diseases.

### **Sudden Oak Death**

As provided at: <http://www.suddenoakdeath.org/> a plant disease known as Sudden Oak Death is threatening coastal forests in California and Oregon. Currently found in 14 coastal counties from Monterey to Humboldt, the disease is caused by the pathogen *Phytophthora ramorum*. To date, hundreds of thousands of tanoak and oak have been killed by this disease. In addition, more than 30 other native tree and shrub species are susceptible to the organism, yet most of these species suffer only minor damage, limited to leaf spots or twig dieback. *P. ramorum* may be transported to new areas when infected plants, infested soil, or contaminated water are moved. The website above provides simple, practical information on how to work in forests without unintentionally moving the pathogen from one area to another.

### INFORMATION FOR COMPLETION AND STOCKING REPORTS

This form is intended to serve as a completion report, or a stocking report, or a combination completion and stocking report depending upon the circumstances. Check one or more of the boxes as needed to indicate the type of report.

#### Completion Report

1. Public Resources Code (PRC) Section 4585 requires within one month after completion of the work described in a **Timber Harvesting Plan (THP)** or a Nonindustrial Timber Management Plan's "**Notice of Timber Operations**," a report that all work has been completed shall be filed by the timber owner or his agent with the Department of Forestry and Fire Protection (CAL FIRE). The section also states that an annual completion report may be filed with respect to a portion of the area covered by the THP, which has been completed before completion of the entire plan. Only one annual completion report per calendar year per THP may be filed. The portion completed shall be adequately identified on a map submitted with the report.
2. Title 14, California Code of Regulations (CCR), Section 1104.1(a)(5) requires timberland owners to file a completion report for **Less Than Three Acre Conversion Exemptions** within one month from the completion of conversion exemption timber operations, which includes all slash disposal work.
3. 14 CCR § 1052, requires operations under **Emergency Notices** to comply with all provisions of the Forest Practice Act and rules applicable to THPs, i.e., PRC § 4585 Completion Reports and PRC § 4587 Stocking Reports.

#### Stocking Reports

PRC § 4587 establishes that within five years after completion of timber operations on an area identified in a completion report, a report of stocking shall be filed with CAL FIRE. **Note: Only one stocking report can be filed for an area after submission of the completion report for the area.** Also, the Forest Practice Rules, where certain regeneration methods or intermediate treatments were specified in the THP, may require that a stocking report be filed within six months of completion of timber operations. Review of the THP and the Forest Practice Rules is necessary to make this determination. A report of stocking indicates that the stocking requirements of the rules and Forest Practice Act have been met either by use of one of the sampling procedures adopted by the Board of Forestry and Fire Protection or by a request for a waiver of stocking sampling procedures because the area is obviously stocked.

When a sampling procedure is used the following information described in 14 CCR Section 1075 must be attached to the stocking report:

1. The name of the person who performed the sampling.
2. A map showing the area(s) sampled by sampling procedure (if more than one procedure is used), the location of each plot established, indicate status as stocked or non-stocked. If the least stocked 40 acres were sampled, please identify the area.
3. The acreage of each sampling area.
4. The number of plot centers installed by sampling area and procedures.
5. The number of stocked plots by sampling area and procedure.
6. The plot reference data, per 14 CCR § 1072.2.

Area: \_\_\_\_\_

Date Received: \_\_\_\_\_

Date Approved: \_\_\_\_\_

Date Sent to B.O.E.: \_\_\_\_\_

**TIMBER OPERATIONS WORK COMPLETION AND/OR STOCKING REPORT**  
(As per Div. 4, Chap. 8, Sections 4585 and 4587 PRC, and Title 14 CCR Sections 1070-1075)

**Certification By Timber Owner or Agent:** I certify that the declarations herein are true and correct to the best of my knowledge and belief. I am notifying the Department of Forestry and Fire Protection of the status of compliance with the completion and stocking requirements of the Forest Practice Act and rules of the Board of Forestry and Fire Protection for:

Harvest Document Number: 1-166X-135 NWN

Harvest document includes a Timber Harvesting Plan (THP), a Nonindustrial Timber Management Plan's Notice of Timber Operations (NTO), a Less Than Three Acre Conversion Exemption (EX), or an Emergency Notice (EM). For Timberland Conversion Permits (TCP), include the THP Number above, as well as the Conversion Permit No.: \_\_\_\_\_

**Completion Report**

- Final Completion Report. On (date): \_\_\_\_\_ all work on the operation was completed, and no further harvesting shall be conducted.
- Partial Completion Report. On (date): \_\_\_\_\_ all work on a part of the plan as shown on the attached map was completed. Additional harvesting is anticipated on the remaining portion of the logging area. **Only one partial completion report may be accepted by the CAL FIRE during any calendar year.**
- NTMP-NTO Completion Report. On (date): \_\_\_\_\_ all work on this NTO was completed for this calendar year. Additional harvesting is anticipated in following years.
- EX Completion Report. On (date): \_\_\_\_\_ all work on this Less Than Three Acre Conversion Exemption was completed. No stocking report is required.
- TCP Completion Report. On (date): \_\_\_\_\_ all work on this Timberland Conversion Permit was completed. No stocking report is required.

**Stocking Report:** The area declared as complete in this report or a previously approved completion report meets all of the stocking requirements of the Forest Practice Act and rules of the Board of Forestry and Fire Protection. The stocking status after completion of timber operations was determined by:

- One of the sampling procedures adopted by the Board of Forestry and Fire Protection. The identification of the person sampling, plot data, and a map of the area sampled are attached.
- Physical examination of the area by the timber owner or the agent thereof after completion of timber operations determined that the area's stocking obviously meet the requirements of the Forest Practice Rules and a waiver of stocking sampling is requested.
- As stated in the harvest document, the area was **substantially damaged** as per 14 CCR § 1080.1, and only dead, down, or dying trees were salvaged, or the Site Class is IV or V, hence no restocking is required.

**Report Not In Conformance**

- The area described by this report has been found **not to be in compliance** with the Forest Practice Act and Forest Practice Rules. See attached documents for further information. **A new completion and/or stocking report must be submitted** upon completion of the work required in the documents attached.
  
- The Director has determined that the **stocking** requirements of the Forest Practice Act and forest practice rules **have not been met**. See attached documents for further information. **A new completion and/or stocking report must be submitted** upon completion of the work required in the documents attached.

**Other Reports**

- Conversion Permit.** The Completion Report is necessary, but a stocking report is not required.
- Less Than Three Acre Conversion Exemption.** The Completion Report is necessary, but a stocking report is not required.
- Emergency Notice or a THP with Substantially Damaged Timberland** as per 14 CCR § 1080.1, where a stocking report is not required.

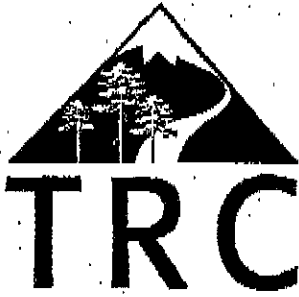
For the selection from **Other Reports** above, the Director has determined that all of the requirements of the Forest Practice Act and Forest Practice Rules:

- Have been completed.
- Have not been completed and are not in compliance with the regulations and/or the rules. See attached documents for further information. **A new completion report must be submitted** upon completion of the work required in the documents attached.

**Director, California Department of Forestry and Fire Protection**

By: \_\_\_\_\_  
Signature \_\_\_\_\_ Print Name \_\_\_\_\_

\_\_\_\_\_  
Title \_\_\_\_\_ RPF # \_\_\_\_\_ Date \_\_\_\_\_



**Timberland Resource  
CONSULTANTS**

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

**Fax**

To: Rob Schultz

From: Laurie Kepon

Fax: 877-231-1494

Pages: cover + 2

Phone:

Date: 4/26/16

Re:

CC:

- Urgent
- For Review
- Please Comment
- Please Reply
- Please Recycle

Please sign item #'s 2 and 8 and return.

Thank You-

LESS THAN 3 ACRE CONVERSION EXEMPTION

FOR ADMIN. USE ONLY

STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NOTICE OF TIMBER OPERATIONS THAT ARE EXEMPT FROM
CONVERSION AND TIMBER HARVESTING PLAN REQUIREMENTS
RM-73 (1104.1a) (11/12)

Ex. # \_\_\_\_\_
Date of Receipt \_\_\_\_\_
Date Accepted \_\_\_\_\_
Date Expires \_\_\_\_\_

VALID FOR ONE YEAR FROM DATE OF RECEIPT BY CAL FIRE
TIMBER OPERATIONS CANNOT START UNTIL VALID COPY
OF A NOTICE OF ACCEPTANCE IS RECEIVED FROM CAL FIRE

The Director of the Department of Forestry and Fire Protection (CAL FIRE) is hereby notified of timber operations under the requirements of 14 CCR § 1104.1(a): Harvesting of trees that is a single conversion to a non-timber growing use of timberland of less than three acres. (See 14 CCR § 1104.1(a) for a description of the conditions on the conduct of this type of timber operation and additional information that is required to be submitted.) Complete items 1 through 8 on both pages of this notice.

1. TIMBER OWNER(S) OF RECORD: Robert Schultz

Address: 61 Carter Lane

City: Eureka State: CA Zip: 95503 Phone: 707-834-2091

TIMBER TAX EXEMPTION: Timber owners owe timber yield tax when they harvest trees unless the harvest is exempt (Revenue and Taxation Code sec. 38116). Some small or low value harvests may be exempt from timber yield tax: Timber removed from an operation whose value does not exceed \$3,000 within a quarter, according to BOE Harvest Value Schedules, Rule 1024. If you believe your harvest may qualify for this exemption, please complete items A and B below. For timber yield tax information or for further assistance with these questions call the State Board of Equalization, 1-800-400-7115, or write: Timber Tax Section, MIC: 60, State Board of Equalization, P.O. Box 942879, Sacramento, California 94279-0060; or contact the BOE Web Page on the Internet at http://www.boe.ca.gov.

A. Circle the option that most closely estimates the total volume for this harvest, in thousands of board feet (mbf - Net Scribner short log):

Under 8 mbf 8-15 mbf 16-25 mbf Over 25 mbf

B. Estimate the species composition of the timber that will be removed during this harvest (numbers should sum to 100%):

Redwood \_\_\_\_\_%; Ponderosa/Sugar pine \_\_\_\_\_%; Douglas-fir 100%; Fir \_\_\_\_\_%;

Port-Orford Cedar \_\_\_\_\_%; Cedar (IC, WRC) \_\_\_\_\_%; Other Hardwood \_\_\_\_\_%; Other conifer \_\_\_\_\_%.

2. TIMBERLAND OWNER(S) OF RECORD: Robert Schultz

Address: 61 Carter Lane

City: Eureka State: CA Zip: 95503 Phone: 707-834-2091

I certify, under penalty of perjury, that this is a one-time conversion to a non-timberland use and that there is a "bona fide intent" [14 CCR § 1100(b)] to convert to a home site and agriculture.

SIGNATURE

Date

4/26/16

3. LICENSED TIMBER OPERATOR(S): Gary Johnston

Lic. No. A-1315

Address: 1325 G Street

City Eureka State CA Zip 95501 Phone 707-407-5544

SIGNATURE

Date

4. Designate the legal land description of the location of timberland conversion. A map showing the location of the timberland conversion MUST be attached. The map must show the ownership boundaries, the location of the timber operation, boundaries of the conversion, location and classification of all watercourses, and landing locations.

Section Township Range Base & Meridian County Acreage to be Converted Assessor's Parcel Number
13 7N 3E Humboldt Humboldt 1.4 521-123-005

5. The following are limitations or requirements for timber operations conducted under a Less Than Three Acre Conversion Exemption (Notice, Notice of Conversion Exemption, Conversion Exemption):
  - A. Timber operations shall comply with all other applicable provisions of the Forest Practice Act and regulations, county general plans, zoning ordinances, and any implementing ordinances; copies of the state rules and regulations may be found on CAL FIRE's Web Page on the Internet at <http://www.fire.ca.gov>.
  - B. All timber operations shall be complete within one year from the date of acceptance by CAL FIRE.
  - C. All conversion activities shall be complete within two years from the date of acceptance by CAL FIRE unless under permit by local jurisdiction. Failure to complete the conversion requires compliance with stocking standards and stocking report requirements of the Forest Practice Act and Board of Forestry and Fire Protection regulations.
  - D. The timber operator shall remove or dispose of all slash or woody debris in accordance with 14 CCR § 1104.1(a)(2)(D)(1)-(9). The timberland owner may assume responsibility for the slash treatment, provided the landowner acknowledges in writing to CAL FIRE such responsibility at the time of submission of this notice. The specific requirements shall be included with the acknowledgement.
  - E. Timber operations may be conducted during the winter period. Tractor operations in the winter period are allowed under any of the conditions described in 14 CCR § 1104.1(a)(2)(E)1.-3.
  - F. No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city).
  - G. No timber operations shall be conducted until CAL FIRE's notice of acceptance is received and a valid copy of this notice and CAL FIRE's acceptance shall be kept on site during timber operations.
  - H. No sites of rare, threatened or endangered plants or animals or species of special concern shall be disturbed, threatened, or damaged.
  - I. No timber operations are allowed on significant historical or archeological sites.
  - J. Within one month of the completion of timber operations, including slash disposal, the timberland owner shall submit a work completion report to CAL FIRE.
  - K. A violation of the conversion exemption, including a conversion applied for in the name of someone other than the person or entity implementing the conversion in bona fide good faith, are violations of the Forest Practice Act and penalties may accrue up to ten thousand dollars (\$10,000) for each violation pursuant to Article 8 (commencing with Section 4901).

6. I, Karen Meynell, declare as the authorized designee of the County Board of Supervisors that this conversion exemption is in conformance with all county regulatory requirements, including public notice. (If the county has authorized a designee this item must be completed. If it has not, see item 7.)

SIGNATURE Karen Meynell Date 4/26/16

7. Registered Professional Forester preparing Notice: Chris Carroll Number 2020

Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4

City Fortuna State CA Zip 95540 Phone 707-725-1897

I have, or my supervised designee has, (1) prepared this Notice of Conversion Exemption Timber Operations; (2) visited the site and flagged the boundaries of the conversion exemption, applicable WLPZs and equipment limitation zones; (3) prepared a Neighborhood Notice of Conversion Exemption according to 14 CCR § 1104.1(a)(3) to be mailed by the landowner to adjacent landowners; and (4) posted and disted a copy of the Neighborhood Notice of Conversion Exemption on the ownership, visible to the public, at least 5 days prior to the postmark date of submission of the Notice of Conversion Exemption. I certify that if the County Board of Supervisors has not designated a representative authorized to sign in item 6 that I, or my supervised designee, contacted the county and the Notice is in conformance with county regulations.

SIGNATURE of RPF \_\_\_\_\_ Date \_\_\_\_\_

8. NOTICE SUBMITTER(S): Robert Schulz

Address: 81 Carter Lane

City: Eureka State: CA Zip: 95602 Phone: 707-834-2091

Submitter must be 1, 2, or 3 above, and must sign.

SIGNATURE [Signature] Date 4/26/16

FILE THIS NOTICE WITH THE CAL FIRE OFFICE BELOW FOR THE COUNTY IN WHICH THE OPERATION WILL OCCUR .

Forest Practice, CAL FIRE 135 Ridgway Avenue Santa Rosa, CA 95401	Forest Practice, CAL FIRE 6105 Airport Road Redding, CA 96002	Forest Practice, CAL FIRE 1284 East Shaw Avenue Fresno, CA 93710
Alameda, Colusa, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, western Trinity and Yuba Counties	Butte, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, eastern Trinity and Yuba Counties	Alpine, Amador, Calaveras, El Dorado, Fresno, Imperial, Inyo, Kern, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Stanislaus, Tuolumne, Tulare, and Ventura Counties



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT



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

Applicant Name: Robert Schultz / Josh Jones APN: 521-123-005

Planning & Building Department Case/File No.: 1040(?) 10430

Road Name: Baird Road (complete a separate form for each road)

From Road (Cross street): Redwood Valley Road

To Road (Cross street): 7 miles - Property Location

Length of road segment: 6.5 - 7 miles Date Inspected: 1-6-18

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

Check one of the following:

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

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

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

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

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

Signature

Date

2-8-18

Name Printed

Robert Schultz

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

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

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

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

ADT: \_\_\_\_\_ Date(s) measured: \_\_\_\_\_

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

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

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

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

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

- A. Pattern of curve related crashes.  
 Check one:  No.  Yes, see attached sheet for Post Mile (PM) locations.
- B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles  
 Check one:  No.  Yes, see attached sheet for PM locations.
- C. Substantial edge rutting or encroachment.  
 Check one:  No.  Yes, see attached sheet for PM locations.
- D. History of complaints from residents or law enforcement.  
 Check one:  No.  Yes ( check if written documentation is attached)
- E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)  
 Check one:  No.  Yes.
- F. Need for turn-outs.  
 Check one:  No.  Yes, see attached sheet for PM locations.

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

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

Signature of Civil Engineer \_\_\_\_\_ Date \_\_\_\_\_

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

## Bullfrog Management Report 2019

CDFW  
619 Second Street  
Eureka, CA 95501

RE: Permit# PML19-0000186  
APP # PLN-10430-CUP  
CASE# CUP16-576  
APN# 521-123-005



Prior to October 2019 no one was engaged in bullfrog management as it was an unknown practice.

October 2019 the Pond was drained for reconstruction. At that time there were no signs of bullfrogs found.

Fish are not stocked in this pond.

A handwritten signature in blue ink is located below the text "Fish are not stocked in this pond." The signature appears to be "hmc" with a long, sweeping underline.

Robert Schultz  
Property Owner  
Essential DesignSolutions  
61 Carter Lane  
Eureka, CA 95503

## 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.

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Comments	<b>Attached</b>
Division Environmental Health	✓	Approval	<b>Attached</b>
Public Works, Land Use Division	✓	Conditional Approval	<b>Attached</b>
CAL FIRE	✓	Comments	<b>Attached</b>
California Department of Fish & Wildlife	✓	Conditional Approval	<b>Attached</b> – CDFW comments and Planning staff response to comments
Northwest Information Center	✓	Further Study	On file and confidential
Green Point School District		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Regional Water Quality Control Board		No Response	



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

*M-F*



**7/24/2017**

**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Green Point School District School District

**Applicant Name** Joshua Jones & Robert Schultz **Key Parcel Number** 521-123-005-000

**Application (APPS#)** 10430 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** AA16-153  
CUP16-576

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

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

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

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

**Return Response No Later Than 8/8/2017** Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Other Comments: \_\_\_\_\_

DATE: 8-14-17 PRINT NAME: Gustin Dumlauer



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 10430 APN: 521-123-005  
CASE #: CUP16-576

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

Site/plot plan appears to be accurate.

Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.

Existing operation appears to have expanded, see comments: \_\_\_\_\_  
\_\_\_\_\_

Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.

Proposed new operation has already started.

Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

Other Comments: See photos @ CUP16-576 - folder  
521-123-005  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

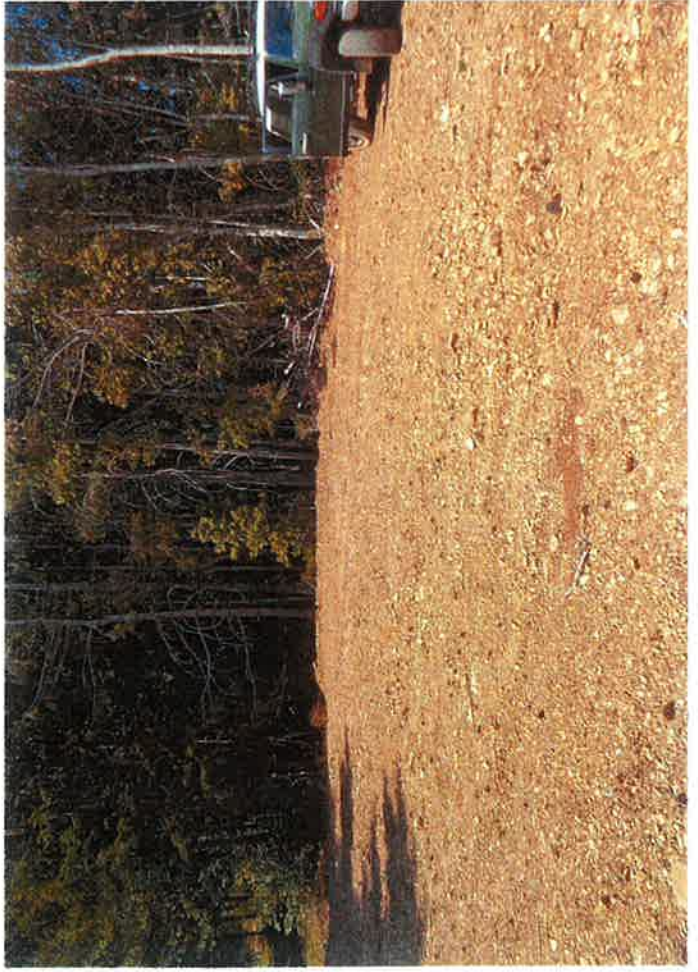
Name: Gustin Dumlér

Date: 8-14-17

Note: Remember to take photographs and then save them to the Planning's <sup>CASE#</sup> application number.

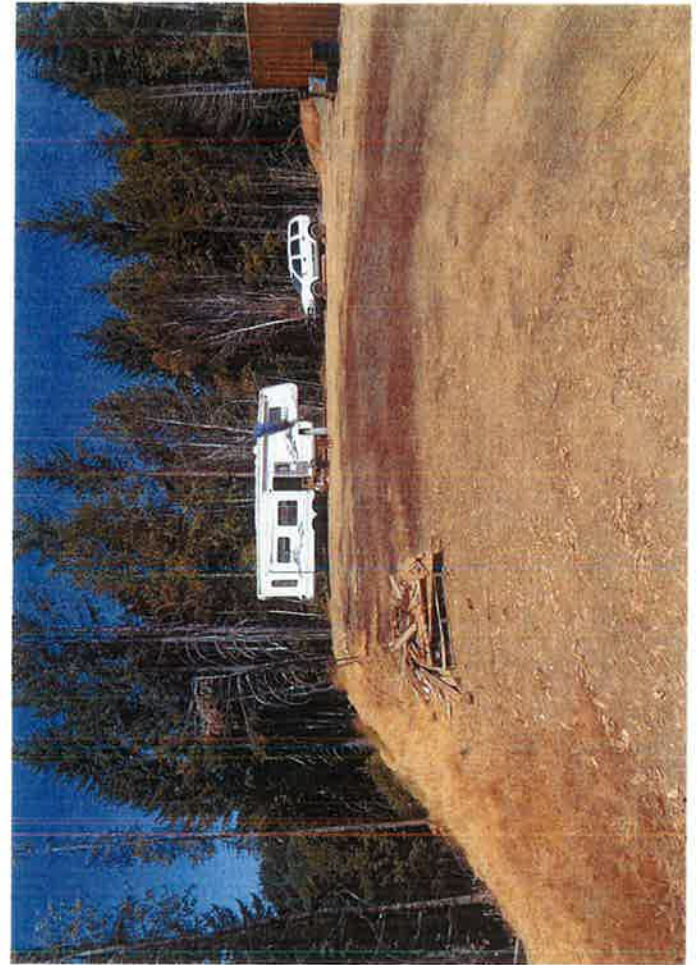
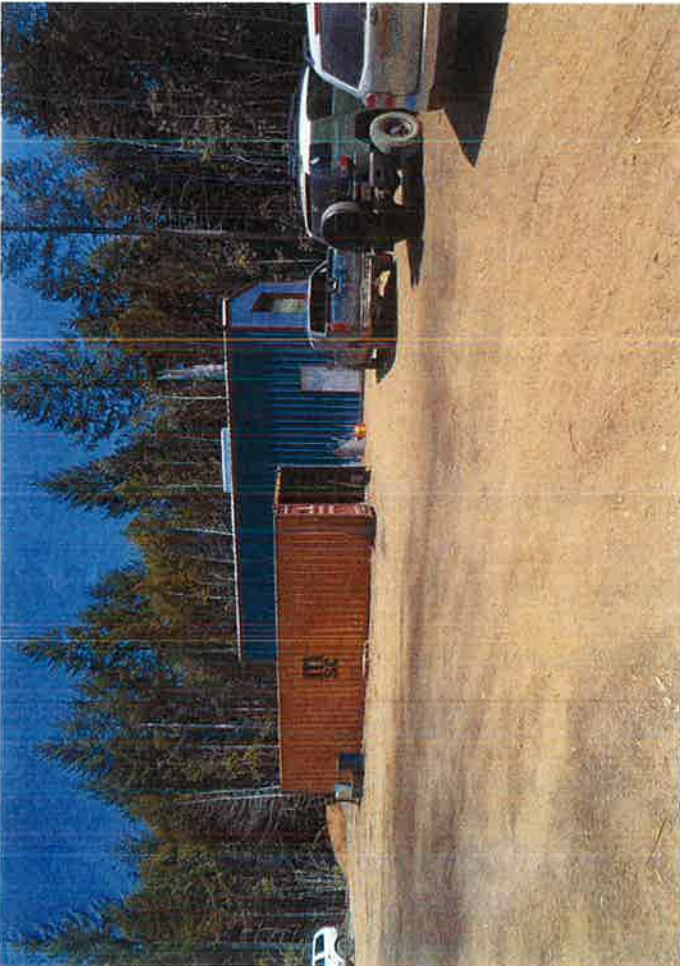
J\_ Current Planning - Projects - (CUP SP ZCC)

Site 1 Green house (Existing)



8-11-17 521-123-005

Site 2 Metal Building Existing

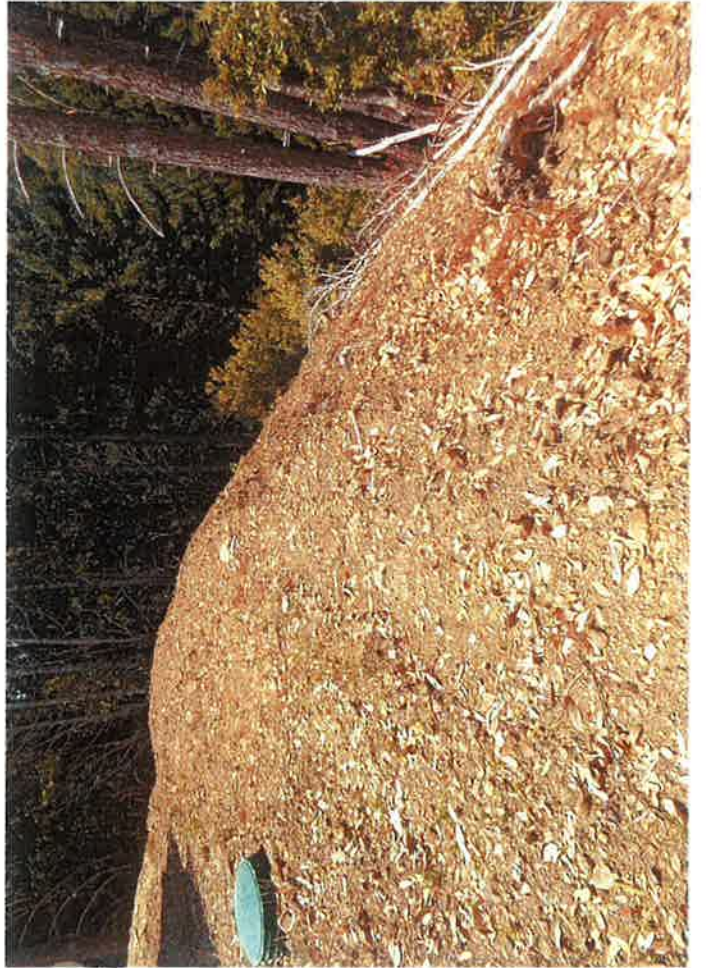


Site 2 Grading has been done





Metal Building



8-11-17 501-103-005 Site 2

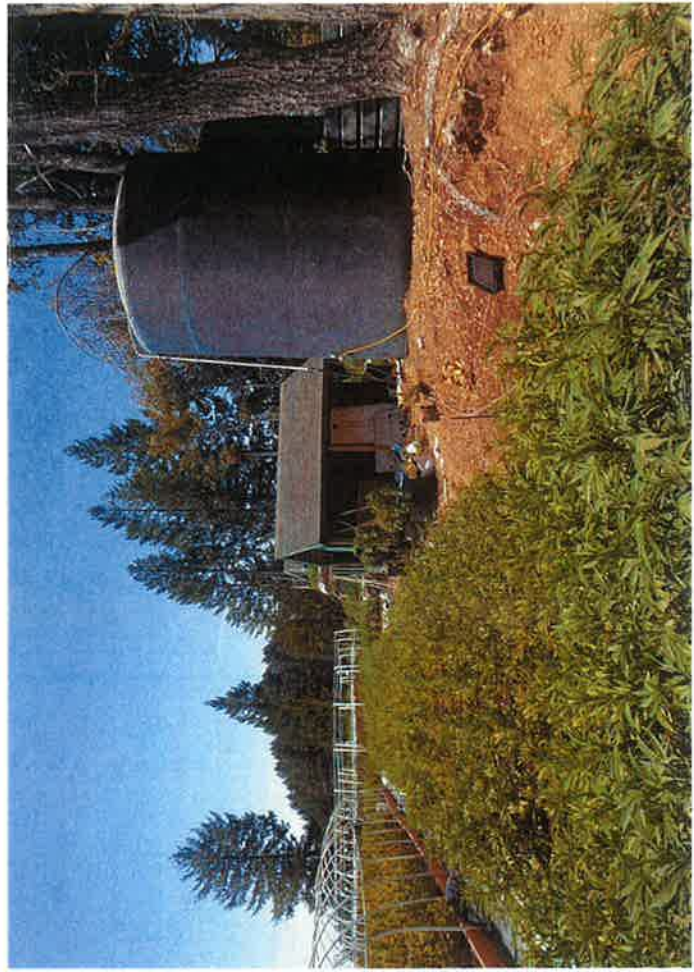
Building



Site 2 Metal



Site 3 Multiple GH Structures



Metal Building



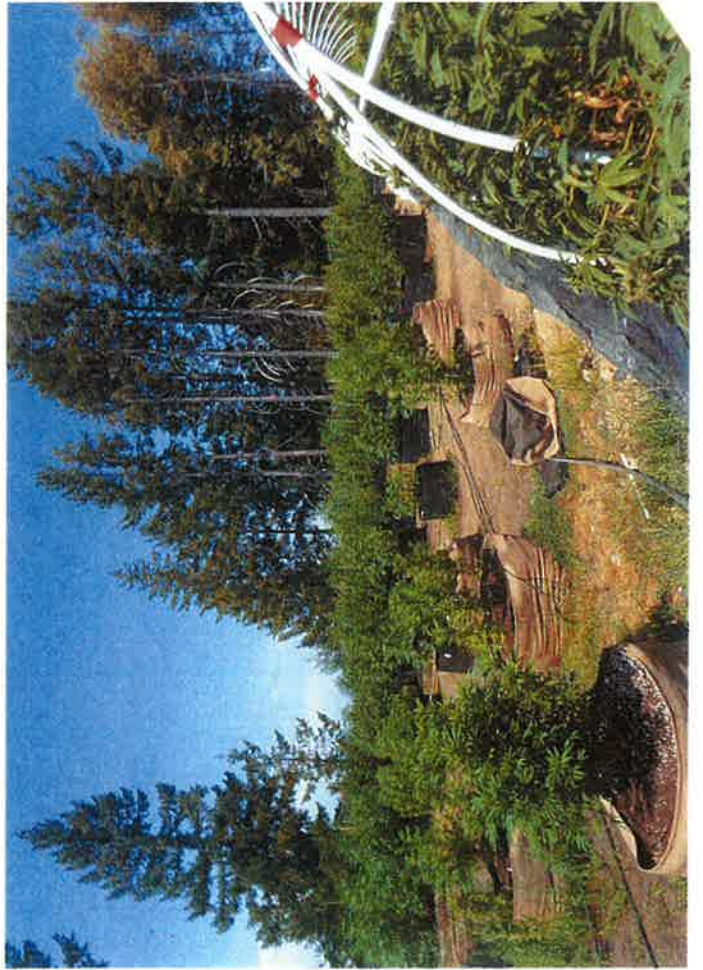
8-11-17 501-123-005

Site 3

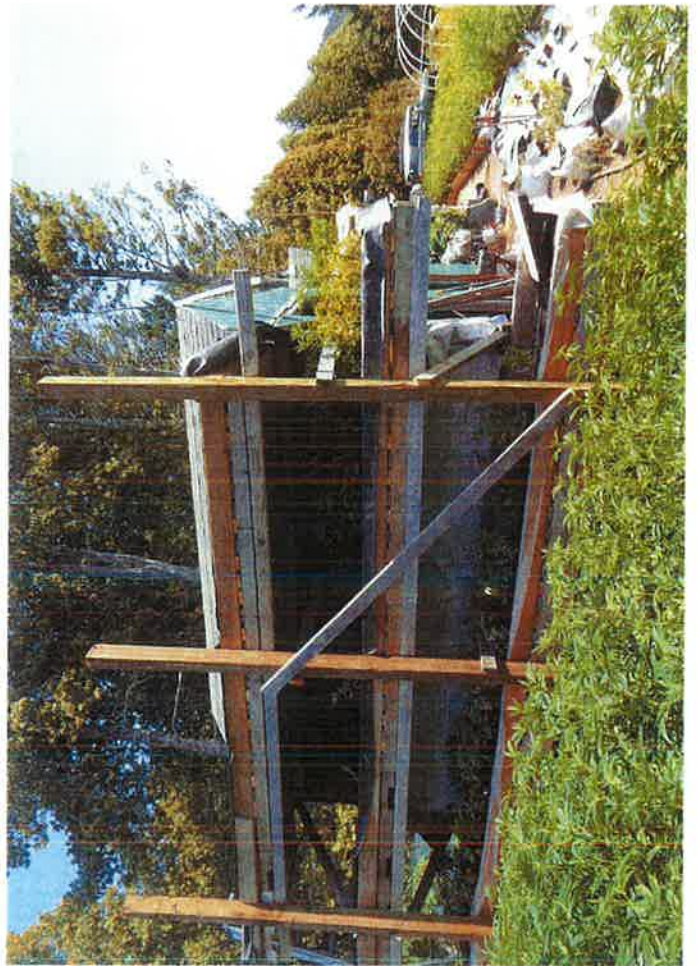
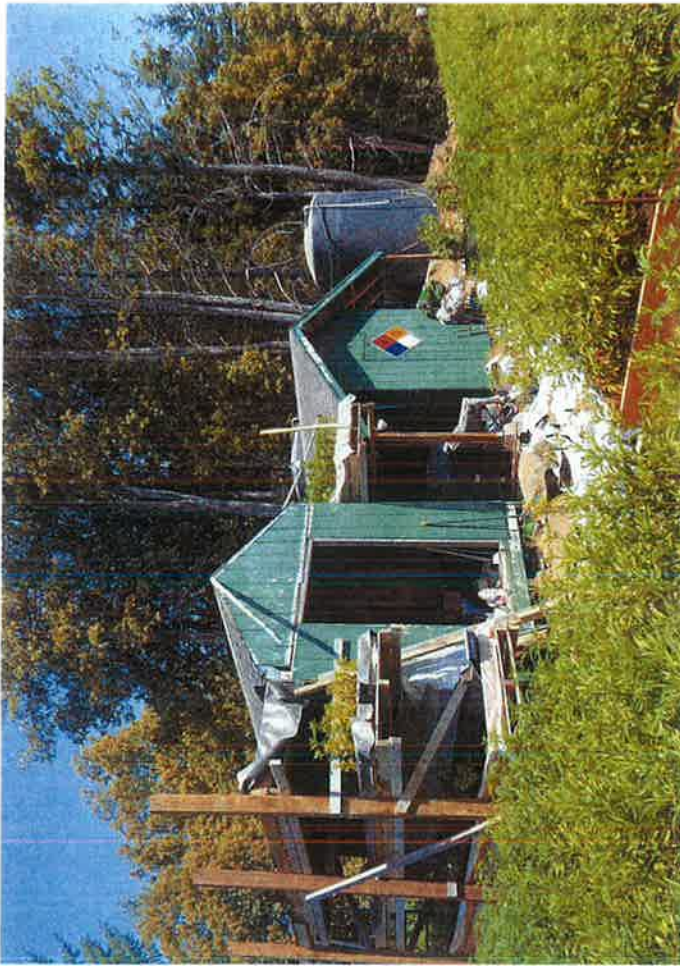


Site 3 6H's

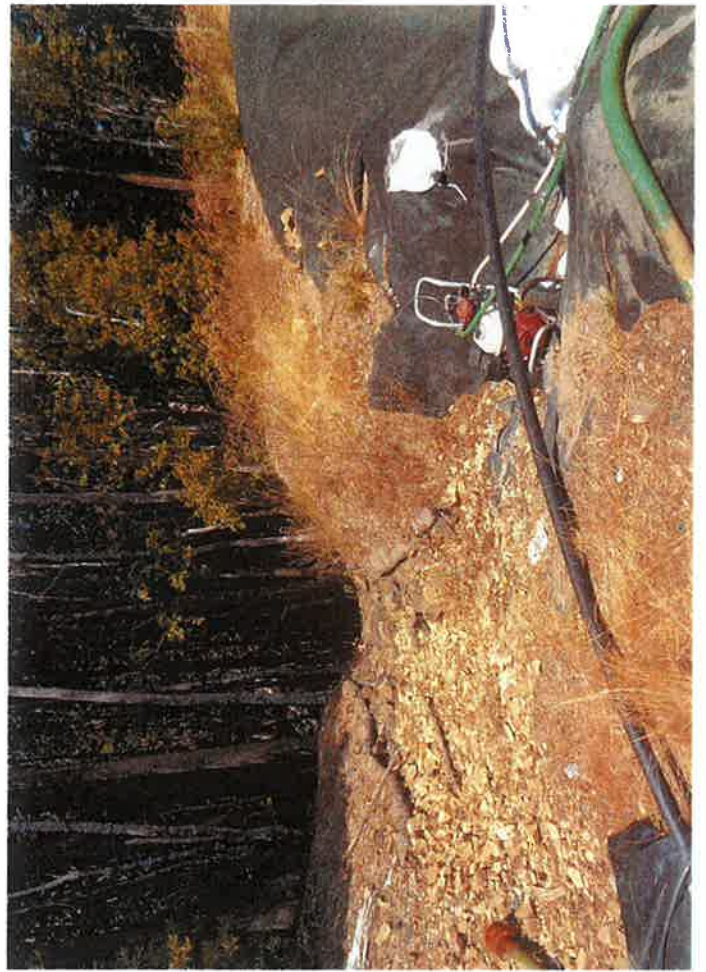
Site 2 / from Site 3



Site 3 8-11-17 521-123-005



Site 3



spillway

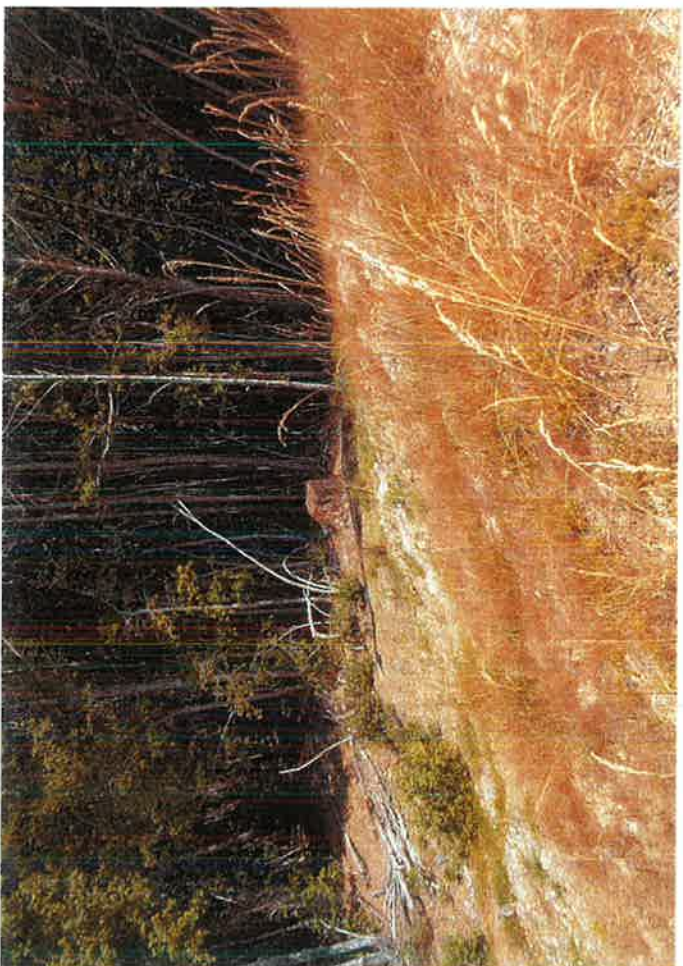
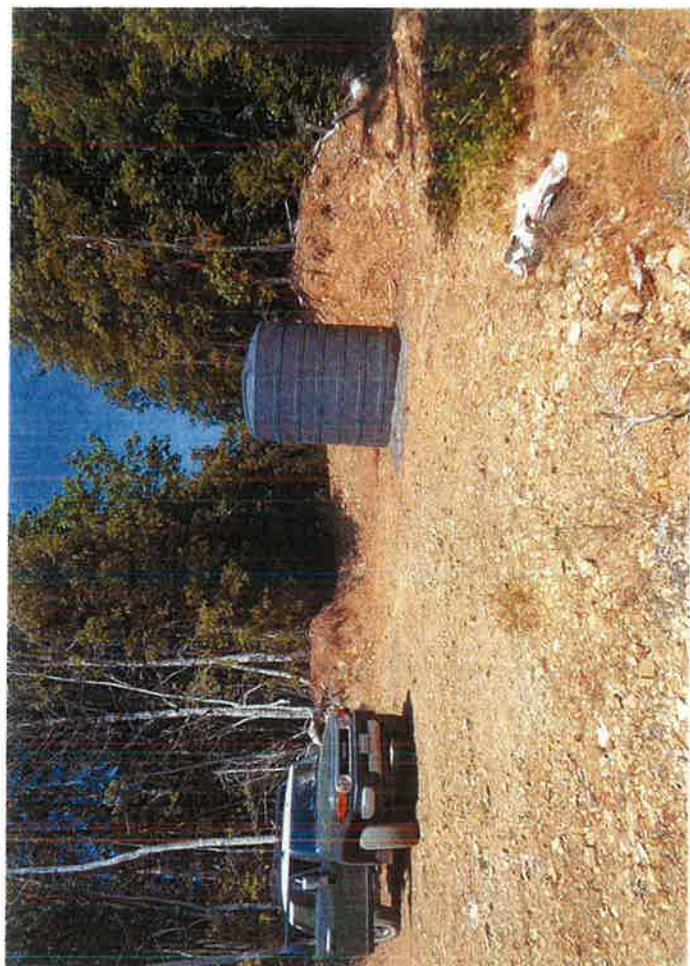


Existing Road



500-391-195 2-11-8

Proposed







Containers Not Shown on Plot Plan



8-11-17 521-123-005

Existing Pond





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



RECEIVED

17/18-0129

JUL 24 2017

7/24/2017

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

HUMBOLDT CO. DIVISION OF ENVIRONMENTAL HEALTH

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Green Point School District School District

**Applicant Name** Joshua Jones & Robert Schultz **Key Parcel Number** 521-123-005-000

**Application (APPS#)** 10430 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** AA16-153 CUP16-576

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

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

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

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

**Return Response No Later Than 8/8/2017**

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

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

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

**DISTRIBUTED**

DATE: 09/21/17

PRINT NAME: MARIO KALSON



DEPARTMENT OF PUBLIC WORKS  
**C O U N T Y O F H U M B O L D T**

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

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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

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

AVIATION	839-5401	ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741	LAND USE	445-7205
		BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540		
		ENGINEERING	445-7377	PARKS	445-7651		
		FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421		

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Cannabis Planner, Planning & Building Department

FROM: Ken Freed, Assistant Engineer *KF*

DATE: 9-08-2017

RE: **REQUEST FOR ADDITIONAL INFORMATION FOR PUBLIC WORKS REVIEW**  
APPLICATION No. 10430 ; APN 521-123-005

The Department has received a greater number of projects than can be processed in the time frame provided. The Department is providing the following abbreviated review of the project. **Once the requested information has been provided, please re-refer the project to the Department.**

All boxes that are checked apply.

- (1) Prior to the project being presented to the Planning Commission or the Zoning Administrator, it is recommended that the project should be referred to:
- Caltrans;  Bureau of Land Mgmt.;  US Forest Service;  City of \_\_\_\_\_

**Prior to the project being presented to the Planning Commission of the Zoning Administrator, the following must be done:**

- (2) Applicant shall submit a completed Public Works Road Evaluation Report form for each road that is used to access the subject property. The applicant shall provide a "google earth" type map showing the locations of the road being evaluated that is indexed to each Road Evaluation Form. Road evaluations are needed for all roads that access off of Bair Road.

Including STARTING AT PM 3:09 on Bair Road

A Road Evaluation Report form is available from the Land Use Division. The Department recommends that the applicant make an appointment with staff to go over the road evaluation process.

- The submitted Road Evaluation Form(s) is(are) inadequate. See attached road evaluation report response for comments.
- (3) Applicant shall submit a completed Airspace Clearance Form. The subject property is located within the area covered by County Code section 333-1 et seq., the applicant shall submit evidence that the project complies or will comply with County Code.
- The submitted Airspace Clearance Form is inadequate. See below for comments.
- (4) The subject property has deferred subdivision improvements that must be completed. Prior to the project being presented to the Planning Commission or the Zoning Administrator for approval or prior to the issuance of any building permits, whichever occurs first.



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

RECEIVED

7/24/2017

JUL 24 2017

PROJECT REFERRAL TO: Public Works Land Use Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Division, Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Green Point School District School District

HUMBOLDT CO. PUBLIC WORKS

LAND USE DIVISION

Applicant Name Joshua Jones & Robert Schultz Key Parcel Number 521-123-005-000  
 Application (APPS#) 10430 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) AA16-153  
 CUP16-576

*doesn't match description (transmittal) page*

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

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

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

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

Return Response No Later Than 8/8/2017 Planning Commission Clerk  
 County of Humboldt Planning and Building Department  
 3015 H Street  
 Eureka, CA 95501  
 E-mail: PlanningClerk@co.humboldt.ca.us Fax: (707) 268-3792

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

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

Other Comments: *The Department is unable to review this project because project fees for the Department of Public Works have not been collected. After project fees have been paid, you may then refer the project to the Department for comment.*

DATE: 9/07/2017 PRINT NAME: KEN FREED

*Transmittal was for APN 091-091-001*



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**

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



ARCATA-EUREKA AIRPORT TERMINAL  
MCKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 12-19-2017

RE:

Applicant Name	Jones & Schultz
APN	521-123-005
APPS#	10430

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review item #4 in Exhibit "C"

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// END //

**Exhibit "A"**

**Public Works Recommended Conditions of Approval**

(All checked boxes apply)

APPS # 10430

**COUNTY ROADS- FENCES & ENCROACHMENTS:**

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

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

**COUNTY ROADS- DRIVEWAY (PART 1):**

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

**COUNTY ROADS- DRIVEWAY (PART 2):**

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

**COUNTY ROADS- DRIVEWAY (PART 3):**

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

**COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

**COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

**COUNTY ROADS- PRIVATE ROAD INTERSECTION:**

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

**COUNTY ROADS- ROAD EVALUATION REPORT(S):**

All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

**Exhibit "B"**

**Additional Information is Requested**

(All checked boxes apply)

APPS # 10430

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

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

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

Road Name	Part B Road Evaluation Report Required?
Bair Road FROM STOVER RD TO SUBJECT DEWY	<input type="checkbox"/> YES
	<input type="checkbox"/> YES
	<input type="checkbox"/> YES
	<input type="checkbox"/> YES
	<input type="checkbox"/> YES

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

**COUNTY ROADS- INADEQUATE ROAD EVALUATION REPORTS:**

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

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

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

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

// END //



Exhibit "C"

Additional Review is Required by Planning & Building Staff

APPS # \_\_\_\_\_

All of the following questions are to be answered by Planning and Building Department staff. No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

- 1. ROADS – PART 1. Does the project takes access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)? [ ] YES [ ] NO

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

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

- 2. ROADS – PART 2. Does the project takes access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road? [ ] YES [ ] NO

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

- 3. ROADS – PART 3. Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? [ ] YES [ ] NO

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

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

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

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

- 5. AIRPORT- PART 1 (ALUCP). Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? [ ] YES [ ] NO

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

**Exhibit "C"**

**Additional Review is Required by Planning & Building Staff**

**The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.**

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer AND is the project proposing to construct (or permit) a fence, building or other structure?  YES  NO

If YES, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:
- If Box 1 is checked NO, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
  - If Box 2 is checked YES, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
  - If Box 3 is checked YES, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
  - If Box 1 is checked YES and Box 2 is checked NO and Box 3 checked NO or NA, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

**Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.**

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

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

If YES, include the following requirement:

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

// END //



DEPARTMENT OF PUBLIC WORKS  
**C O U N T Y O F H U M B O L D T**

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

ARCATA-EUREKA AIRPORT TERMINAL  
MCKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

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

DATE: 4-17-2018

RE:

Applicant Name	Jones & schultze
APN	521-123-005
APPS#	10430
CASE#	CUP 16-576

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

→ Applicant has completed a road evaluation report that certifies that the access road is equivalent to a road at 4 standard. The report was received by Humboldt County Cannabis Svcs on 2/8/2018.

→ See previous Public works memo Exhibit "A" from 12-19-2017 for conditions.

// END //

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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



Ref: 7100 Planning  
 Date: July 28, 2017



John Ford, Director  
 Humboldt County Planning and Building Department – Planning Division  
 3015 H Street  
 Eureka, CA 95501

**Attention:** Cannabis Planner (CPOD)  
**Applicant:** Jones, Joshua & Schultz, Robert

**Humboldt County Application #:** 10430  
**Type of Application:** Application Assistance, Conditional Use Permit

**APN:** 521-123-005-000

**Date Received:** 7/26/2017

**Area:** Redwood Creek

**Due Date:** 8/8/2017

**Case Numbers:** AA16-153, CUP16-576

**Project Description:** Conditional Use Permit for existing cannabis cultivation of 12,000 square feet of outdoor and 3,200 square feet of mixed-light. Water is sourced from rainwater and daylighted groundwater within a 150,000 gallon existing pond. Accessory uses include nursery and processing (drying, trimming, packaging). Processing will occur within a new 1,500 square foot metal building on-site. Average number of employees is three (3). Power source is Pacific Gas and Electric and generators as back-up.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion  
 CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

## FIRE SAFE

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

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

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

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

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

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

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

## RESOURCE MANAGEMENT

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

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

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

## Cannabis

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

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





**California Department of Fish and Wildlife  
CEQA: Project Referral Comments**

Applicant: Joshua Jones and Robert Schultz		Date: 2-26-19	
APPS No.: 10430	APN: 521-123-005	DFW CEQA No.: 2017-XXXX	Case No.: CUP16-576
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Mixed-light (SF): 3,200 <input checked="" type="checkbox"/> Outdoor (SF): 12,000	

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

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 comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions below.
- Applicant needs to submit additional information. Please see the list of items below.
- Recommend Denial. See comments below.

The project parcel relies on a pond to supply water for irrigation. The pond was built on a steep slope without permits, and shows signs of instability. CDFW requested pond reconstruction in 2016 to minimize the potential for pond failure. The pond is yet to be reconstructed, but the applicant states that reconstruction will occur in 2019. The project proposes to use mixed-light (artificial light) in greenhouses within occupied Northern Spotted Owl (NSO) habitat, with documented occurrences on the subject parcel. CDFW recommends denial of mixed light cultivation to avoid potentially significant impacts to NSO. Aerial imagery suggest that tree removal occurred in the fall of 2016 or the spring of 2017 to expand the site. CDFW requests verification that this was a permitted activity.

**Please provide the following information prior to Project Approval:** *(All supplemental information requested shall be provided to the Department concurrently)*

- CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for Project approval.
- CDFW is not clear on how the water use estimates were derived or how the amount of water storage proposed will meet the requirements for seasonal water diversion minimization. CDFW requests, prior to Project approval, that the applicant provide further detail on the methods used to estimate water usage.
- Aerial imagery and referral materials suggest that timber conversion has taken place on the parcel. Please provide evidence of a less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE. If grading was conducted without proper permits, CDFW may recommend remediation of impacted area, in whole or part.
- The Project may have a potentially significant adverse effect on biological resources. The Project proposes to utilize mixed-light cultivation within Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) occupied habitat. CDFW requests that no mixed-light cultivation methods be permitted prior to conducting two-year protocol level surveys. CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified

biologist, in consultation with CDFW. Avoidance measures include but are not limited to the prohibition of generators, project lighting and fans. CDFW further requests that proof of mixed-light use prior to the CEQA baseline be provided.

- ☒ CDFW request that the applicant reevaluate the required water storage necessary for seasonal water diversion minimization.

**Please note the following information and/or requested standard conditions of Project approval:**

- ☒ A Final Lake or Streambed Alteration Agreement (1600-2016-0108-R1) has been issued to the applicant.
- ☒ The referral materials state that there is an existing pond(s) designated as water sources for this project. CDFW requests:
  - That the applicant comply with the attached CDFW Bullfrog Management Plan (**Exhibit A**). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
  - That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, 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. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to [david.manthorne@wildlife.ca.gov](mailto:david.manthorne@wildlife.ca.gov) .

Sincerely,

**From:** [Meghan Ryan](#)  
**To:** ["Van Hattem, Michael@Wildlife"](#)  
**Cc:** ["Johnson, Cliff"](#); [Megan Marruffo](#)  
**Subject:** APPS #10430 - Lacks Creek Ventures, LLC  
**Date:** Monday, January 24, 2022 2:25:00 PM  
**Attachments:** [10430\\_ref\\_CDFW.pdf](#)  
[10430 Lake and Streambed Alteration Agreement 09.17.2020.pdf](#)  
[10430 Less than 3 Acre Conversion 2018.pdf](#)

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Good afternoon, Mike – I hope you are doing well! The following comments are responses to CDFW referral comments for this project (attached):

1. There is a Final SAA for pond improvements and associated pond outfall (attached).
2. The cultivation area of 17,340 square feet was verified by County staff using aerial imagery and conducting a site visit.
3. The project is moving forward with both mixed light and outdoor cultivation areas, consisting of 14,500 SF of outdoor cultivation utilizing light deprivation techniques and 2,880 SF of mixed light cultivation. Therefore, 84% of the project is outdoor. According to the agent, there are only 2 harvests annually, therefore, mixed light cultivation will not be occurring throughout the year, but only in the typical cultivation season.
4. A Biological Assessment (attached) was conducted related to special status and/or rare species. The report found that the outdoor cultivation would no impacts would occur. For mixed light cultivation, applying noise and light attenuation measures (e.g. Dark Sky standards and noise limited to 50 dB at 100 feet from noise source or edge of habitat) will reduce potential impacts. Noise and light attenuation measures are included in the conditions of approval. In addition, generators will need to be contained. The applicant is proposing to cease generator use and only use solar and wind by 2026.
5. Please see attached Less Than Three Acre Timber Conversion Evaluation.
6. Annual water use is 80,000 gallons (4.6 gal/SF). Water storage totals 196,000 gallons, therefore, there is sufficient water storage to cover 100% of the forbearance requirement of the CMMLUO from May 15 – Oct 31.
7. The project description is the following:

A Conditional Use Permit for 17,380 square feet (SF) of existing mixed light cultivation and outdoor cultivation utilizing light deprivation techniques, including 1,700 SF of ancillary propagation. Irrigation water is sourced from rainwater catchment. Existing available water storage is 71,000 gallons in a 50,000-gallon rainwater catchment pond and a series of hard-sided tanks, with an additional 120,000 gallons proposed, for a total of 196,000 gallons of onsite storage. Estimated annual water usage is 80,000 gallons. Drying and processing occurs onsite in an existing 1,500 SF building. A maximum of five (5) people may be onsite during peak operations. Power is provided by three (3) generators; however, there are plans to convert to solar and wind energy by 2026.

Please let me know if CDFW has any additional questions or comments regarding this project.

Thanks!  
Meghan

Meghan Ryan  
Planning Director

LACO



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