



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: November 4, 2021
To: Humboldt County Planning Commission
From: John H. Ford, Director of Planning and Building Department
Subject: **Humboldt Kingz, LLC, Conditional Use Permit**

Record Number: PLN-12125-CUP
Assessor's Parcel Number (APN:) 216-136-004
on both sides of Harris Road, approximately 2.1 miles north from the intersection of Bell Springs Road and Harris Road, on the property known to be in the east half of the northeast quarter of Section 19 and the west half of the northwest quarter of Section 20, Township 04 South, Range 05 East., New Harris area

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Please contact Michael Holtermann, Planner, at 707-268-3737 or by email at mholtermann@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date November 4, 2021	Subject Conditional Use Permit	Contact Michael Holtermann
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Project Description: A Conditional Use Permit for 37,250 square feet of outdoor cannabis cultivation. The project also involves a Special Permit for proposed work within the Streamside Management Area (SMA). Outdoor cannabis cultivation will occur in light deprivation greenhouses and full sun. There will be maximum of two cultivation cycles occurring annually. Propagation is proposed within a proposed 3,700-square-foot greenhouse. Water for irrigation will be provided by a 6-million-gallon on-stream pond and rainwater catchment utilizing the rooftops of the existing structures. The applicant anticipates 600,000 gallons of water will be required annually for irrigation. Water storage onsite totals 6,014,000 gallons whereas 6 million gallons is from a 6-million-gallon onstream pond, and 14,000 gallons is sourced from hard tanks. Processing such as drying and curing is proposed onsite within an existing 1,440-square-foot dry shed. Further processing such as trimming is proposed offsite at a licensed processing facility. The applicant anticipates two (2) full-time employees, and six (6) seasonal employees will be required for operations annually. Power for the project will be provided by solar with a backup generator. The generator will be stored in a shed and kept in secondary containment.

Project Location: The project is located in Humboldt County, in the New Harris area, on both sides of Harris Road, approximately 2.1 miles north from the intersection of Bell Springs Road and Harris Road, on the property known to be in the east half of the northeast quarter of Section 19 and the west half of the northwest quarter of Section 20, Township 04 South, Range 05 East.

Present Plan Land Use Designations: Agriculture Grazing (AG), 2017 General Plan, Density: 40 acres per unit, Slope Stability: High Instability (3)

Present Zoning: Agriculture Exclusive (AE), Special Building Site B-5(160); Timberland Production Zone (TPZ).

Record Number: PLN-12125-CUP

Assessor's Parcel Number: 216-136-004

Applicant

Humboldt Kingz, LLC
Journey Aquarian
610 Dry Creek Road
Healdsburg, CA 95548

Owner

Journey Aquarian
610 Dry Creek Rd
Healdsburg, CA 95448

Agent

NorthPoint Consulting Group
1117 Samoa Blvd.
Arcata, CA 95502

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 Commission Action

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

Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical marijuana Land Use Ordinance (CMMLUO) as described by Section 15164 of the State CEQA Guidelines, make the required findings for approval of the Conditional Use Permit and approve the Humboldt Kingz, LLC Conditional Use Permit as recommended by staff and subject to the recommended conditions.

Executive Summary: Humboldt Kingz, LLC seeks a Conditional Use Permit to allow the continued operation of 37,250 square feet of outdoor cannabis cultivation 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 Agricultural Grazing (AG) in the Humboldt County 2017 General Plan Update and zoned Agriculture Exclusive (AE) and Timberland Production Zone (TPZ) with Special Building Site B-5(160). The project also involves a Special Permit for proposed work within the Streamside Management Area (SMA). Outdoor cannabis cultivation will occur in light deprivation greenhouses and full sun. There will be maximum of two cultivation cycles occurring annually. Propagation is proposed within a proposed 3,700-square-foot greenhouse. Artificial lighting used for mixed light cultivation, ancillary propagation, and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO. Processing such as drying and curing is proposed onsite within an existing 1,440-square-foot dry shed. Further processing such as trimming is proposed offsite at a licensed processing facility. The applicant anticipates two (2) full-time employees, and six (6) seasonal employees will be required for operations annually. The Department of Environmental Health commented seasonal cultivation without processing may use portable toilets to serve the operation. Permittee shall provide portable toilet(s) to cultivation areas, meeting appropriate setbacks per Humboldt County Code, or install a permitted onsite wastewater treatment system associated with a permitted structure. Power for the project will be provided by solar with a backup generator. The generator will be stored in a shed and kept in secondary containment. Noise levels shall not exceed no more than 60 decibels at the property line. The Department of Environmental Health commented seasonal cultivation without processing may use portable toilets to serve the operation. Permittee shall provide portable toilet(s) to cultivation areas, meeting appropriate setbacks per Humboldt County Code, or install a permitted onsite wastewater treatment system associated with a permitted structure.

Water Resources

Water for irrigation will be provided by a 6-million-gallon on-stream pond and rainwater catchment utilizing the rooftops of the existing structures. There are approximately 10,492 square feet of surface area where rainwater will be harvested. The average rainfall for the Garberville, CA area is 67 inches per year. The amount of expected annual precipitation and available surface area would yield approximately 394,152 gallons of water input to storage.

The applicant anticipates 600,000 gallons of water will be required annually for irrigation. Water storage onsite totals 6,014,000 gallons whereas 6 million gallons is from a 6-million-gallon onstream pond, and 14,000 gallons is sourced from hard tanks. The applicant submitted an Initial Statement of Water Diversion and Use for the use of the 6-million-gallon onstream pond for cannabis irrigation.

The applicant is working with CDFW and the State Water Board to register the pond as an onstream reservoir to be utilized for water storage.

The applicant also has a permitted groundwater well onsite, and in the event that the pond cannot be utilized as an onstream reservoir, the applicant is conditioned to utilize rainwater catchment and the groundwater well for cannabis cultivation.

Biological Resources

According to the California Natural Diversity Database (CNDDDB), the foothill yellow-legged frog is the only specie of concern mapped on the parcel. The nearest Northern Spotted Owl (NSO) activity center (HUM0223) is located approximately 2.82-miles southeast from the project site and the nearest mapped NSO observation is located approximately 2.43-miles southeast. Marbled murrelet habitat is mapped approximately 2.47-miles southeast from the project site. Staff does not believe the project will have a direct or indirect impact on any endangered or threatened species of concern because the cultivation is existing and the project proposes restoration activities that will result in habitat enhancement. Power for the project will be sourced from solar with a backup generator that will be contained and the combined decibel level for all noise sources, including generators, measured at the property line shall be no more than 60 decibels.

The applicant submitted a *Botanical Survey Report* prepared by Hohman & Associates Forestry Consultants dated October 16, 2019. The survey concluded there were no protected rare or endangered plants identified within the proposed disturbance areas or elsewhere on the Journey Aquarian property. The area consists of grasslands, oak woodlands, and Douglas fir forest. The survey also identified wetlands, including an artificial pond.

The applicant submitted a *Wetland Restoration Plan* prepared by James Regan (Botanist/Wetland Delineator) dated August 2019. According to the survey, an approximate 40-acre area surrounding the pond was surveyed to map the watercourses that could affect the pond and would have been part of the historic hydrologic system. The survey states all mapped watercourses in the subject areas showed at least two of the three primary indicators of Ordinary High Water Mark (OHWM), which include a break in slope, a change in sediment profile, or a change in sediment from fines and organics outside the OHWM and loose gravels and small cobble within (some larger rocks were present when creeks were down-cut or deeply incised). The assessment of historic wetlands and waters impacted by the pond creation was conducted by interpretation of historic aerial imagery and assessment of images in contrast with the current hydrologic regime (wetland and watercourse locations). The results of the assessment concluded 12,454 square feet of wetlands were impacted due to the construction of the pond. The proposed restoration activities will take place in two areas: Restoration Area 1 and Restoration Area 2. Restoration Area 1 is currently composed of a portion of the current pond, access road, and the portions of the area outside of the access road, that are not currently classified as wetland areas. The area covers approximately 18,140 square feet and partially overlays the historic wetland areas. Restoration Area 2 is currently composed of a mix of native and non-native range grasses with small perennial watercourse running down the length. Restoration Area 2 is approximately 6,770 square feet and will extend on both sides of the watercourse between two existing wetland areas. The proposed restoration activities within Restoration Area 1 include altering the current pond outlet to reduce the size of the pond. This action will expose a portion of the ponded area (approximately 10,000 square feet). The road that makes up the current bank of the pond shall be decommissioned and spoils either incorporated into the wetland design or moved offsite. Restoration Area 1 shall also be shaped and graded necessary and potentially ripped and prepped for planting. The final site shape will be shallowly concaved and will allow for water inputs to be retained before moving on to fill the new pond. The site will be planted with a mix of appropriate native plants suited for wetland habitats in the region. The proposed restoration areas within Restoration Area 2 will include the grading off of current grassland vegetation, shaping the site to a shallow concave topography while allowing the current stream channel to persist, and planting the area with a mix appropriate native plants suited for wetland habitats in the region. The area may be ripped to facilitate planting. Additionally, the restoration plan states there are

additional areas planned for restoration planting include the confluences of mapped creeks entering Restoration Area 1 and the berm along the northern and western boundaries of the site. Within this area the applicant will be planting willow (*Salix sp.*), Oregon ash (*Fraxinus latifolia*), and California bay laurel (*Umbellularia californica*) may be planted in strategic locations to provide bank stability, aid in erosion control, and provide additional habitat structure and diversity. The applicant submitted a finalized Streambed Alteration Agreement (Notification no. 1600-2018-0422-R1) for the proposed instream activities. The project is conditioned for the applicant to adhere and implement all recommendations found within the Wetland Restoration Plan.

Access

The project is located in the New Harris area. The property is accessed via private driveway from Harris Road. The applicant submitted a Road Evaluation prepared by NorthPoint Consulting Group dated December 7, 2018. The first 2.1 miles of Harris Road was evaluated, leading off from Bell Springs Road, which is a paved County maintained road. The current average daily traffic (ADT) of the 2.1-mile section of Harris Road is estimated to be 64 vehicles. The evaluation concludes Harris Road complies with all SRA Fire Safe Regulations including roadway surfaces and appropriate turnouts provided no further than 1,320 feet apart. The Road Evaluation did not provide any recommendations.

Cannabis Restoration Plan

The applicant submitted a Restoration Plan prepared by NorthPoint Consulting Group, Inc. dated September 2018. According to the Restoration Plan, there are seven (7) cultivation sites identified as "Area's A-G" located on the parcel, however there are four areas (C, E, F, and G) that need to be altered or removed entirely to comply with riparian setbacks. Lastly, Area A needs to be altered due to the proximity to the property line. Area A historically had approximately 7,000 square feet of outdoor cannabis cultivation and light deprivation cultivation in a 30'x50' greenhouse. The plan proposes to relocate the 30'x50' greenhouse to Area H or I due to the proximity to the property boundary. Area C historically had approximately 6,000-square-feet of outdoor cannabis cultivation. The plan proposes to reduce the 6,000-square-feet to 2,700-square-feet to comply with a 50 foot riparian buffer off a Class III watercourse near the north side of the cultivation area. Area E historically had approximately 2,800 square feet of outdoor cultivation but is located within a riparian setback from a Class III watercourse. All cultivation-related equipment will be completely removed from this area and the area will be restored with natural vegetation. The applicant is proposing to relocate a total of 12,000 square feet of cannabis cultivation to two environmentally superior areas: Area H and Area I. According to the relocation justification, cultivation Area H is located 200 feet from the nearest watercourse (Class II drainage) and cultivation Area I is located over 100 feet from the nearest watercourse (Class II drainage). Both sites are also located on slopes of less than 10%.

Tribal Consultation

The project is located in the Bear River Band Rancheria Aboriginal Ancestral Territory. The project was referred to the Northwest Information Center and the Bear River Band. The applicant submitted a Cultural Resource Study prepared by William Rich and Associates dated February 2020. As a result of the field survey, two Native American archaeological sites and an isolated artifact were identified. According to the investigation WRA-01 Aquarian Site 1 is located adjacent to the existing cultivation area "Area C" in the south-central part of APN 216-136-004. The roadway within the site should not be graded further and the imported road base should be maintained to avoid erosion of underlying strata. At this location, the direct cultivation area contains a three-foot-deep grade in the hillslope on the north edge of the garden, west of the archaeological site, no artifacts were found within the cultivation area. The road shall not be widened, expanded or otherwise changed within the archeological site boundary. The project has an ongoing condition to include inadvertent archaeological discovery language. Area F historically had approximately 7,500 square feet of cultivation. The area is located entirely within the 100-foot setback from a Class II watercourse and 50 feet from a Class III drainage. All cultivation-related equipment will be

completely removed from this area and the area will be restored with natural vegetation. Area G historically had approximately 11,660 square feet of cannabis cultivation and will be reduced to approximately 8,650 square feet of cultivation, whereas 6,400 square feet will be cultivated utilizing light deprivation techniques. Cannabis is being reduced due to the proximity of a Class III drainage.

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

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

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

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number: PLN-12125-CUP
Assessor's Parcel Number: 216-136-004**

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

WHEREAS, Humboldt Kingz, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 37,250 square feet of existing outdoor cannabis cultivation operation with appurtenant propagation and processing activities. The project also includes a Special Permit for proposed restoration work within the Streamside Management Area (SMA);

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 November 4, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

1. FINDING: **Project Description:** The application is a Conditional Use Permit to allow 37,250 square foot outdoor cannabis cultivation operation with appurtenant propagation and drying activities. Power is provided by solar with a backup generator within a shed. Water for irrigation will be provided by a 6-million-gallon on-stream pond and rainwater catchment utilizing the rooftops of the existing structures.

EVIDENCE: Project File: PLN-12125-CUP

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to, and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) Addendum Prepared for the proposed project.
b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

- c) A Water Resources Protection Plan was prepared by the applicant to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- d) A Lake and Streambed Alteration Agreement was submitted for the ongoing use and maintenance of the onstream pond.
- e) Botanical Survey Report prepared by Hohman & Associates dated January 27, 2021. The survey concluded no protected rare or endangered plants were identified within the proposed disturbance areas or elsewhere on the Journey Aquarian property.
- f) A Wetland Restoration Plan prepared by James Regan dated August 2019. The restoration plan provides proposed restoration activities that will provide erosion control, bank stability, habitat structure and diversity.
- g) Engineering Geologic Evaluation and Soils Reporting for Existing and Proposed Improvements prepared by SHN Consulting Engineers and Geologists dated June 11, 2019. The evaluation and reporting concluded the existing or proposed pond improvements are unlikely to have deleterious impact on the surrounding geologic environment.

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 Agriculture Grazing (AG) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING

The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE) zone and Timberland Production Zone (TPZ) in which the site is located.

EVIDENCE

- a) The Agriculture Exclusive (AE) zone and Timberland Production Zone (TPZ) is intended to be applied to areas of the County in which general agriculture is an allowable use for AE and TPZ zones.
- b) All general agricultural uses are principally permitted in the AE and TPZ zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of cannabis cultivation on an 88-acre parcel subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016 and is consistent with this and with the cultivation area verification prepared by the County.
- d) The applicant is requesting a Special Permit for the proposed work

within the Streamside Management Area per Section 314-61.1.5 HCC.

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 AE and 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 Court ordered. 5/13/14 MN.
- c) The applicant will work with CDFW and the State Water Board to permit the 6-million-gallon pond as an onstream reservoir. In the event that this course of action is not feasible, the applicant will utilize a permitted groundwater well and rainwater catchment for irrigation needs.
- d) The slope of the land where cannabis will be cultivated is less than 15%.
- e) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, or Tribal Cultural Resource.

6. FINDING

The cultivation of 37,250 square foot outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that has been evaluated by North Point Consulting, who provided Road Evaluation Photos which indicate the road can safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 80 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 an onstream pond. The applicant will work with CDFW and the State Water Board to permit the 6-million-gallon pond as an onstream reservoir. If this course of action is not feasible, the applicant will utilize a permitted groundwater well and rainwater catchment for irrigation needs.

7. FINDING

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and

Community Development in determining compliance with housing element law.

EVIDENCE

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

8. FINDING

FINDING of the 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

This project site is located in the Middle Main Eel planning watershed which is limited to 360 permits and 125 acres of cultivation. If approved, this would be the 74th approved permit for a total of 33.5 acres.

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
- Approve the Humboldt Kingz, LLC, Conditional Use Permit and Special Permit, Case No. CUP-16-539 (Application Numbers PLN-12125-CUP) subject to the conditions in Attachment 1.

Adopted after review and consideration of all the evidence on November 4, 2021.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

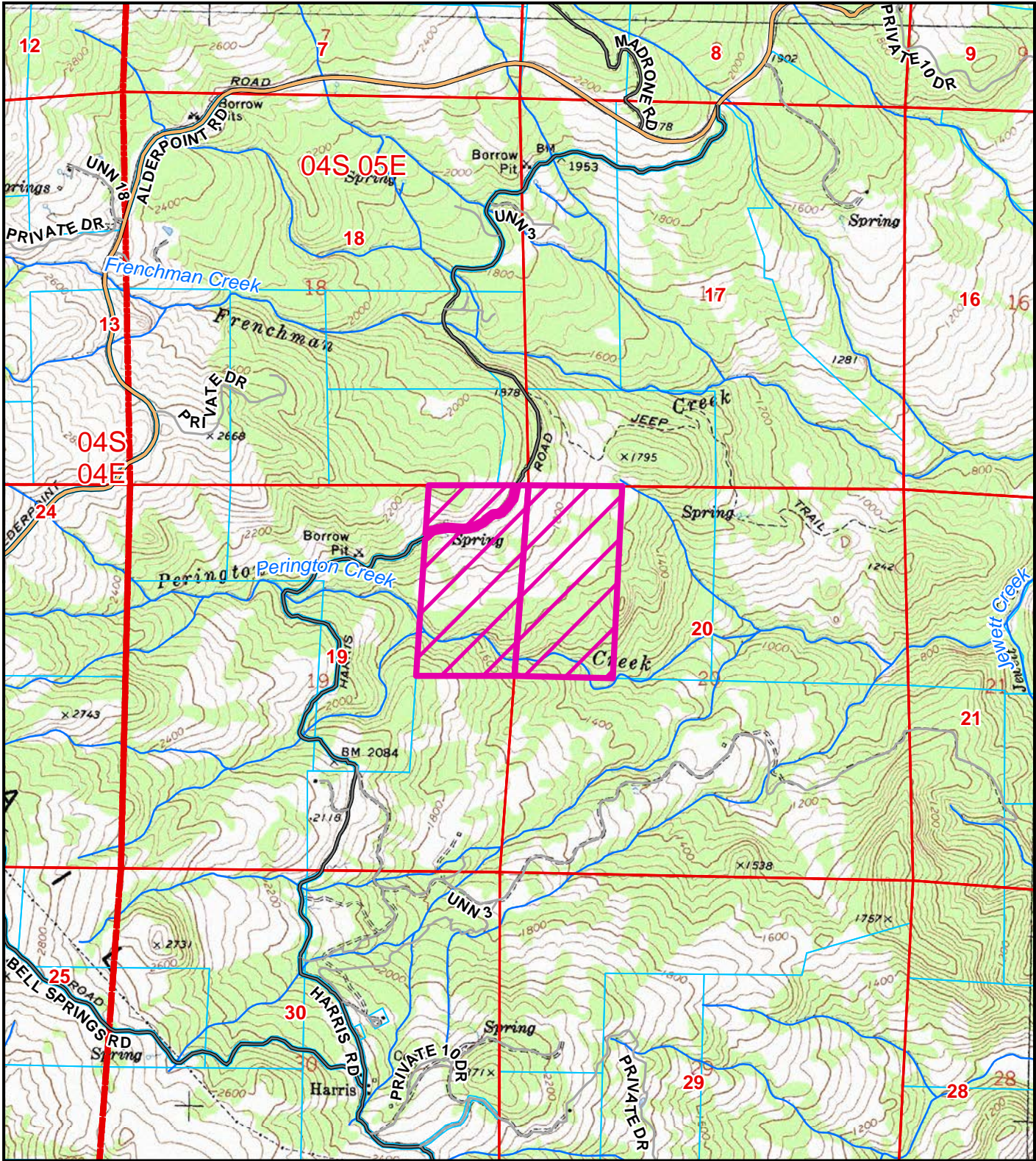
ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

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

John H. Ford, Director,
Planning and Building Department



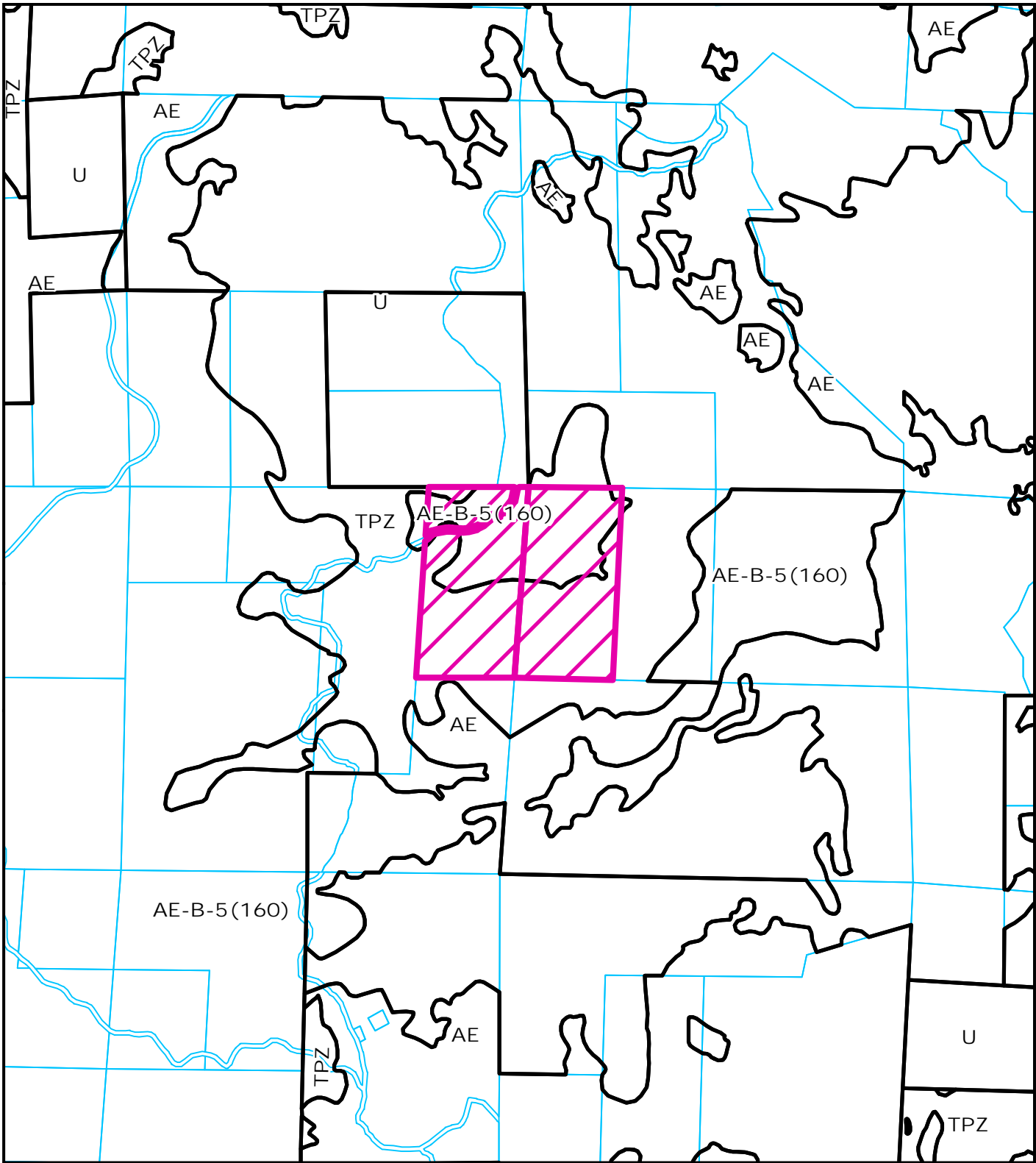
**TOPO MAP
 PROPOSED JOURNEY AND RACHEL AQUARIAN
 NEW HARRIS AREA
 CUP-16-539**

**APN: 216-136-004-000; ET AL.
 T04S R05E S19; S20 HB&M (HARRIS)**

Project Area = 



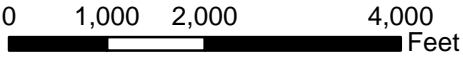
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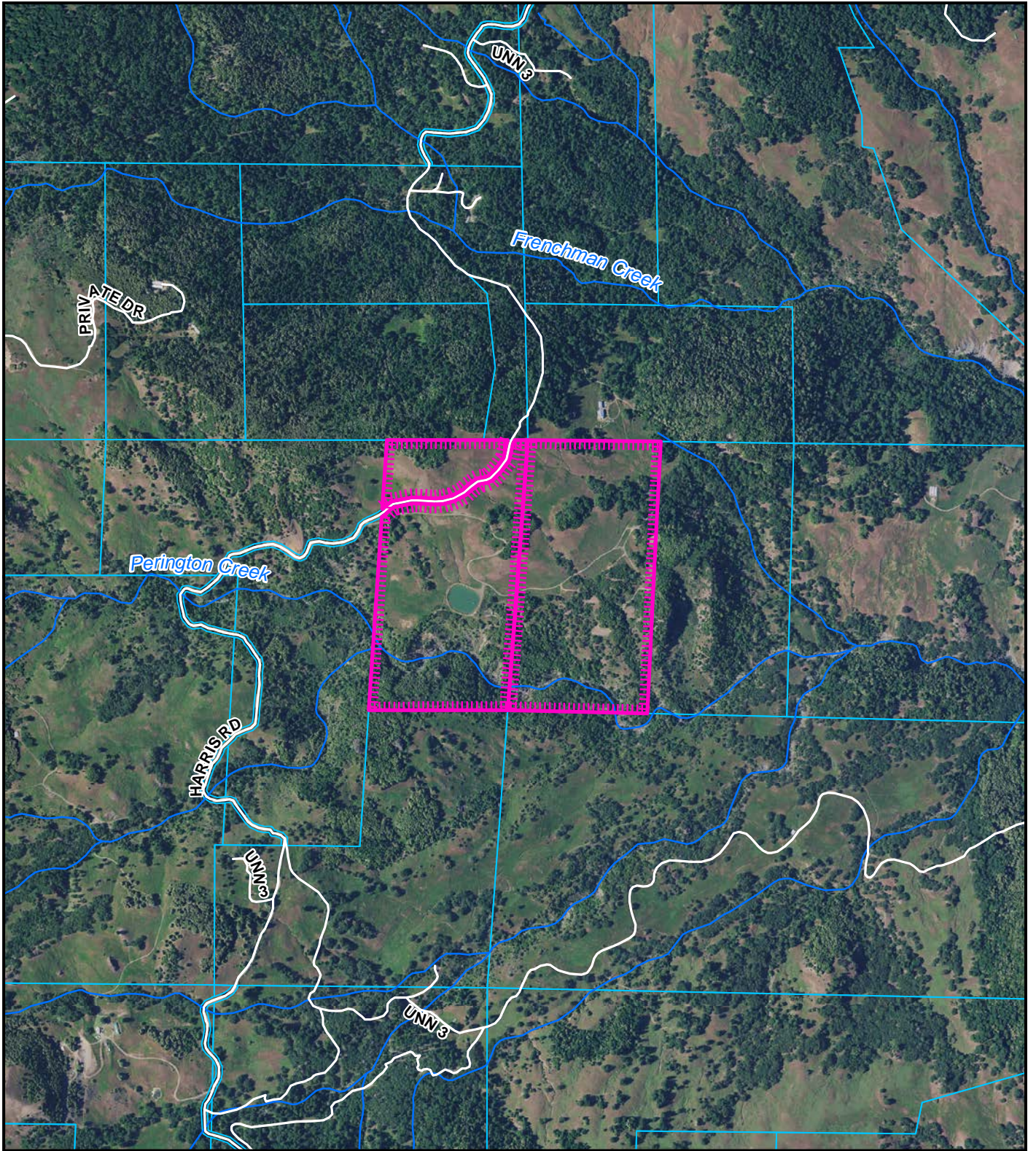
**ZONING MAP
 PROPOSED JOURNEY AND RACHEL AQUARIAN
 NEW HARRIS AREA
 CUP-16-539**

Project Area = 

**APN: 216-136-004-000; ET AL.
 T04S R05E S19; S20 HB&M (HARRIS)**



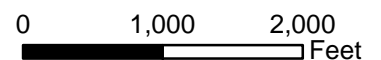
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**AERIAL MAP
 PROPOSED JOURNEY AND RACHEL AQUARIAN
 NEW HARRIS AREA
 CUP-16-539**

Project Area = 

**APN: 216-136-004-000; ET AL.
 T04S R05E S19; S20 HB&M (HARRIS)**



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.



VICINITY MAP
NOT TO SCALE

DIRECTIONS TO SITE:
 FROM EUREKA, CA
 -SOUTHBOUND ON US-101
 (APPROX. 69.9 MILES)
 -TAKE EXIT 8398 TOWARD REHWAY
 -TURN RIGHT ONTO REDWOOD DR
 (APPROX. 1.2 MILES)
 -TURN RIGHT ONTO ALDERPOINT RD
 (APPROX. 11.8 MILES)
 -TURN RIGHT ONTO HARRIS RD
 (APPROX. 1.9 MILES)
 -SITE DRIVEWAY ON LEFT

HUMBOLDT KINGZ, LLC

CONDITIONAL USE PERMIT #12125

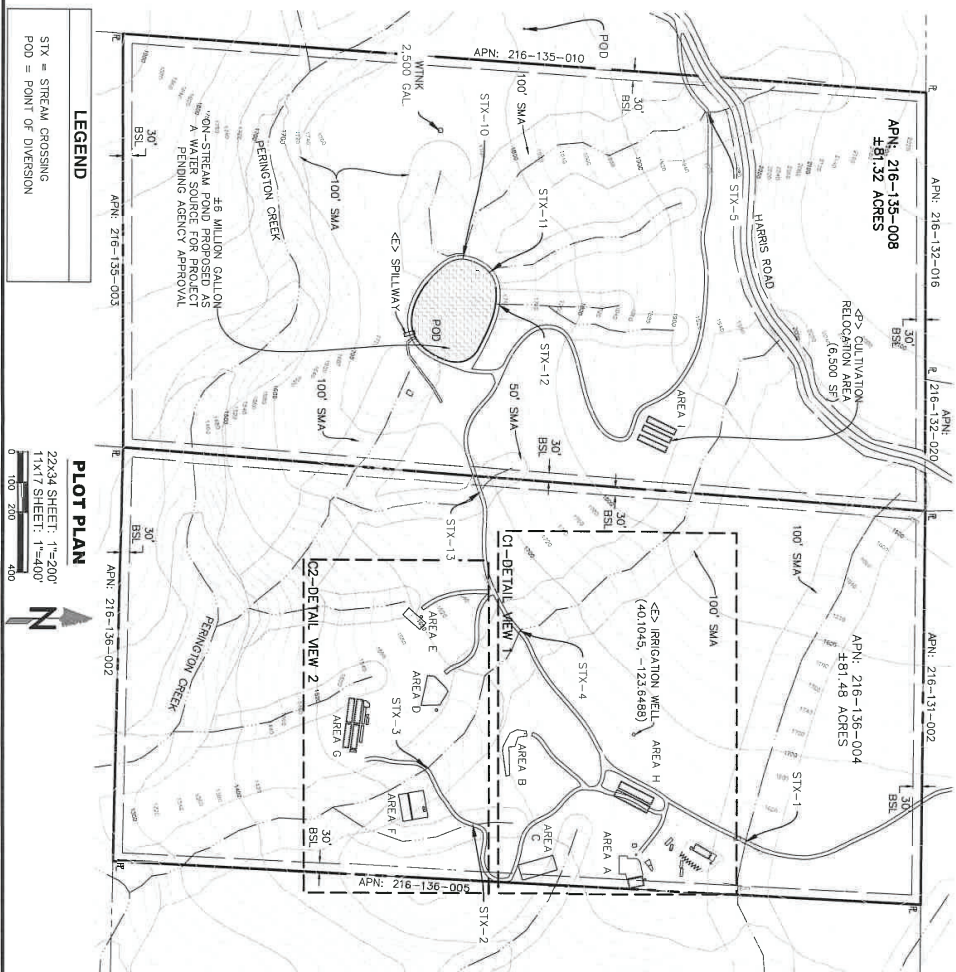
APN: 216-136-004, 216-135-008

PROJECT DESCRIPTION:

HUMBOLDT KINGZ, LLC IS PROPOSING TO PERMIT EXISTING COMMERCIAL CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT (COUNTY) COMMERCIAL CANNABIS CULTIVATION REGULATIONS. THE PROPOSED MARQUANA LAND USE DESIGNATION IS THE REORGANIZATION OF EXISTING CULTIVATION TO 37,250 SQ FT OF OUTDOOR CULTIVATION OUTSIDE OF RIPARIAN BERRERS AND THE DEVELOPMENT OF FACILITIES FOR DEPRIVATION GREENHOUSES, FACILITIES FOR DRINKING AND CURING OF CANNABIS, AND WATER DIVERSION WORKS.

GENERAL NOTES:

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION IS BASED ON THE DATA PROVIDED BY HUMBOLDT COUNTY GIS DATA. NORTHPOINT CONSULTING GROUP HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION AREA.
4. THERE ARE NO REFERENCES TO ADJOINING PARCELS WITHIN 500 FEET OF THE PROPOSED CULTIVATION AREAS.
5. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE NECESSARY PERMITS SHALL BE DEMOLISHED UPON APPROVAL OF THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE CONDITIONAL USE PERMIT.



LEGEND
 STX = STREAM CROSSING
 P-00 = POINT-OF-DIVERSION

PLOT PLAN
 22x34 SHEET: 1"=200'
 11x17 SHEET: 1"=400'

PROJECT INFORMATION:

APPLICANT:
 HUMBOLDT KINGZ, LLC
 24534 TOWNSEND AVE
 HAYWARD, CA 94544

PROPERTY OWNER:
 JOURNEY AQUARIAN
 40000 WILSON AVE
 HEALDSBURG, CA 95448

SITE ADDRESS:
 APN: 216-136-004
 HARRIS, CA 95542

EXISTING OUTDOOR CULTIVATION AREA: = 37,250 SQ. FT.
 TREES TO BE REMOVED = NONE
 EARTHWORK QUANTITIES = TBD

PARCEL SIZE: -004 = 181.48 ACRES
 -008 = 181.00 ACRES

ZONING: = AE-B-5(60); TP-2
 GENERAL PLAN DESIGNATION = AG (FRWK)

BUILDING SETBACKS:

FRONT	AE	TP-2	SRA
FRONT	30'	20'	30'
SIDE	20'	30'	30'
REAR	10'	30'	30'

MAX. BLDG. HT.: = 35'

SRA AREA: = YES
 IN COASTAL ZONE: = NO
 IN 100 YR FLOOD ZONE: = NO

EXISTING AND PROPOSED CULTIVATION AREAS

LOCATION	AREA (SQ FT)	CULTIVATION TYPE
AREA A	FROM 43,700 TO 45,500	OUTDOOR
AREA B	45,000	OUTDOOR
AREA C	FROM 46,000 TO 42,700	OUTDOOR
AREA D	44,100	OUTDOOR
AREA E	FROM 42,800 FROM 47,500 TO 40	OUTDOOR
AREA F	FROM 41,660 TO 38,650	OUTDOOR
AREA G	38,150	OUTDOOR
AREA H	38,150	OUTDOOR
TOTAL:	437,250	

SHEET INDEX:

- 00 - CUP PLOT PLAN, VICINITY MAP, & PROJECT NOTES
- 01 - DETAIL VIEW 1
- 02 - DETAIL VIEW 2

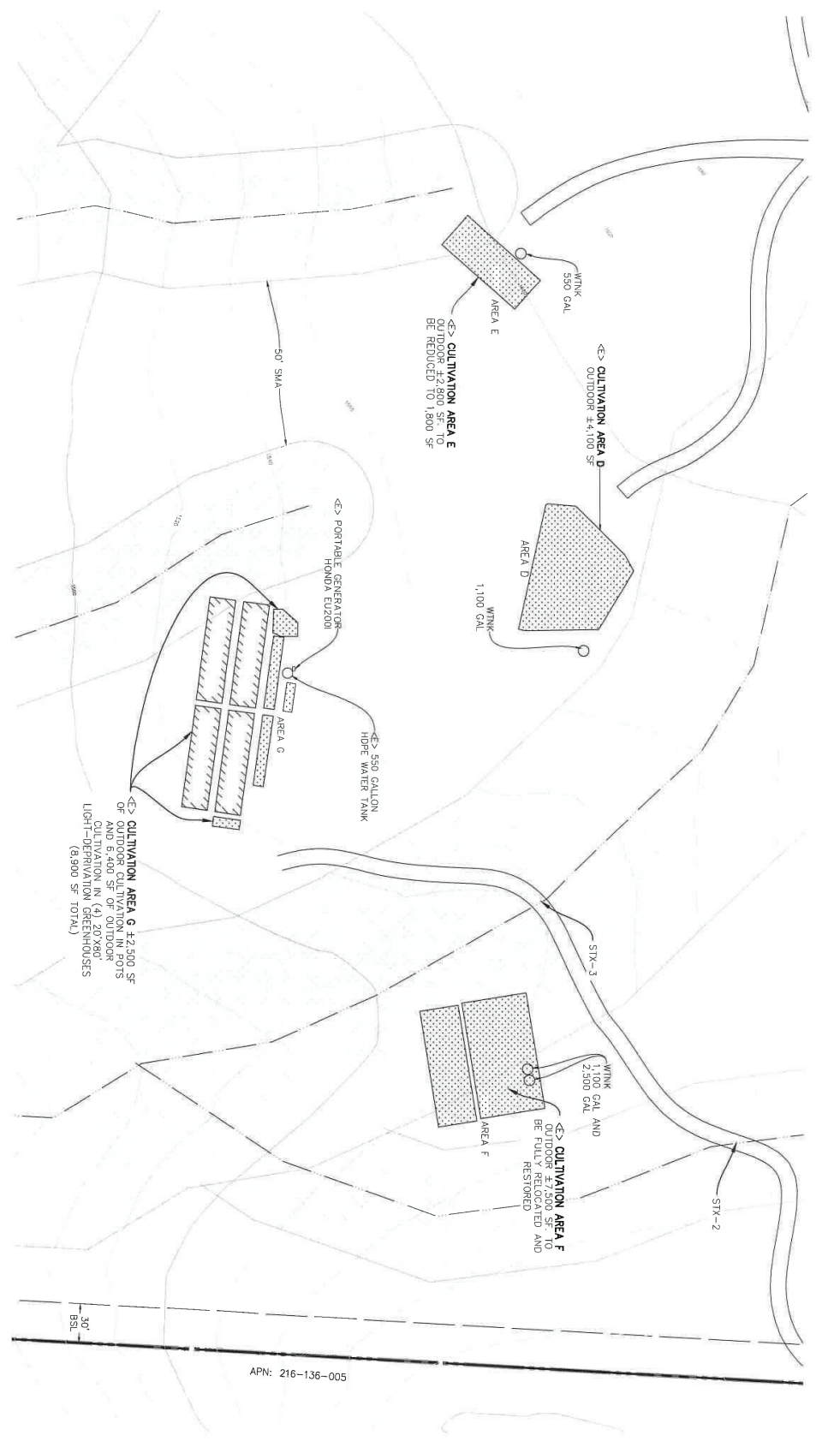


JOURNEY AQUARIAN "POND" PARCEL
 HARRIS, CA 95542 / APN: 216-136-004, 216-135-008
 CUP PLOT PLAN, VICINITY MAP, & PROJECT NOTES

NORTHPOINT CONSULTING GROUP, INC.
 1117 Samoa Blvd., Arcata, CA 95521

DATE	REVISION	BY	CHKD

LEGEND
 STX = STREAM CROSSING
 POD = POINT OF DIVERSION



PLOT PLAN
 22x24 SHEET: 1'-4 1/8"
 17x17 SHEET: 1'-3 1/8"
 0 20 40 80

N

SHEET INDEX:
 C0 - CUP PLOT PLAN, VICINITY MAP, & PROJECT NOTES
 C1 - DETAIL VIEW 1
 C2 - DETAIL VIEW 2

JOURNEY AQUARIAN "POND" PARCEL HARRIS, CA 95542 / APN: 216-136-004, 216-135-008 DETAIL VIEW 2		NORTHPOINT CONSULTING GROUP, INC. 1117 Samoa Blvd., Arcata, CA 95521	<table border="1"> <thead> <tr> <th>DATE</th> <th>REVISIONS</th> <th>BY</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	DATE	REVISIONS	BY												
DATE	REVISIONS			BY														
PROJECT NO. 18-058 DRAWN BY: JLS CHECKED BY: JLS DATE: 08/03/21 SCALE: AS SHOWN SHEET C2	18-058																	

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this filing cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall also pave the surface of the driveway at its intersection with Harris Road for a minimum width of 20 feet and a length of 50 feet where it intersects the County Road. An encroachment must be secured from the Department of Public Works before work commences within the County right-of-way Confirmation from the Department of Public Works that the work has been done will satisfy this requirement.
7. The applicant shall secure 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 and storage or any activity with a nexus to cannabis, 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.

8. The applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).
9. The applicant shall adhere and implement the recommendations found within the Wetland Restoration Plan prepared by James Regan (Botanist/Wetland Delineator) dated August 2019. The applicant shall submit a copy of the Monitoring Plan that evaluates at least five (5) years of successful completion of restoration activities and the achievement of restoration goals. Confirmation from a qualified Biologist that the work has been completed will satisfy this condition.
10. The applicant shall adhere and implement the recommendations found within the Restoration Plan prepared by NorthPoint Consulting Group, Inc., dated September 2018. The applicant shall submit a copy of the Monitoring Plan that evaluates at least five (5) years of successful completion of restoration activities and the achievement of restoration goals. Confirmation from a qualified Biologist that the work has been completed will satisfy this condition.
11. The applicant shall obtain an appropriative water right from the State Water Resources Control Board for the use of the onstream pond for water storage in accordance with Requirement 79, Section 2, Appendix A of the State Water Resources Control Board Cannabis Cultivation Policy adopted February 5, 2019. If a water right cannot be obtained for this use, the applicant shall utilize rainwater catchment as the only water sources for this project, pursuant to Condition of Approval 12. Final signoff from the Planning Department will satisfy this condition.
12. If the applicant proceeds with rainwater catchment as the sole water source for this project, the applicant shall increase rainwater catchment infrastructure and obtain hard tank water storage sufficient to store no less than 600,000 gallons of captured rainwater.
13. The applicant shall demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or 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. Confirmation from the Department of Environmental Health that the work has been done will satisfy this condition. If the applicant chooses to do seasonal cultivation without processing, the applicant may use portable toilets to serve the operation. Final signoff from the Planning Department will satisfy this condition.
14. The applicant shall contact the local fire service provider [Alderpoint VFC Response Area] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, 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.
15. 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.
16. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of

compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

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. 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.
3. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control 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.
4. The applicant shall forbear from the use of the onstream pond annually from April 1st to October 31st.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as

applicable to the permit type.

11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
15. Maintain enrollment in Tier 1 or 2 certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. 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).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. 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.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.

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

Performance Standards for Cultivation and Processing Operations

24. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. 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).
26. 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.
27. 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.

28. 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
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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 #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in 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 216-136-004; on both sides of Harris Road, approximately 2.1 miles north from the
intersection of Bell Springs Road and Harris Road, on the property known to be in the east half of
the northeast quarter of Section 19 and the west half of the northwest quarter of Section 20,
Township 04 South, Range 05 East, New Harris, County of Humboldt**

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

November 2021

Background

Modified Project Description and Project History –

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

The modified project involves a Conditional Use Permit (PLN-12125-CUP) for 37,250 square feet of outdoor cannabis cultivation. Outdoor cannabis cultivation will occur in light deprivation greenhouses and full sun. There will be maximum of two cultivation cycles occurring annually. Propagation is proposed within a proposed 3,700-square-foot greenhouse. Artificial lighting used for mixed light cultivation, ancillary propagation, and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO. Processing such as drying and curing is proposed onsite within an existing 1,440-square-foot dry shed. Further processing such as trimming is proposed offsite at a licensed processing facility. The applicant anticipates two (2) full-time employees, and six (6) seasonal employees will be required for operations annually. Power for the project will be provided by solar with a backup generator. The generator will be stored in a shed and kept in secondary containment.

Water for irrigation will be provided by a 6-million-gallon on-stream pond and rainwater catchment utilizing the rooftops of the existing structures. There are approximately 10,492 square feet of surface area where rainwater will be harvested. The average rainfall for the Garberville, CA area is 67 inches per year.

The applicant anticipates 600,000 gallons of water will be required annually for irrigation. Water storage onsite totals 6,014,000 gallons whereas 6 million gallons is from a 6-million-gallon onstream pond, and 14,000 gallons is sourced from hard tanks. The applicant submitted an Initial Statement of Water Diversion and Use for the use of the 6-million-gallon onstream pond for cannabis irrigation. The applicant is working with CDFW and the State Water Board to register the pond as an onstream reservoir to be utilized for water storage.

According to the California Natural Diversity Database (CNDDDB), the foothill yellow-legged frog is the only specie of concern mapped on the parcel. The nearest Northern Spotted Owl (NSO) activity center (HUM0223) is located approximately 2.82-miles southeast from the project site and the nearest mapped NSO observation is located approximately 2.43-miles southeast. Marbled murrelet habitat is mapped approximately 2.47-miles southeast from the project site. Staff does not believe the project will have a direct or indirect impact on any endangered or threatened species of concern because the cultivation is existing and the project proposes restoration activities that will result in habitat enhancement. Power for the project will be sourced from solar with a backup generator that will be contained and the combined decibel level for all noise sources, including generators, measured at the property line shall be no more than 60 decibels.

The project is located in the Bear River Band Rancheria Aboriginal Ancestral Territory. The project was referred to the Northwest Information Center and the Bear River Band. The applicant submitted a Cultural Resource Study prepared by William Rich and Associates dated February 2020. As a result of the field survey, two Native American archaeological sites and an isolated artifact were identified. According to the investigation WRA-01 Aquarian Site 1 is located adjacent to the existing cultivation area "Area C" in the south-central part of APN 216-136-004. The roadway within the site should not be graded further and the imported road base should be maintained to avoid erosion of underlying strata. At this location, the direct cultivation area contains a three-foot-deep grade in the hillslope on the north edge of the garden, west of the archaeological site, no artifacts were found within the cultivation area. The road shall not be widened, expanded or otherwise changed within the archeological site boundary. The project has an ongoing condition to include inadvertent archaeological discovery language.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include restocking 0.30 acres with timber that was converted after the CEQA baseline was established to remediate for loss of wildlife habitat, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 37,250 square feet of outdoor cannabis cultivation with appurtenant propagation 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:

- *Operations Plan* prepared by NorthPoint Consulting Group, Inc. dated February 4, 2021.
- *Site Plan* prepared by NorthPoint Consulting Group, Inc dated February 4, 2021.
- *Water Resource Protection Plan (WRPP)* prepared by NorthPoint Consulting Group, Inc. dated August 2018.
- *Cultural Resources Survey (CRS)* prepared by William Rich and Associates dated February 2020.

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. (Plot Plans prepared by NorthPoint Consulting Group, Inc. dated 2/4/2021 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by NorthPoint Consulting Group, Inc. dated 2/4/2021 - **Attached**)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above)
6. 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. (NOI and reporting, and Water Resources Protection Plan (WRPP) prepared by NorthPoint Consulting Group, Inc.– Attached. Notice of Applicability – **Attached**)
7. 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. (Not applicable)
8. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion

exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

10. 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)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
15. Cultural Resources Survey prepared by William Rich and Associates dated February 2020. (On file)
16. Road Evaluation prepared by NorthPoint Consulting Group, Inc. dated December 7, 2018. **(Attached)**
17. Wetland Restoration Plan prepared by James Regan (Botanist/Wetland Delineator) dated August 2019. **(Attached)**
18. Restoration Plan prepared by NorthPoint Consulting Group, Inc. dated September 2018. **(Attached)**



**HUMBOLDT KINGZ, LLC
CULTIVATION AND OPERATIONS MANUAL
HUMBOLDT COUNTY, CA**

**PROPOSED CANNABIS
CULTIVATION FACILITIES**

PREPARED FOR:

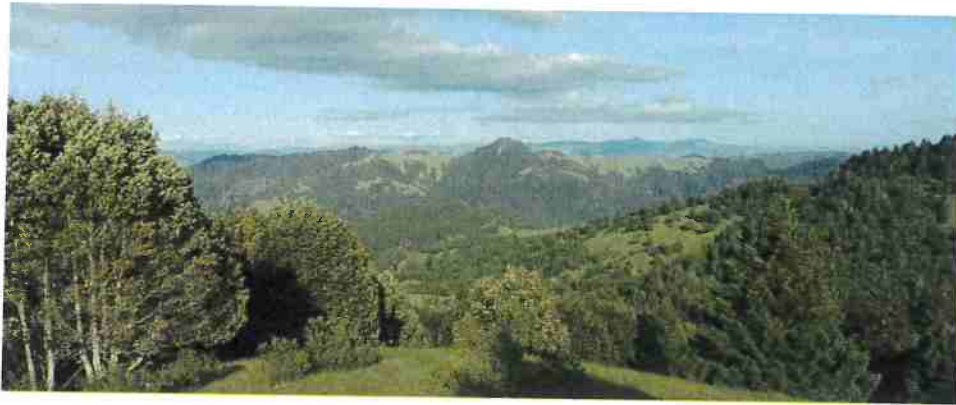


Updated September 2018
Revised August 2019

**Cultivation and Operations Manual
For
Humboldt Kingz, LLC**

Apps. #: 12125
APN: 216-136-004 / 216-135-008

Proposed Commercial Cannabis Cultivation Facilities



Lead Agency:
Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

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Updated September 2018
Revised August 2019

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1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

Humboldt Kingz, LLC (“applicant”) is proposing to permit existing commercial cannabis cultivation activities in accordance with the County of Humboldt’s (County) Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The applicant is applying for a Conditional Use Permit (CUP) for 37,250 square feet (sf) of outdoor cannabis cultivation, which includes permitting of existing and proposed facilities appurtenant to the cultivation (such as irrigation infrastructure, storage structures, and a drying building). The applicant was issued a Zoning Clearance Certificate Interim Permit for 37,250 sf. The applicant aims to become fully compliant with State and Local cultivation regulations.

1.2. SITE DESCRIPTION

The Project is located off of Harris Rd., just north of the locality of Harris, CA (APN 216-136-004). The subject parcel is approximately 81.49 acres in size (per the County of Humboldt’s WebGIS), having southeast facing topography with slopes variable between 10% and greater than 30%. Several smaller Class II and III watercourses drain south into Perington Creek. An approximately 6-million gallon onstream pond is located on the property. The pond was constructed prior to the current landowner owning the property. Scattered springs and seeps are located on the parcel. Vegetation consists of open grasslands mixed with oak woodlands, manzanitas and mixed conifer, deciduous and riparian forest. An existing 24’ x 60’ metal building with a concrete slab (1,440 sf) and a 16’ x 24’ (384 sf) post to pier foundation building are located on a graded flat overlooking a Class II watercourse on the northeast corner of the parcel. Cultivation takes place in seven (7) outdoor areas, many of which are located within close proximity to sensitive riparian areas. As described below, four of the seven cultivation areas will be adjusted or removed entirely and cultivation will be relocated. The relocation sites are existing flat areas with slopes less than 10% gradient that will require minimal grading.

1.3. LAND USE

The subject property has a General Plan designation of Agricultural (AG) as identified by the Humboldt County General Plan and is zoned Agriculture Exclusive (AE-B-5-160). Land uses surrounding the parcel are comprised of agriculture, timber, and scattered rural residences. The surrounding parcels are zoned Agricultural Exclusive (AE) and Timber Production Zone (TPZ).

1.4. STATE AND LOCAL COMPLIANCE

1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Humboldt Kingz, LLC has received the following cannabis cultivation licenses through the California Department of Food and Agriculture: a Small Mixed-Light Tier 1, two Small Outdoor, 1 Specialty Outdoor, and 1 Specialty Cottage Outdoor.

1.4.2. STATE WATER RESOURCES CONTROL BOARD

Water for cannabis cultivation is proposed to be provided by surface water water, rainwater, and groundwater. Surface water is proposed to come from an existing onstream pond, approximately 6-million gallons in size, located in the west of the parcel. An Initial Statement of Diversion and Use (ISDU) has been filed for this diversion (# S026675). A Onstream Small Irrigation Use Registration (SIUR) will be applied for.

Journey Aquarian has applied for coverage under General Order WQ 2017-0023-DWQ *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Dischargers of Waste*

Associated with Cannabis Cultivation Activities and has been issued a Notice of Applicability (WDID 1_12CC419653).

1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Journey Aquarian of Humboldt Kingz, LLC has enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* and has been given WDID #1B171713CHUM. An initial Notice of Intent to Enroll and Monitoring and Reporting Program form were submitted upon enrollment for 2016, and an Annual Report was submitted for 2017. A Water Resources Protection Plan has been developed by NorthPoint Consulting Group, Inc and is being implemented on-site. Journey Aquarian has transitioned to coverage under the State General Order WQ 2017-0023-DWQ and has been issued a Notice of Applicability (WDID 1_12CC419653).

1.4.4. HUMBOLDT COUNTY BUILDING DEPARTMENT

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the Conditional Use Permit.

1.4.5. CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines. If required by Cal Fire, a 2,500-gallon water tank with a riser to SRA specifications will be installed for fire suppression purposes.

1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

A Lake and Streambed Alteration Notification from the California Department of Fish and Wildlife (CDFW) has been applied for and has been executed. The Streambed Alteration Agreement will cover culvert replacements, points of surface water diversion, and maintenance of the existing instream pond and dam spillway.

1.4.7. CULTURAL RESOURCES

If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

2. CULTIVATION AND PROCESSING

2.1. EXISTING CULTIVATION AND PROPOSED RELOCATION

The site has historically had approximately an acre of existing cultivation on site spread across seven (7) outdoor cannabis cultivation areas (see the plot plan in Appendix A for details); however, only 37,250 sf were able to be verified via aerial imagery in the Cultivation Area Verification produced by Humboldt County. As such, the applicant will reduce cultivation to 37,250 sf. Four of the seven cultivation areas will be either adjusted or removed completely to comply with standard riparian buffers, as described below:

- Area A historically had approximately 7,000 sq. ft. of outdoor cultivation and light-deprivation cultivation in a 30' x 50' greenhouse. This greenhouse may be relocated to Area H or I due to proximity to the property boundary.
- Area B historically had approximately 4,000 sq. ft. of outdoor cultivation and can remain as-is.
- Area C historically had approximately 6,000 sq. ft. of outdoor cultivation and needs to be reduced to 2,700 sq. ft. to comply with a 50' riparian buffer off a Class III watercourse near the north side of the cultivation area.
- Area D historically had approximately 4,100 sq. ft. of outdoor cultivation and can remain as-is.
- Area E historically had approximately 2,800 sq. ft. of outdoor cultivation but is located entirely within a riparian setback from a Class III watercourse. All cultivation-related equipment will be completely removed from this area and the area will be restored with natural vegetation.
- Area F historically had approximately 7,500 sq. ft. of cultivation. This area is located entirely within 100' from a Class II watercourse and 50' from a Class III drainage. All cultivation-related equipment will be completely removed from this area and the area will be restored with natural vegetation.
- Area G historically had approximately 11,660 sq. ft. of cultivation and will be reduced to approximately 8,650 sq. ft. of cultivation (~6,400 sq. ft. in light-deprivation greenhouses) due to proximity to a Class III drainage.

Accordingly, approximately 12,300 sf of cultivation from parts of Areas C, E, F, G, and A will be relocated to proposed Cultivation Areas H and I. Cultivation area H is located 200' from the nearest watercourse (Class II drainage) and Cultivation Area I is located over 100' from the nearest watercourse (Class II drainage). Relocating cultivation out of riparian areas will help protect and restore the quality of the riparian area, which is beneficial for fish and wildlife habitat and well-being, human health, municipal, domestic, and agricultural water supply, and recreational purposes.

Cultivation Area H is located on an existing flat road in the east of the parcel with slopes less than 8% and Cultivation Area I is located on an historic logging terrace in the northwest of the parcel with slopes of less than 10%. Due to these low slopes, both areas will require minimal grading to relocate approximately 12,300 sq. ft. of cultivation. Neither area requires significant vegetation removal. Both areas are easily accessible from a wide, flat, graveled road in good condition that meets the equivalent of Category Four Road standards. Using this road to access the area and ceasing use of the steep road segments leading to existing cultivation areas will help reduce sediment transport from roadways to nearby watercourses.

2.2. PROPAGATION AND INITIAL TRANSPLANT

Juvenile plants will primarily be propagated on an adjacent parcel owned and operated by the same person (Journey Aquarian). They will be transplanted directly into the ground where they will continue

their ‘vegetative’ cycle. The applicant may also choose to vegetate plants onsite in a given year in an area no greater than 3,700 sq. ft. The juvenile plants are irrigated using hand watering methods.

2.3. OUTDOOR CULTIVATION PLAN AND SCHEDULE

Juvenile plants will be transplanted into pots or bags with amended soil. The full-sun cultivation uses the primary growing season to produce one (1) flowering cycle per year beginning in the late spring through early fall, and light-deprivation techniques utilize hoop houses and light manipulation to produce two (2) flowering cycles per year. No supplemental light is used. The monthly Cultivation Schedule in Appendix B details the cultivation activities associated with the outdoor cultivation.

2.4. IRRIGATION PLAN AND SCHEDULE

Irrigation and fertigation of plants occurs using a solar-powered drip irrigation and some top-feed hand watering methods as appropriate. While most irrigation needs are on automatic drip, some irrigation and fertigation is more efficiently managed via hand watering, allowing for daily inspection of each plant by the cultivator and tailored irrigation and nutrient application depending on the needs of each individual plant. The monthly Cultivation Schedule in Appendix B details the irrigation activities associated with all cultivation.

2.5. HARVESTING, DRYING, AND TRIMMING

Plants that are ready for harvest have their flowering branches removed and suspended in the 24’ x 60’ drying room which is equipped with ventilation fans. The drying process takes approximately one week.

The dried flowers are then bucked into manageable buds and transported to an off-site processing facility for trimming, packaging, and distribution.

2.6. EMPLOYEE PLAN

Humboldt Kingz, LLC 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), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

2.6.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

- *Agent in Charge*: Responsible for business oversight and management. Responsibilities include, but are not limited to: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. This is a part-time to full-time, seasonal position.
- *Lead Cultivator*: Oversight and management of the day to day cultivation of medical cannabis. Responsibilities include but are not limited to: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, year-round position.
- *Assistant Cultivator*: Provides support to the *Lead Cultivator* in their day to day duties and takes the lead role during times when the *Lead Cultivator* may be off site. This is a full-time, seasonal position.
- *Seasonal Laborer*: Provides cultivation, harvesting, and drying support. This is a part-time to full-time, seasonal position.

2.6.2. STAFFING REQUIREMENTS

In addition to the *Agent in Charge, Lead Cultivator, and Assistant Cultivator positions*, up to two (2) full-time seasonal labor positions are employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation, harvest and processing seasons. During the peak harvest season, there are an estimated total of eight (8) employees on site. Eight parking spaces located near the existing drying building are proposed to accommodate employees.

2.6.3. EMPLOYEE TRAINING AND SAFETY

On site cultivation, harvesting and drying is performed by employees trained on each aspect of the procedure including: cultivation and harvesting techniques and use of pruning tools; proper application and storage of pesticides and fertilizers. All cultivation staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation and drying facilities are limited to authorized and trained staff. Employees will have access to drinkable water located near the on-site bathroom. Drinkable water will be contained in 5-gallon bottles and will be trucked to the site.

All employees are trained on proper safety procedure including fire safety; use of rubber gloves and respirators; proper hand washing guidelines; and protocol in the event of an emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control as well as the Agent in Charge will be posted at the employee restroom. Each employee is provided with a written copy of emergency procedures and contact information. The material safety data sheets (MSDS) are kept on site and accessible to employees.

2.6.4. TOILET AND HANDWASHING FACILITIES

There is an existing bathroom and kitchen building located on-site. A Septic Investigation Study is proposed to be performed, and the septic system will be updated and potentially relocated according to the results of the investigation. Employees will utilize a proposed ADA-compliant portable toilet that will be serviced bi-weekly. Anti-bacterial Liquid Soap and paper hand towels will be made available. Employees will work at a distance typically no greater than 500 feet from the restroom facility.

2.6.5. ON-SITE HOUSING

The Lead Cultivator and Assistant Cultivator will live at a single-family residence on an adjacent parcel, that is close enough to allow for regular monitoring. All other full-time and seasonal employees live off site and commute daily to the cultivation site.

2.7. SECURITY PLAN AND HOURS OF OPERATION

2.7.1. FACILITY SECURITY

An entry gate is located on the driveway off Harris Road. The entry gate remains locked at all times and access to the cultivation area is limited exclusively to employees. Restricted access signs are posted conspicuously at the entry gates. The cultivation and drying facility area will have low intensity exterior lighting to illuminate the entrances and will include a small number of motion activated security lights. All lighting will be designed and located so that direct rays are confined to the property.

2.7.2. HOURS OF OPERATION

Activities associated with cultivation (watering, transplanting, and harvesting) generally occur during daylight hours. All other activities such as harvesting and drying typically occur no earlier than 8 AM and extend no later than 8 PM.

3. ENVIRONMENT

3.1. WATER SOURCE AND PROJECTED WATER USE

The applicant diverts water for irrigation, fire protection, and seasonal domestic purposes. Water meters are located on all diversion sources and water use is measured and reported on at the end of the year. The water meters are installed on each point of diversion and separate varying uses (i.e. domestic water must be metered separately from water for irrigation).

3.1.1. DOMESTIC WATER

Water for seasonal domestic purposes is sourced from a spring Point of Diversion (POD). This POD is located on the adjacent parcel to the west (APN 216-135-010) and consists of a 12"-diameter shallow cement cistern located on a spring. The cistern is submerged approximately 3" beneath the soil level with an intake pipe 1" below the soil level. The cistern is sealed off to wildlife.

3.1.2. CANNABIS CULTIVATION

Water for the 37,250 sf of outdoor cultivation is sourced from surface water, rainwater, and groundwater. An estimated 6-million-gallon capacity on-stream pond is proposed as the primary water source and the water storage for the proposed cannabis operation. The intake pipe consists of a 1"-diameter flexible polyethylene pipe placed in pond, which gravity-feeds water to holding plastic storage tanks located near each cultivation area. The pond is an unlined, approximately 6-million-gallon capacity pond that was constructed prior to 2004 for livestock and recreation purposes. An engineering inspection revealed no significant structural flaws or signs of dam failure. The pond has an existing 5'-wide cement spillway that conveys overflow toward the Class III drainage below, which is proposed to be maintained. The existing spillway allows for at least 1'-2' of freeboard.

The cannabis operations may also utilize rainwater or groundwater as a water source. Rainwater will be harvested off of existing structures and stored in water storage tanks of less than 5,000-gallon capacity. The applicant may also choose to source water from an existing well (the Well Completion Report is currently being generated).

Humboldt Kingz, LLC utilizes water management strategies to conserve and reuse onsite water and fertilizers to achieve net zero discharge. Refer to section 2.4 for a summary of irrigation practices, and Appendix B for the monthly irrigation schedule. Table 1 outlines the estimated irrigation water usage for cultivation during a typical year, which is expected to equal approximately 600,000 gallons. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use.

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	0	50,000	90,000	110,000	120,000	119,000	115,000	0	0	0

3.2. WATER STORAGE

This site currently has a total of 14,000 gallons in the form of plastic water storage tanks: three (3) x 2,500-gallon tanks, four (4) x 1,100-gallon tanks, and four (4) x 550-gallon capacity tanks. In addition to the existing hard tanks, the onstream pond is proposed as a water source and water storage for the cultivation activities. The pond collects rainwater and surface water to be used for cultivation during the forbearance period. If approved for this use, the applicant will follow all requirements outlined in the SWRCB General Order and Policy regarding onstream pond use, including bypass of all

inflow during the forbearance period and compliance with the diversion rate and diversion season bypass conditions.

3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Humboldt Kingz, LLC has enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage, and a Water Resources Protection Plan (WRPP) has been developed utilizing best management practices (BMP’s) in accordance with the NCRWQCB’s recommendations.

3.3.1. SITE DRAINAGE AND RUNOFF

Site investigation for the development of the Water Resources Protection Plan (WRPP) showed some evidence of surface runoff associated with the existing cultivation areas entering nearby drainages. Moreover, the existing cultivation areas are located within 50 feet of watercourses and are therefore targeted for relocation. The location of the proposed relocation cultivation areas are more than 100 feet away from the nearest watercourse and is in an area where the slope is less than 10% gradient, providing a sufficient buffer to prevent sediment and nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of drip irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

3.3.2. EROSION CONTROL

The Water Resource Protection Plan (WRPP) includes erosion and sediment control BMP’s designed to prevent, contain, and reduce sources of sediment. The WRPP also includes corrective actions to reduce sediment delivery, including: maintaining roads, replacing culverts, and revegetating areas of disturbance. Additionally, the WRPP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourse. See the WRPP section titled *Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities* for complete BMP recommendations and specifications.

3.4. WATERSHED AND HABITAT PROTECTION

Adherence to the Water Resource Protection Plan (WRPP) ensures that the watershed and surrounding habitat are protected. All cultivation areas will be adjusted or relocated entirely to comply with riparian setbacks (Table 2). Additionally, site development and maintenance activities utilize BMP’s in accordance with the NCRWQCB’s recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits and the WRPP.

Table 2: Cultivation Area/Associated Facility Distance to Water Body and Slope APN 216-136-004 / 216-135-008 (Pond)				
Disturbed Area Type	Area (sq. ft.)	Disturbed Area Slope	Distance to Water Body (ft.)	Water Body Type
Outdoor Cultivation A, Water Tank (1,100-gal.)	5,500	10.2%	250	Class III Drainage
Light-dep Greenhouse	1,500	12.5%	248	Class III Drainage
Storage Shed	112	4.4%	282	Class III Drainage
Drying Shed	683	6.1%	230	Class III Drainage
Shipping Container 1	200	6.3%	128	Class III Drainage
Shipping Container 2	200	6.3%	124	Class III Drainage
Outdoor Cultivation B, 550-gal. Water Tank	4,000	10.9%	80	Class III Drainage

Outdoor Cultivation C, Water Tanks ([1] x 1,000-gal., [1] x 2,500-gal.) – to be relocated	6,000 → 2,700	10.4%	25	Class III Drainage
Outdoor Cultivation D, 1,100-gal. Water Tank	4,100	12.1%	82	Class III Drainage
Outdoor Cultivation E, 550-gal. Water Tank – to be relocated	2,800 → 0	6.8%	40	Class III Drainage
Outdoor Cultivation F, Water Tanks ([1] x 1,100-gal., [1] x 2,500-gal.) – to be relocated	7,500 → 0	15.6%	0/40	Seep / Class II Drainage
Outdoor Cultivation G, Water Tanks ([1] x 550-gal., [1] x 1,100-gal.) – to be adjusted	11,660 → 8,650	11.4%	22	Class III Drainage
Proposed Cultivation Area H	~6,300	5%	200'	Class III Drainage
Proposed Cultivation Area I	~6,300	8%	100'	Class II Drainage

3.5. MONITORING AND REPORTING

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Water Resource Protection Plan (WRPP) and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the WRPP with photo points identified on WRPP map.

Onsite monitoring shall occur:

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on site.
- Prior to October 15 and December 15 to evaluate site preparedness for storm events and stormwater runoff.
- Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

A Monitoring and Reporting Form (Order No. 2015-0023 Appendix D) was submitted upon initial enrollment in the Order (NOI) and will be submitted annually by March 31 to the Regional Water Board. The annual report will include data from the monitoring reports.

3.6. ENERGY AND GENERATOR USE

Humboldt Kingz, LLC intends to develop sufficient solar power to operate the drying building and irrigation pump systems. Use of on-site generators will be limited to power outage events, and will follow all guidelines set up by Humboldt County and the State of California. The generator is located away from the property line to ensure the noise level does not exceed 60 decibels at the property line. The generator and fuel is located within a secondary containment trough.

3.7. USE AND STORAGE OF REGULATED PRODUCTS

3.7.1. BEST MANAGEMENT PRACTICES

Best Management Practices (BMP's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are located in a locked storage room, and contained within water tight, locked and labeled containers in accordance with manufactures instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the Water Resources Protection Plan (WRPP). Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. See the WRPP for complete BMP specifications for the use and storage of regulated products.

3.7.2. FERTILIZERS

Nutrients and biological inoculants that may be used for cultivation include:

- Dr. Earth All-Purpose Fertilizer
 - <https://dearth.com/products/organic-fertilizers/life-all-purpose-fertilizer/>
- Spare Time Trace Minerals
 - <https://nhs-hydroponics.com/sparetime-trace-mineral-additive-25/>
- Sparetime Mocha Bat Guano
 - <https://shop.sparetimesupply.com/products/sparetime-mocha-bat-guano--4-6-1---br-10--477.html>
- Stutzman Chicken Manure (3-2-2)
 - <http://www.stutzman-environmental.com/fert-supgreen.php>
- Sparetime Fossilized Seabird Guano (0-6-0)
 - <https://shop.sparetimesupply.com/products/sparetime-fossilized-seabird-guano--0-6-0---br-8--4890.html>
- Azomite - trace minerals
 - <http://www.azomite.com/about.html>
- Precipitated Bone Meal – Dicalcium Phosphate (0-18.5-0)
 - <https://shop.sparetimesupply.com/products/precipitated-bone-meal--0-18-5-0---br-50--347.html>

3.7.3. PESTICIDES AND FUNGICIDES

Pesticides and fungicides used for cultivation include:

- Neem Oil
 - <http://www.gardensafe.com/Products/Fungicide/Neem-Oil-Extract-Concentrate.aspx>

3.7.4. FUELS AND OILS

Fuels and oils stored on site include:

- Gasoline – 10 Gallons
- Diesel – 10 Gallons

3.8. WASTE MANAGEMENT PLAN

3.8.1. SOLID WASTE MANAGEMENT

Trash and recycling containers are located inside the existing metal building, enclosed within a secure area to prevent animal intrusion. Solid waste and recycling is hauled off-site to the Eel River Resource Recovery's transfer station in Redway, CA at least once per week.

3.8.2. CULTIVATION WASTE AND SOIL MANAGEMENT

Cultivation vegetative matter such as root balls, branches, and leaves are composted at a designated area. Spent potting soil is stored in a designated contained covered area that is lined to prevent any soil erosion or nutrient seepage. The soils are analyzed using soil testing procedures, and after consultation, the soils are amended and reused. Used pots will be collected and stored in the metal building for the winter. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

3.8.3. WASTEWATER MANAGEMENT

The water management plan aims to achieve an entirely closed-cycle irrigation and nutrient system. Hand watering and drip irrigation methods minimize the over-irrigation of plants and subsequent runoff. Moreover, the cultivation areas designed to capture any runoff from irrigation for reuse in the fertilization holding tank. All runoff recaptured is tested and augmented to plant nutrient specifications, and eventually recycled into the fertigation system.

4. PRODUCT MANAGEMENT

4.1. PRODUCT TESTING AND LABELING

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product is labeled and will include tracking ID's provided by the County of Humboldt and/or Statewide tracking systems once they become available.

4.2. PRODUCT INVENTORY AND TRACKING

Until such time as either a County or Statewide cannabis product and inventory tracking system becomes available, an internally-developed system of inventory and tracking is utilized. The Agent in Charge and Lead Cultivator ensure all medical cannabis from clone to packaged product is tracked, accounted for and inventoried. Records are kept at each phase of the harvest for reporting and compliance with State and Local regulations. The information recorded for each harvest includes:

- Cultivation canopy area
- Weight of flowers, by-product, and trim waste after drying and separation
- Product ID numbers and product weight
- Staff identification (at each step)
- Physical location of the plant material at all times

4.3. TRANSPORTATION AND DISTRIBUTION

Transportation will be handled by a third-party, contracted, licensed transporter/distributor in accordance with State and Local regulations. All merchantable product will be distributed through licensed medical cannabis dispensaries. Prior to moving packages from the on-site holding facility to

another physical location, a transport manifest will be created by the distributor/transporter and will include:

- Product ID numbers and product weight
- Route to be travelled
- Origin and destination addresses
- Time of departure
- Time of arrival

The *Agent in Charge* and the *Processing Manager* are responsible for performing a physical inventory of all packages being transported and ensuring that the physical inventory coincides with the transport manifest.

APPENDIX B: CULTIVATION ACTIVITIES SCHEDULE

Item	Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Drainage, Runoff, and Erosion Control	Winterization (storage of pots/greenhouse covers)												
	Temporary Erosion Control BMP's (straw, seeding, fiber rolls, etc.)												
	Road maintenance												
	Culvert and inboard ditch maintenance/inspection												
Irrigation Activities	Cover soil beds and seed / straw with cover crop												
	Irrigation of juvenile plants/clones												
Pre-cultivation Activities	Irrigation of flowering plants												
	Transplant clones into beds												
	Amend soil in beds												
Outdoor Cultivation and Harvest Schedule	Import new cultivation soil												
	Outdoor Cultivation Cycle												
	Harvest activities												
	Drying Activities												
	Agent in Charge												
Staffing Presence	Lead Cultivator												
	Assistant Cultivator												
	Seasonal Laborers												

APPENDIX C: REFERENCES

Bass, Ronald E., Kenneth M. Bogdan, and Terry Rivasplata. 2013. CEQA Desktop. Point Arena, CA; Solano Book Press. Page 44.

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<<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=11001-12000&file=11357-11362.9>> Date accessed: July 16, 2014.

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County of Humboldt. *Medical Marijuana Land Use Ordinance (MMLUO) – Phase IV, Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use* (Staff Report to the Board of Supervisors). January 26, 2016. <<https://humboldt.legistar.com/Calendar.aspx>> Date accessed: March 28, 2016.

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<<http://www.boe.ca.gov/news/pdf/173.pdf>>

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<http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf>

Water Resources Protection Plan

For fulfillment of

Order No. 2015-0023

Waiver of Waste Discharge Requirements

and

General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation
and Associated Activities or operations with Similar Environmental Effects in the North Coast
Region

Prepared for:



Journey Aquarian

(WDID #1B171713CHUM)

and

North Coast Regional Water Quality Control Board

Prepared by:



Updated August 2018



General Information

DIVERTER: Journey Aquarian
610 Dry Creek Road
Healdsburg, CA 95448

CULTIVATORS: Myers and Aquarian, LLC (operates on 216-135-015 parcel)
PO Box 5439
Walnut Creek, CA. 94596

Humboldt Kingz, LLC (operates on 216-136-004 / 216-135-008)
24534 Townsend Avenue
Hayward, CA 94544

PROPERTY OWNER: Journey Aquarian (216-081-013, 216-135-015, 216-135-008, 216-136-004)
610 Dry Creek Road
Healdsburg, CA 95448

Myers and Aquarian, LLC (216-135-010)
PO Box 5439
Walnut Creek, CA. 94596

SITE ADDRESS: Harris Rd.
Harris, CA. 95542

PARCEL: Assessor Parcel Number: 216-081-013-000, 216-135-015-000, 216-135-010-000,
216-135-008-000, 216-136-004-000
General Plan Designation: AG (Agricultural Grazing)
Zonings: AE – Agricultural Exclusive
AE-B-5(160) – Agricultural Exclusive w/ Special Building Combining Zone
TPZ – Timber Production Zone

ACRES: 216-081-013-000 – 122 acres (per *Humboldt County Web GIS*)
216-135-015-000 – 240 acres (per *Humboldt County Web GIS*)
216-135-010-000 – 161 acres (per *Humboldt County Web GIS*)
216-135-008-000 / 216-136-004 – 164 acres (per *Humboldt County Web GIS*)

1. INTRODUCTION

Effective September 12, 2017, Journey Aquarian enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region*¹ (WDID Number 1B171713CHUM). This Water Resources Protection Plan (WRPP) was developed to satisfy conditions of the Tier 2 enrollment requirements of Order No. 2015-0023 (Order). The purpose

¹ https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/#_Waiver_of_Waste

of this Order is to provide a water quality regulatory structure to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land. Under this Order, any landowner or operator cultivating cannabis that results in a discharge of waste to an area that could affect waters of the State may elect to enroll and comply with this Order to ensure their discharges are authorized and receive a conditional waiver for the discharges and associated activities described in Finding 4 of the Order. Using data from an onsite assessment, this Plan includes measures to be implemented to meet "Standard Conditions" listed in the Order Provision I.A for cannabis cultivation and associated activities to fulfill the waiver requirement.

2. SITE LOCATION AND DIRECTIONS

The project site is located off of Harris Rd., just north of the locality of Harris. To reach the site from Eureka, take US-101 South for 66 miles to exit 639b for Garberville. Turn right on to Redwood Dr. and take another right on to Alderpoint Rd. Travel on Alderpoint Rd. for 8 miles and take a right on to Bell Springs Rd. Travel for 2.5 miles and take a left onto Harris Rd. Travel for .7 miles to reach APN 216-135-015, where the driveway is on the left. To reach APN 216-135-015, travel for .2 more miles on Harris Rd. and the driveway will be on your left. To reach APN 216-135-010, travel .8 more miles on Harris Rd., which drives straight through the parcel and does not have a driveway. To reach APNs 216-135-008 & 216-136-004, travel .9 more miles on Harris Rd. and the driveway will be on the right.

3. PROJECT DESCRIPTION

This WRPP is being prepared for five contiguous Assessor's Parcel Numbers (APNs): 216-136-004 and 216-135-008 ("Pond"), 216-135-015 ("West"), 216-081-013 ("Ranch"), and 216-135-010 ("Quarry"). A Determination of Status is currently underway at the Humboldt County Planning and Building Department to determine the legal status of the "Pond" parcels.

Journey Aquarian has three (3) active applications under various LLCs (including Myers and Aquarian, LLC, Rose Kingz, LLC, and Humboldt Kingz, LLC) under Humboldt County's *Commercial Medical Marijuana Land Use Ordinance (CMMLUO)*²: A Conditional Use Permit for 43,560 square feet (sf) of outdoor cultivation on the "Pond" parcels (Apps #1212), a Zoning Clearance Certificate for 10,000 sf of new outdoor cultivation the "Ranch" parcel (Apps # 12121), and a Conditional Use Permit for 24,000 sf of outdoor cultivation on the "West" parcel (Apps # 12124). Journey Aquarian of Myers and Aquarian was issued an interim permit from Humboldt County to cultivate 24,000 sf on the "West" parcel. A second interim permit for the "Pond" parcel was issued for 37,250 sf of outdoor cultivation. Journey Aquarian is in the process of applying for temporary and annual state cannabis cultivation licenses through the California Department of Food and Agriculture.

Journey Aquarian is considering applying for additional cultivation under Humboldt County's Commercial Cannabis Land Use Ordinance (CCLUO) (aka Ordinance 2.0). He may apply for an additional 23,560 sf of new cultivation on the "West" parcel and an additional 33,560 sf on the "Ranch" parcel.

4. SITE DESCRIPTION

The project site is in the Jewett Creek HUC 12 Watershed (#180101050404) and the Middle Main Stem of the Eel River Planning Watershed. Perington Creek and its tributaries enters the parcels from the west and flows easterly, with scattered springs and steep. The parcels have undulating topography, with slopes varying from less than 5% to greater than 30%. Existing built infrastructure includes a mobile home, cultivation areas, and cultivation-related storage areas, located primarily in the flatter areas of the parcel

² <https://humboldt.gov.org/2124/Medical-Marijuana-Land-Use-Ordinance>

on less than 30% slopes. Vegetation consists of open grasslands mixed with oak woodlands, manzanitas, madrones, and mixed conifer species. The soils within the parcel consist predominantly of Yorknorth-Witherell complexes (15-50% slopes), which are moderately well-drained silty clay loam soils³.

The Site has a General Plan Designation of Agricultural Grazing (AG), and various zonings across the parcels (See Appendix B for details), including Agricultural Exclusive (AE), Agricultural Exclusive with Special Building Site Combining Zone (AE-B-5(160)), and Timber Production Zone (TPZ). Surrounding parcels are zoned AE, TPZ, and Unclassified (U) and have General Plan Land Use classifications of Timberland (T), Residential Agriculture (RA40-160), and Agriculture Grazing (AG).

The project parcels have numerous Class II and III watercourses that primarily drain east toward Perington Creek, a Class I stream. Perington Creek is a tributary of Jewett Creek, which drains into the mainstem Eel River, located approximately 3.5 miles Northeast of the property. While Jewett Creek has historic and current populations of Rainbow and Steelhead Trout (*O. Mykiss*), historic data shows that Perington Creek has not historically been a salmonid-bearing stream. A natural sheet of bedrock on Jewett Creek has been identified as a potential barrier to fish passage, which likely prevents finfish from spawning in Perington Creek or within the subject parcel⁴. Perington Creek has steep and incised channels with limited salmonid habitat potential. The mainstem Eel River have been listed as impaired waterbodies under Section 303(d) of the Clean Water Act⁵.

5. INVENTORY AND ASSESSMENT

Office analysis and a field inventory were used to assess the property for compliance with the Standard Conditions as listed in Order Provision I.A. Pre-field inspection, an air photo analysis (google earth and air photos) was used to identify existing infrastructure, watercourses, and general layout of the property. The field inventory was conducted in July of 2017 by the engineering staff of Manhard Consulting, which has since closed, and analyzed by the engineering staff of NorthPoint Consulting. A follow-up site visit was conducted by NorthPoint staff in May of 2018. The inventory included GPS mapping of structures, water tanks, ponds, roads, agricultural sites and other infrastructure features. GPS was also used to map watercourse features including: extent of streams, riparian zones, and ditches. Aerial imagery was analyzed to update the WRPP.

Water systems were evaluated for their source, storage, and use. Points of diversions were mapped and photographed, with data collected for analysis regarding stream type and the diversion method. Elements of the water storage system were mapped, and data was collected on the number and size of tanks and bladders, pumping system, efficiency, stability, and potential for catastrophic failure. All aspects of the water system were evaluated for existing erosion and the potential for sediment delivery to the stream network. Assessment of seasonal diversion rates, storage, and water use were calculated in the office. Upgrade and treatment recommendation for the water system were developed using field observation and office analysis. Information on the current and planned use of buildings was collected. Structures that contained fertilizers, petroleum products, or pesticides associated with cannabis cultivation were inventoried to assess proper storage.

Roads were evaluated to identify and prescribe treatment for discharges and controllable sediment delivery sites. The road network was examined for opportunities to discontinued use and restoration of high

³ <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

⁴ Ross Taylor and Associates. 2000. Humboldt County Culvert Inventory and Fish Passage Evaluation – Final Report.

file:///C:/Users/Lia%20Nelson/Downloads/165_Taylor_HumboldtCountyCulverts.pdf

⁵ https://ofmpub.epa.gov/waters10/attains_waterbody.control?p_au_id=CAR1114106119990601095147&p_cycle=2010

sediment risk roads. Road surfaces, cutbanks, and fillslopes were examined for rills, gullies and surface erosion delivering sediment to the stream network. Road drainage was evaluated for effectiveness in routing water away from watercourse and maintaining road stability. Stream crossings were evaluated for ability to pass the 100-year storm event (in office), potential for plugging, and erosion of the fill slopes. Location of treatment recommendations were mapped and incorporated into the design plan set in the office.

Cannabis cultivation sites were evaluated for controllable sediment delivery sites, irrigation runoff, waste disposal, and storage of petroleum, fertilizers, and other chemicals used in the cultivation process. Proximity of cultivation areas to riparian zones, wetlands, and streams was recorded. Operators were consulted for information on the rate and application method of fertilizers, and other compounds, used in cultivation.

6. DESCRIPTION OF CANNABIS CULTIVATION ACTIVITIES ON PARCELS

The four parcels are primarily used for cannabis cultivation and are discussed in detail below.

6.1 "Pond" Parcel (APNs: 216-136-004, 216-135-008)

Existing built infrastructure on this parcel includes a 24' x 60' metal building, two shipping containers, a tiny home, a portable toilet, and storage shed on a ~1,440 sf concrete slab. There are two Points of Diversion (PODs) on this site: a spring diversion (**POD-2**) and diversion out of Pond 1 (**POD-1**), an unlined, ~10-million-gallon capacity on-stream pond. There is currently 14,000 gallons of water storage in plastic tanks on this site and a 1,000,000-gallon off stream rainwater catchment pond is proposed to collect and store water for use during the forbearance period (**POND-6**). Each cultivation area (described below) includes a water tank and a solar-powered pump (described in detail in Section 7.5).

Prior to January 1, 2016, there was approximately an acre of sf of cultivation on this parcel in seven cultivation areas (A-G). Four of these seven areas need to be either adjusted or removed completely to comply with standard riparian buffers, as described below:

- Area A historically had approximately 7,000 sq. ft. of outdoor cultivation and light-deprivation cultivation in a 30' x 50' greenhouse. This greenhouse may be relocated to Area H or I due to proximity to the property boundary (boundary survey pending).
- Area B historically had approximately 4,000 sq. ft. of outdoor cultivation and can remain as-is.
- Area C historically had approximately 6,000 sq. ft. of outdoor cultivation and needs to be reduced to 2,700 sq. ft. to comply with a 50' riparian buffer off a Class III watercourse near the north side of the cultivation area.
- Area D historically had approximately 4,100 sq. ft. of outdoor cultivation and can remain as-is.
- Area E historically had approximately 2,800 sq. ft. of outdoor cultivation but is located entirely within a riparian setback from a Class III watercourse. All cultivation-related equipment will be completely removed from this area and the area will be restored with natural vegetation.
- Area F historically had approximately 7,500 sq. ft. of cultivation. This area is located entirely within 100' from a Class II watercourse and 50' from a Class III drainage. All cultivation-related equipment will be completely removed from this area and the area will be restored with natural vegetation.
- Area G historically had approximately 11,660 sq. ft. of cultivation and will be reduced to approximately 8,650 sq. ft. of cultivation (~6,400 sq. ft. in light-deprivation greenhouses) due to proximity to a Class III drainage.

Journey Aquarian applied for an acre of cultivation on this parcel but received an interim permit for 37,250 sf. Accordingly, cultivation must be reduced to 37,250 sf. Approximately 12,300 sf of cultivation from parts of Areas C, E, F, G, and potentially A will be relocated to proposed Cultivation Areas H and I (likely 6,300 sf at each site). Cultivation Area H is located on an existing road and grassy flat area with slopes less than 10% grassy flat and Cultivation Area I is located on a historic logging terrace with slopes less than 8%. Cultivation area H is located 200' from the nearest watercourse (Class III drainage) and Cultivation Area I is located over 100' from the nearest watercourse (Class II drainage). Relocating cultivation out of riparian areas will help protect and restore the quality of the riparian area, which is beneficial for fish and wildlife habitat and well-being, human health, municipal, domestic, and agricultural water supply, and recreational purposes.

6.2 "West" Parcel (APN: 216-135-015)

Existing built infrastructure on the "West" parcel includes a 30' x 50' metal building on a ~1,500 sf concrete slab. There are no other structures located on this parcel. There is currently 27,260 gallons of water storage in plastic water tanks, and a spring point of diversion (**POD-5**) is located on this site. An off-stream, 800,000-gallon capacity rainwater catchment pond is proposed on this site to catch and store water for use during the forbearance period (**POND-7**). Prior to January 1, 2016, there was 24,000 sf of outdoor cultivation in two separate cultivation areas: The Northern Cultivation Area and the Western Cultivation Area. Both locations were located partially within stream setbacks and will be relocated to the Southern Cultivation Area.

- Northern Cultivation Area historically had 6,300 sf of outdoor cultivation. This site is located almost entirely within 100' of a Class II stream. As such, all cultivation and cultivation-related materials will be completely removed and relocated to the Southern Cultivation Area (**CA-Northern**)
- Western Cultivation Area historically had 17,700 sf of outdoor cultivation. Approximately 1/3 of this cultivation area is located within 50' of a Class III drainage and will need to be removed and relocated. For consolidation and reduced impact, all 17,700 sf of cultivation is proposed to be relocated to the Southern Cultivation Area (**CA-Southern**). This area is located at the end of a .5 mile dirt/gravel road with slopes in excess of 20% and severe erosion issues (discussed in detail in Section 7.1, below).
- Southern Cultivation Area (Relocation Site) is an approximately 40,000 sf grassy area with slopes of less than 10% and historically has had no cultivation. All cultivation on the "West" parcel is proposed to be relocated to this site. The Southern Cultivation Area is accessible from the Ranch parcel via a wide, flat, gravel road in excellent condition, and relocating all cultivation to this site would reduce traffic on steep, erosion-susceptible roads.

6.3 "Ranch" Parcel (APN: 216-135-013)

Existing built infrastructure on the "Ranch" parcel includes a mobile home residence, a barn, horse stables and an arena, shipping containers, and storage sheds. This site has three existing ponds: a 40,000-gallon capacity off-stream rainwater catchment pond (Pond 2), a 35,000-gallon capacity off-stream rainwater catchment pond (Pond 3), and an 80,000-gallon capacity onstream pond (Pond 4). This site currently has 160,000 gallons of water storage in the form of Ponds 2 and 3, interim water bladders, and plastic tanks, and an 800,000-gallon capacity off-stream rainwater catchment pond is proposed to collect and store water for use during the forbearance period (**POND-5**). Two surface water points of diversion, a spring diversion near Pond 3 (**POD-3**) and a spring near Pond 4 (**POD-4**), are located on this site.

This site historically had 2,250 sf of verifiable* outdoor cultivation. 10,000 square feet of new cultivation has been applied for. In 2017, approximately 10,500 sf of cultivation in greenhouses (and 4,750 sf of nursery greenhouses) was preemptively started prior to permit approval. The 10,500 sf of cultivation was located within 100' setbacks of the Class II creek. The resolution to this issue is currently undergoing negotiations.

6.4 "Quarry" Parcel (APN: 216-135-010)

Aside from a spring Point of Diversion (**POD-2**) is located on this parcel, no cultivation or existing cannabis-related built infrastructure exists on the "Quarry" parcel. Road access to the "Pond" parcel transects this parcel and a rock quarry, unrelated to this project, is also located on this parcel.

7. MEASURES TO MEET STANDARD CONDITIONS

Corrective actions that are required to meet the Standard Conditions are bolded throughout this section. Corrective actions correspond with the actions listed in Tables 2a-c on page 18.

7.1 Site Maintenance, Erosion Control, and Drainage Features

"Pond" Parcel

A 1.179-mile road network in good to fair condition spans from the Pond parcel access gate to the seven existing Cultivation Areas. The 164-acre parcel has other skid roads and dormant ranch roads that were not surveyed by NorthPoint Consulting's engineering team, as they were unrelated to the cannabis cultivation project. A 0.3-mile segment of County-maintained Harris Road is also located in the Northwestern portion of this parcel.

The graveled road network is comprised of slopes less than 15% and exceeds 14' in width. Nine (9) rolling dips were prescribed to be installed and one (1) existing rolling dip was prescribed to be maintained (**RDs 1-10**), as shown on the map. One (1) existing ditch-relief culvert (DRC) was prescribed to be maintained (**DRC-2**) and two DRCs were prescribed to be installed (**DRC-1, DRC-3**). Two segments of road were prescribed to be out sloped (**OS-1, OS-2**) and a 50' segment of inboard ditch exhibiting incision was prescribed to be rocked (**IB-1**).

"West" Parcel

A 1.14-mile road network in good to poor condition exists on this parcel. The parcel has two access points: a private gate off of the County-maintained Harris Road and a continuation of the private road from the "Ranch" parcel to the South. The 240+-acre parcel has other skid roads and ranch roads that were not surveyed by NorthPoint Consulting's engineering team as they were unrelated to the cannabis cultivation project. The County-maintained Harris Road is partially located on this parcel.

The gravel road network is comprised of slopes less than 18% and exceeds 12' in width. Ten (10) rolling dips were prescribed to be installed, one (1) existing rolling dip was prescribed to be enlarged, and two (2) existing rolling dips were prescribed to be maintained (**RDs 11-23**). One (1) existing 24"-diameter plastic DRC was prescribed maintenance to adequately function (**DRC-4**), and three (3) DRCs were proposed (**DRC-5, DRC-6, DRC-7**) and a 200' segment of road was prescribed to be out sloped (**OS-3**). Approximately 200' of inboard ditch near DRC-6 and STX-14 was proposed to be rocked to reduce water velocity and prevent further ditch incision (**IB-2**).

"Ranch" Parcel

* able to be seen on aerial imagery

A 0.68-mile road network in good condition exists on this parcel. The parcel is accessed from either a gate off of the county-maintained Harris Road, or a continuation of the private road from the "West" parcel to the North. The 121+ acre parcel has numerous other ranch and skid roads from cattle ranching on this property that were not surveyed.

The 0.68-mile road network has slopes of less than 15% and exceeds 12' in width. The road is graveled and in excellent condition with few signs of erosion. One (1) rolling dip was prescribed to be installed (**RD-24**).

7.2 Stream Crossing Maintenance

There are sixteen (16) stream crossings on the parcels located on privately-maintained road networks, ten (10) of which were considered "Projects" and submitted to the California Department of Fish and Wildlife (CDFW) in a Streambed Alteration Notification (Appendix C). Harris Road also runs through the parcels, but all stream-crossings on this road are the County's responsibility and are not included in this Notification. Of the ten projects, four (4) lack engineered crossings, four (4) require replacement of existing culverts, one (1) culvert is proposed to be removed, and one (1) is an appropriate stream crossing that only requires maintenance. Stream Crossings 1-5 and 13 are on the "Pond" parcel, Stream Crossings 9, 14, and 15 are on the "West" parcel, and Stream Crossing 6 is on the "Ranch" parcel.

The ten crossings that require corrective action are bolded and included in Tables 2a-c.

"Pond" Parcel (STXs 1-5, 10-13)

Stream Crossing 1 (**STX-1**) is an existing 18" corrugated metal pipe (CMP) located where a Class II seasonal drainage crosses a dormant, dead-end road. The crossing drains ~23 acres of hillslope. The inlet of the culvert is plugged, causing water to run across the road and erode the road around the culvert outlet. In addition, the culvert has significant rust and structural issues. The property owner does not plan to use this road anymore and therefore proposes to remove the culvert and re-establish the drainage channel. The stream channel will be re-contoured to its natural slope and width (approximately 3' wide) and riparian vegetation consistent with the surrounding vegetation will be planted to help stabilize exposed soil.

Stream Crossing 2 (**STX-2**) is located where a Class III drainage (watershed area 1.5 acres) intersects the access road to Cultivation Areas F and G. There is currently no engineered crossing. The applicant proposes to install a 24"-diameter CMP to adequately drain peak flows during the 100-year storm event. A rolling dip is proposed 50' up-road of the crossing to help disperse surface flow (as shown on map).

Stream Crossing 3 (**STX-3**) is an existing 24"-diameter CMP located where a Class II drainage intersects the access road to a Cultivation Area G. The culvert drains a watershed area of ~26 acres and has a shotgun outlet that is causing erosion of the access road in addition to being undersized. The culvert is also placed too high in the road prism and is not on stream-grade, with only 5" of road cover on the outlet. The applicant proposes to remove the existing culvert and replace it with a 33"-diameter CMP on-grade with the stream channel. A critical dip is proposed approximately 5' from the crossing.

Stream Crossing 4 (**STX-4**) is an existing 12"-diameter corrugated plastic culvert located where a Class II drainage (watershed area 17 acres) crosses the road to all cultivation areas. Approximately 100' of incising inboard ditch delivers water and sediment to the culvert. The culvert is undersized with a small shotgun outlet and erosion on the downstream end. The applicant proposes to remove the undersized culvert and replace it with a 33" diameter CMP installed on-grade with the stream

channel. A ditch relief culvert is proposed approximately 50' up road (west) of the culvert inlet to help reduce sedimentation and disperse flows (**DRC-1**).

Stream Crossing 5 (**STX-5**) is an existing rusted-out 24"-diameter CMP located where the access road to the Pond parcels crosses over a Class III drainage. The culvert drains ~13 acres of hillslope. Erosion of the road prism and a shotgun outlet is visible. The applicant proposes to replace the non-functional culvert with a 33"-diameter CMP. A ditch relief culvert is proposed 50' up road of the culvert inlet to help reduce inboard ditch incision (**DRC-3**). A critical dip is also proposed.

Stream Crossings 10, 11, and 12 (STXs 10-12) are three crossings located where ephemeral drainages run under the Pond 1 berm/perimeter road and into the pond on the "Pond" parcel. Each culvert is an 18"-diameter CMP with rust lines below 16%. They were installed prior to 2004 when Pond 1 was constructed and were therefore installed prior to the formation of the lake or Streambed Alteration Program. STX-10 has a contributing drainage area of 21.7 acres. Although this watershed area is large, the area is comprised of mostly flat meadowlands, allowing water to infiltrate into the soils prior to channelizing in a .5'-wide channel and reaching the drainage. STX-11 has a contributing watershed area of 7.1 with a drainage channel of 0.25', and STX-12 has a watershed area of 7.46 acres with a drainage channel of .5'. All three culverts are functioning adequately and have no structural issues: No corrective actions were recommended.

Stream Crossing 13 (**STX-13**) is located where a small seep crosses the access road to all cultivation sites. The seep comes from a 5'-wide legacy cattle pond that has formed a small 0.5'-diameter channel, which runs across the road and down the slope on the other side. The culvert has a small contributing watershed area of 1.75 acres. Due to the small size and ephemeral nature of the drainage, the applicant proposes to install a rocked dip.

"West Parcel (STXs 7-9, 14-16)

Stream Crossing 7 (STX-7) is an existing 48"-diameter culvert located on a dormant road on the "West" Parcel. The culvert, which was installed in 2002, is in good condition and has a 14% rust line. No work is proposed for this crossing. Since the culvert is adequately draining the hillslope and is in good condition, no corrective actions were proposed.

Stream Crossing 8 (STX-8) is an existing 48"-diameter culvert located on a dormant road on the "West" Parcel near an old cultivation area (to be relocated). The culvert has a 45% rust line, is clearly undersized, and needs replacement, but is covered under the neighbor's Streambed Alteration Agreement. As the applicant does not have jurisdiction over this crossing, no corrective actions were proposed.

Stream Crossing 9 (**STX-9**) is located where a small Class III ephemeral drainage (watershed area 5 acres) would naturally cross the road to connect with the downstream channel. The drainage is currently ditched down the road via an inboard ditch and then runs onto the road, contributing to road erosion. To mitigate sediment transport and erosion, the applicant proposes to install a rocked crossing to connect the upstream and downstream channels. A rocked crossing will be sufficient because the applicant is not intending to use this road during winter months. Additionally, the cultivation area at the end of the road is proposed to be relocated.

Stream Crossing 14 (**STX-14**) is located where a Class III ephemeral drainage (watershed area of 4.35 acres) would naturally cross a property access road. Currently, the drainage is ditched along the road and, along with the inboard ditch above, is contributing to approximately 4.5' of ditch incision. To address the incision and road erosion, the applicant proposes to re-connect the upstream drainage channel with the lower drainage channel via a 24"-diameter CMP, set to grade as feasible. The

inboard ditch is proposed to be blocked just down road from the proposed culvert after installation so that flow is directed through the culvert and not down the ditch. This project should alleviate the majority of the incision problems occurring on this stretch of road and will help to reduce sedimentation and road prism erosion.

Stream Crossing 15 (**STX-15**) is an existing rocked crossing located where an ephemeral drainage crosses the road to a proposed cultivation site. The existing rocked crossing (watershed area 3.64) is well armored, properly constructed, appears to be adequately draining the small drainage. The applicant proposes to maintain this rocked crossing, since the road will not be used during the rainy season.

Stream Crossing 16 (STX-16) is an approximately 5'-wide channel bed of a seasonal drainage that crosses a dormant gravel road. The crossing has a contributing watershed area of 98.8 acres and the streambed runs dry every summer. There is currently no engineered crossing, but no signs of erosion or sedimentation were observed on-site. As the applicant does not use this road at all during the winter (and rarely in the summer), the applicant proposes to leave this crossing as-is. No corrective actions were proposed.

"Ranch" Parcel (STX-6)

Stream Crossing 6 (**STX-6**) is an existing 48"-diameter CMP located where a cultivation access road crosses over a Class II stream. The existing culvert drains ~40 acres of hillslope and is partially rusted out the bottom. The applicant proposes to remove this culvert and replace it with a 48"-diameter CMP on-grade with the stream channel.

All stream crossings will be constructed in conformance with the conditions of the Streambed Alteration Agreement, as well as best practices from the *Handbook for Forest, Ranch and Rural Roads*⁶. All stream crossing improvements will be conducted during the driest part of the year when no water is present in the watercourses. Fish and wildlife are not expected to be impacted by these improvements.

7.3 Riparian and Wetland Protection and Management

All of the parcels have at least one cultivation area located within watercourse setbacks. All cultivation areas and associated facilities will be adjusted or removed (as described above and in Tables 2a-c) in order to meet standard riparian buffers (minimum 50' from Class III watercourse, 100' from Class II watercourse, and 150' from Class I watercourse).

Areas out of compliance with buffers are italicized in Tables 1a-1c, below.

Table 1a: Cultivation Area/Associated Facility Distance to Water Body and Slope				
APN 216-136-004 / 216-135-008 (Pond)				
Disturbed Area Type	Area (sq. ft.)	Disturbed Area Slope	Distance to Water Body (ft.)	Water Body Type
Outdoor Cultivation A, Water Tank (1,100-gal.)	5,500	10.2%	250	Class III Drainage
Light-dep Greenhouse	1,500	12.5%	248	Class III Drainage
Storage Shed	112	4.4%	282	Class III Drainage
Drying Shed	683	6.1%	230	Class III Drainage
Drying Building	1,588	5.1%	58	Class III Drainage
Shipping Container 1	200	6.3%	128	Class III Drainage
Shipping Container 2	200	6.3%	124	Class III Drainage

⁶ <http://www.pacificwatershed.com/sites/default/files/RoadsEnglishBOOKapril2015b.pdf>

Outdoor Cultivation B, 550-gal. Water Tank	4,000	10.9%	80	Class III Drainage
Outdoor Cultivation C, Water Tanks ([1] x 1,000-gal., [1] x 2,500-gal.) – to be relocated	6,000 → 2,700	10.4%	25	Class III Drainage
Outdoor Cultivation D, 1,100-gal. Water Tank	4,100	12.1%	82	Class III Drainage
Outdoor Cultivation E, 550-gal. Water Tank – to be relocated	2,800 → 0	6.8%	40	Class III Drainage
Outdoor Cultivation F, Water Tanks ([1] x 1,100-gal., [1] x 2,500-gal.) – to be relocated	7,500 → 0	15.6%	0/40	Seep / Class III Drainage
Outdoor Cultivation G, Water Tanks ([1] x 550-gal., [1] x 1,100-gal.) – to be adjusted	11,660 → 8,650	11.4%	22	Class III Drainage
Proposed Cultivation Area H	~6,300	5%	200'	Class III Drainage
Proposed Cultivation Area I	~6,300	8%	100'	Class II Drainage
Proposed Off-stream Rainwater Catchment Pond	25,000	5-8%	100'	Wetland / Seepy Area

Table 1b: Cultivation Area/Associated Facility Distance to Water Body and Slope APN 216-135-015 (West/Thunder)				
Disturbed Area Type	Area (sq. ft.)	Disturbed Area Slope	Distance to Water Body (ft.)	Water Body Type
Western Cultivation Area, Water Tanks ([3] x 5,000-gal., [2] x 1,300-gal., [1] x 660-gal.) on graded flat – to be relocated	17,700	8.7%	25	Class III Drainage
Northern Cultivation Area Water Tanks ([1] x 2,800-gal., [2] x 500-gal.) – to be relocated	6,300	7.9%	15	Class II Stream
5,000-gal. Water Tank	25	6%	101	Class II Drainage
3,000-gal. Water Tank	25	4%	72	Class III Drainage
Drying Building	1,500	12.6%	630	Class II Drainage
Cultivation Greenhouses (Proposed)	24,000	11.5%	199	Class III Drainage
Proposed Off-stream Rainwater Catchment Pond 7	15,000	14.6%	621	Class II Drainage

Table 1c: Cultivation Area/Associated Facility Distance to Water Body and Slope Disturbed Areas on APN 216-081-013 (Ranch)				
Disturbed Area Type	Area (sq. ft.)	Disturbed Area Slope	Distance to Water Body (ft.)	Water Body Type
Graded Flat for Proposed Cultivation	60,719	8.1%	135	Class II Drainage
Pre-Existing Outdoor Cultivation	2,250	13.7%	108	Class III Drainage
Existing Cultivation – to be relocated	10,500	5%	20	Class II Drainage
Storage Shed	125	2.7%	458	Class III Drainage
2 x Storage Shipping Containers	747	2.7%	450	Class III Drainage

10K-gal. Lower Bladder	2,500	4.1%	20 / 100	Pond overflow / Class II Drainage
Upper Bladder ([3] x 20K-gal., [1] x 10K-gal.)	8,400	16.5%	188	Class III Drainage
(2) x 2,500-gal.	25	4%	100	Class II Drainage
Proposed off-stream Rainwater Catchment Pond 5	18,000	6%	50'	Class III drainage and legacy cattle Pond 4

For all other sites and facilities, riparian buffers from cultivation areas and associated facilities shall be maintained with a natural slope and native vegetation and have sufficient width to filter any runoff from the cultivation site into the stream. All riparian areas shall be protected to maintain their essential functions, such as temperature and groundwater recharge, and to safeguard water quality.

7.4 Spoils Management

There are numerous soil piles existing across the three parcels. On the Pond Parcel, a soils pile is located near Cultivation Area A, well away from surface waters. On the "West" Parcel, a soil pile near the Western Cultivation Area is located within 50' of a Class III stream and needs to be relocated outside of riparian buffers (**SP-1**). Soils pile on the ranch are stored within shipping containers.

Prior to the rainy season, all spoils piles must be securely tarped (both under and over) and straw waddles will be installed around the pile to prevent sediment mobilization and potential delivery to surface waters (**WZ**).

7.5 Water Storage and Use Plan

7.5.1 Water Rights

All of the surface points of diversion described below will be covered under the Small Irrigation Use Registration (SIUR) that is currently in the process of being filed with the SWRCB (Registration ID #H502326). The SIUR is being filed for the maximum irrigation demand of all parcels and takes into account future proposed projects. The initial statements filed with the State Water Resources Control Board can be found in Appendix D. Maintenance and operation of the PODs will be covered under the Streambed Alteration Notification submitted to CDFW in May 2018.

"Pond" Parcel

Water for the 43,560 sf of outdoor cultivation is sourced from an estimated 10-million-gallon capacity on-stream pond (Pond 1) (**POD-1**). POD-1 consists of a 1"-diameter flexible polyethylene pipe placed in Pond 1, which gravity-feeds water to plastic storage tanks located near each cultivation area. This design is temporary and can be easily removed during the forbearance period without requiring use of heavy machinery or equipment. As noted in Table 2a, the intake pipe needs to be cleaned and re-screened with screen less than 3/32" to prevent aquatic life from entering the diversion works. This point of diversion has been assigned Initial Statement of Diversion and Use (ISDU) # S026675 by the State Water Resources Control Board (SWRCB).

Pond 1 is an unlined, approximately 10-million-gallon capacity pond that was constructed prior to 2004. The dam wall is approximately 30 feet high by 200 feet wide, with a dam toe to crest length of approximately 65 feet. An engineering inspection revealed no significant structural flaws or signs of dam failure. The pond has an existing 5'-wide cement spillway that conveys overflow toward the Class III drainage below, which is proposed to be maintained. The existing spillway allows for at least 1'-2' of freeboard. Three separate drainages drain into the pond under a well-maintained perimeter

road that surrounds the pond (STX-10, STX-11, STX-12). American bullfrogs, finfish species, newts, and birds have been observed utilizing this pond.

Water for domestic purposes is sourced from a spring point of diversion (**POD-2**). POD-2 is located on the "Quarry" parcel and consists of a 12"-diameter shallow cement cistern located on a spring. The cistern is submerged approximately 3" beneath the soil level with an intake pipe 1" below the soil level. The cistern is sealed off to wildlife.

"West" Parcel

Historically, water for the 24,000 sf of outdoor cultivation was sourced from two points of diversion near the two cultivation areas (ISDU #S027517 and ISDU #S027342). Due to the proposed cultivation relocation, the applicant is proposing to divert from a new spring point of diversion (**POD-5**). In the future, water will also be sourced from the proposed off-stream rainwater catchment pond (Pond 7, discussed below). POD-5 consists of a screened polyethylene pipe placed in a spring. Water is pumped and gravity-fed to storage tanks and then used for cultivation. As noted in Table 2b, the intake pipe needs to be cleaned and re-screened with screen less than 3/32" to prevent aquatic life from entering the diversion works. POD-5 is a new point of diversion and an ISDU is in the process of being filed (ISDU # TBD).

"Ranch" Parcel

Water for cultivation is sourced from two rainwater catchment ponds (Ponds 2 and 3) and a spring near an 80,000-gallon capacity on-stream legacy cattle pond (Pond 4) (**POD-4**). POD-4 consists of a ½"-diameter pipe in a rock-lined spring that gravity-feeds water to storage the 20,000-gallon water bladder near Pond 4. From there, water is pumped up hill to 70,000 gallons of water storage in bladders (3 x 20,000-gallon bladders and 1 x 10,000-gallon bladder) located uphill from the proposed cultivating flat. Some of these bladders currently lack proper secondary containment and, to prevent catastrophic flooding in the event of a bladder failure, all bladders will be securely bermed (**WB**). In the future, water for cultivation will also be sourced from Pond 5, discussed in Section 7.5.2, below. An ISDU is in the process of being filed (ISDU # TBD).

Water for domestic purposes is sourced from a spring POD near an off-stream 35,000-gallon capacity legacy cattle pond (Pond 3) (**POD-3**). POD-3 consists of a buried ½"-diameter polyethylene pipe that takes water from a rock-lined spring and gravity-feeds to storage and is then gravity-fed to the on-site residence. An ISDU is in the process of being filed (ISDU #T BD).

7.5.2 Water Storage and Use

Journey Aquarian diverts water for irrigation, fire protection, and seasonal domestic purposes. Journey Aquarian is in the process of acquiring and installing water meters on all diversion sources (**WM**) and water use will be measured and reported on at the end of the year. The water meters will be installed on each point of diversion and will separate varying uses (i.e. domestic water must be metered separately from water for irrigation). No surface water will be diverted during the forbearance period from April 1st to October 31st.

"Pond" Parcel

Approximately 654,000 gallons of water per year are used for the current acre of cultivation and approximately 25,000 gallons of water are used for seasonal domestic purposes (Appendix G).

This site currently has a total of 14,000 gallons in the form of plastic water storage tanks: three (3) x 2,500-gallon tanks, four (4) x 1,100-gallon tanks, and four (4) x 550-gallon capacity tanks. To obtain the required water storage amount, a 1,000,000-gallon capacity rainwater catchment storage pond is proposed to be constructed (**POND-6**). This pond will collect rainwater to be used for cultivation during the forbearance period. In a drought year, surface water from POD 1 or 2 may be used during the diversion season to supplement rainwater. The pond will be constructed southwest of Pond 1, greater than 150 feet from the stream, and at least 100' from a nearby wetted area, on a natural benched area with slopes less than 7%. An overflow culvert will be designed to leave 1' of freeboard and will direct any overflow to the naturally wet area, where it can disperse and percolate prior to entering Pond 1.

"West" Parcel

Approximately 360,000 gallons of water per year are used for the current 24,000 sf of cultivation on site and no water is used for domestic purposes. If the applicant decides to pursue an acre of cultivation under Ordinance 2.0, approximately 647,260 gallons of water will be used for cultivation annually (Appendix G).

This site currently has 27,260 gallons of storage in the form of plastic water tanks. Two (2) 5,000-gallon tanks, two (2) 1,100-gallon tanks, two (2) 1,300-gallon tanks, and one (1) 660-gallon tank are located near the Northern Cultivation Area. One (1) 5,000-gallon tank, two (2) 500-gallon tanks, and one (1) 2,800-gallon tank are located near the Western Cultivation Area. An additional 3,000-gallon tank is located near the point of diversion. To obtain enough storage, an 800,000-gallon capacity rainwater catchment storage pond is proposed to be constructed (**POND-7**). This pond will collect rainwater to be used for cultivation during the forbearance period. In a drought year, surface water from POD 5 may be used during the diversion season to supplement rainwater and fill the pond. The pond will be constructed near an existing metal building (40.098982°, -123.669252°) on a natural flat with slopes less than 3%. There are no watercourses within 150 feet of the proposed pond location.

"Ranch" Parcel

Approximately 150,000 gallons of water per year are used for the current 10,500 sf of cultivation on site and approximately 80,000 gallons of water per year are used for domestic purposes year-round. If the applicant decides to pursue an acre of cultivation under Ordinance 2.0, approximately 640,000 gallons of water will be used for cultivation annually (Appendix G).

This site currently has a total of 160,000 gallons of storage: 35,000 gallons of storage in the form of an off-stream Pond 3; 40,000 gallons of storage in the form of off-stream Pond 2; 5,000 gallons of storage in two (2) x 2,500-gallon capacity plastic storage tanks; and 90,000 gallons of interim storage in the form of water bladders. To obtain adequate storage for use during the forbearance period, an 800,000-gallon off-stream rainwater catchment pond is proposed to be constructed (**POND-5**). In a drought year, surface water from POD 3 or 4 may be used during the diversion season to supplement rainwater. The pond will be constructed 100' from existing Pond 4 on slopes of less than 8% and will have a plastic overflow pipe allowing for 1' of freeboard. Overflow will be directed toward a naturally wet area to percolate and disperse prior to reaching existing Pond 4. Construction of this pond will disturb approximately 18,000 sf of grassland.

7.6 Irrigation Runoff

No evidence of water movement and erosion in the cultivation areas was observed during the inventory. Erosion and sediment control BMPs will be installed to inhibit runoff from the landings reaching the riparian zone. To further prevent connectivity, the owner will:

- implement water conservation measures;
- irrigate at agronomic rates;
- apply fertilizers/chemicals according to label specifications;
- maintain stable vegetated buffer between cultivation area and riparian zone; and
- install water, erosion, and sediment BMPs as required.

As per the Standard Conditions, after adjustment and restoration of Cultivation Areas C, E, F, and on the Pond parcel, Cultivation Areas Western and Northern on the West parcel, and all new cultivation on the Ranch parcel, cultivation areas and associated facilities will be not be located or occur within 150 ft of any Class I watercourse, 100 ft of any Class II watercourse or wetlands, or within 50 ft of any class III watercourse.

7.7 Fertilizer and Soil Amendments

Journey Aquarian utilizes the following fertilizers/ soil amendments for cultivation: Dr. Earth All-Purpose Fertilizer, Seabird Hi Phosphorus Powder, Spare Time Hi Nitrogen Bat Guano, Spare Time Trace Minerals, and Stutzman Farms Sup'r Green Chicken Manure Fertilizer. Fertilizers and soil amendments are currently being stored in the wooden storage sheds and shipping containers as depicted on the map, where they cannot contaminate waterways. The cultivator applies and uses fertilizers/soil amendments at proper agronomic rates per packaging instructions. Application rates are tracked and reported with the end of the year monitoring (Appendix H).

7.8 Pesticides/Herbicides

Journey Aquarian utilizes Neem Oil as a fungicide, pesticide, and insecticide. Occasionally, Green Cleaner is also used. Pesticides are currently being stored with the fertilizers in the storage sheds denoted on the map, where they cannot contaminate waterways. The cultivator applies and uses pesticides amendments at proper agronomic rates per packaging instructions. Application rates are tracked and reported with the end of the year monitoring (Appendix H).

7.9 Petroleum Product and other Chemicals

Journey Aquarian utilizes numerous generators for onsite power. Generators are mobile and are moved throughout the duration of the season depending on needs. Journey Aquarian will ensure that generators are located in secondary containment when used in the field on the "Pond" and "West" parcels (**SC-1, SC-3**). When not being used, generators are stored in shipping containers or wooden sheds. Gasoline is also stored in sheds and shipping containers but requires non-permeable secondary containment on the "Pond" parcel (**SC-2**).

7.10 Cultivation and Waste

Vegetation matter such as branches and leaves are composted and are stored near Cultivation Area A on the Pond parcel, Proposed Pond 7 on the West parcel, and near the proposed cultivation relocation area on the Ranch parcel. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

7.11 Refuse and Human Waste

The Pond and West parcels have no permanent residences onsite and thus have no septic system. Seasonal workers use portable toilets. When in use, the toilets are serviced based on recommended frequencies. The Pond and West parcels are clean and generally free of garbage, and the Ranch parcel has

a garbage pile that needs to be taken to an appropriate facility and then fenced off to ensure wildlife cannot access refuse (RR-1). Garbage on the Pond and West parcels is temporarily stored in shipping containers, where it is prevented from polluting surface waters and is not accessible to wildlife. Journey Aquarian makes bi-weekly trips to the Recology Waste Management Center in Garberville to properly dispose of waste.

7.12 Remediation/Cleanup/Restoration

As described in Section 6 above, adjustment and restoration of numerous existing cultivation areas is proposed to occur in order for the site to meet riparian buffers and protect water quality. All areas will be restored to pre-project work conditions or better and will adhere to the NCRWQCB's Best Management Practices #22-30. In all cases where cultivation is removed, the area will be revegetated with natural vegetation consistent with surrounding vegetation. No invasive species will be planted, and any invasive species located in the restoration area will be removed. Revegetation efforts will be monitored annually to ensure the survival and growth of the planted or seeded species. A Restoration Plan for all three parcels has been prepared and is included as Appendix E.

8. MONITORING AND REPORTING

8.1 Monitoring

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Water Resource Protection Plan and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. Onsite monitoring shall occur:

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on site;
- Prior to October 15 to evaluate site preparedness for storm events and stormwater runoff;
- By December 15; and,
- Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

Monitoring of corrective actions will also occur. After roadwork has been conducted Journey Aquarian will survey the corrective actions and determine whether the action is in good condition (working as designed), maintenance (needs maintenance to work properly), or replacement (needs to be reconstructed). Monitoring forms for corrective actions can be found in Appendix H.

8.2 Reporting

Journey Aquarian enrolled in the Order in September 2017. At the time of enrollment, along with the Notice of Intent, they submitted a Monitoring and Reporting Program document for 2016 (Appendix F). NorthPoint Consulting submitted the required Annual Report (formerly known as the Monitoring and Reporting Program) for 2017 (Appendix F) and another Annual Report will be submitted by March 31st in 2019. To complete this report, all data relating to water source and use will be tracked (Appendix H). Additionally, amounts and types of all pesticides, fungicides, herbicides, insecticides, soil amendments and fertilizers will be tracked (Appendix H) and reported on at the end of the year.

Prior to July 2019, Journey Aquarian will apply for coverage under the State Water Resources Control Board General Order WQ 2017-0023-DWQ *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities*⁷ and will begin to conform with the reporting requirements of the State Order.

9. CORRECTIVE ACTIONS

Based on field investigations, corrective actions were developed to treat areas on the property that were not compliant with the Standard Conditions as listed in Order No. 2015-0023 Provision I.A (Tables 2a-c). Each location was recorded on the Water Resources Protection Plan Map (Attachment A) with a unique Map ID that relates back to Tables 3. The current condition was evaluated, and an appropriate treatment selected based Best Management Practices (BMPs) outlined in Appendix B of the Order. A priority was attached to each corrective action based on threat to water quality and multi-year treatment planning. Some treatments will require the issuance of permits before work can commence. Areas that receive corrective actions will be monitored to evaluate the success of the treatment.

⁷ https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html

Table 2a: Corrective Actions identified for Journey Aquarian's "Pond" Parcel (APNs: 216-136-004 / 216-135-008)

Map ID	Description	Current Condition	Corrective Action	Priority for Action (1 = High)	BMP Time Schedule
CA-1	Cultivation Adjustment: Area C	Cultivation Area C has ~6,000 sf of outdoor cultivation, 3,300 sf of which is located within 50' of a Class III drainage	Remove the 3,300 sf of cultivation to establish a 50' riparian buffer from the Class III drainage, leaving ~2,700 sf of cultivation at Cultivation Area C; Relocate cultivation to Area H or I	2	After County Approval; Prior to October 2020
CA-2	Cultivation Area Adjustment: Area E	Cultivation Area E has ~2,800 sf of outdoor cultivation located entirely within a riparian setback from a Class III watercourse	Remove all cultivation and cultivation-related equipment from this site; restore with natural vegetation; relocate cultivation to Area H or I	2	After County Approval; Prior to October 2020
CA-3	Cultivation Area Adjustment: Area F	Cultivation Area F has ~7,500 sf of cultivation located entirely within the riparian buffers of a Class III watercourse and a Class II stream.	Remove all cultivation and cultivation-related equipment from this site; restore with natural vegetation; relocate cultivation to Area H or I	2	After County Approval; Prior to October 2020
CA-4	Cultivation Area Adjustment: Area G	Cultivation Area G has ~11,660 sf of cultivation, ~1,000 sf of which is located within 50' of a Class III drainage.	Remove all cultivation within 50' buffer of watercourse (~1,000 sf) and relocate to Area H or Area I	2	After County Approval; Prior to October 2020
DRC-1	Ditch Relief Culvert 50' up road of STX-4	Inboard ditch that feeds STX-4 is incising and has the potential to deliver sediment to the crossing	Install 18" ditch relief culvert 50' up road of STX-4 to alleviate volume on STX-4 and break up the inboard ditch to minimize erosion	1	Prior to October 2019
DRC-3	Ditch Relief Culvert 50' up road of STX-5	Inboard ditch that feeds STX-5 is incising and has the potential to deliver sediment to the crossing	Install 18" ditch relief culvert 50' up road of STX-5 to alleviate volume on STX-5 and break up the inboard ditch to minimize erosion	1	Prior to October 2019
IB-1	Inboard Ditch near proposed Cultivation Area H	Existing inboard ditch is incising and has the potential to deliver sediment to a Class III drainage located approximately ~25' west	Rock incised ditch for 50' down road from proposed rolling dip	2	Prior to October 2020

Table 2a: Corrective Actions identified for Journey Aquarian's "Pond" Parcel (APNs: 216-136-004 / 216-135-008)

Map ID	Description	Current Condition	Corrective Action	Priority for Action (1 = High)	BMP Time Schedule
OS-1	Out slope segment of road	Existing road surface is exhibiting rilling	Out slope 110' of road as indicated on the map	2	Prior to October 2019
OS-2	Out slope segment of road	Existing road surface is exhibiting rilling and minor erosion	Out slope 100' of road as indicated on the map	2	Prior to October 2019
RDs 1-10	Rolling Dips throughout parcel	Road points along the 1.18-mile road network currently lack water drainage features and have the potential to erode without corrective action	Install rolling dips where noted on the map	1	Prior to October 2019
SC-1	Secondary Containment: Generators while in field	Generators are currently used in the field (near cultivation and water storage areas), some without secondary containment	Purchase plastic tubs with tops or other impermeable containers for generators and ensure use in field	1	Prior to October 2018
SC-2	Secondary containment: Fuel in storage sheds	Gasoline and other petroleum products are stored in a wooden shed without secondary containment	Purchase plastic tubs or other impermeable containers for fuels stored in shed	1	Prior to October 2018
STX-1	Stream Crossing 1 (40.105414° , -123.647611°)	Malfunctioning 18" CMP on Class II drainage is plugged and is exhibiting structural issues, causing to erosion of the dormant road	Remove existing culvert and dormant road; Re-establish the drainage channel by re-contouring to natural slope and width; Seed and plant riparian vegetation to help stabilize soil and restore watercourse.	2	After DFW approval; Prior to October 2020

Table 2a: Corrective Actions identified for Journey Aquarian's "Pond" Parcel (APNs: 216-136-004 / 216-135-008)

Map ID	Description	Current Condition	Corrective Action	Priority for Action (1 = High)	BMP Time Schedule
STX-2	Stream Crossing 2 (40.103138°, -123.647549°)	No existing engineered crossing for Class III drainage intersecting cultivation access road; road is exhibiting signs of erosion near outlet	Install a 24" CMP to adequately drain peak flows and road erosion	1	After DFW approval; Prior to October 2019
STX-3	Stream Crossing 3 (40.102572°, -123.648332°)	Existing 24" CMP has a shotgun outlet and is undersized; road is exhibiting signs of erosion near culvert outlet	Remove existing culvert and replace with 33" CMP on grade with stream channel; Install critical dip 5' from crossing	1	After DFW approval; Prior to October 2019
STX-4	Stream Crossing 4 (40.103440°, -123.649937°)	Existing 12" CPP is undersized and has a shotgun outlet; road is exhibiting erosion.	Remove existing culvert and replace with 33" CMP on grade with stream channel	1	After DFW approval; Prior to October 2019
STX-5	Stream Crossing 5 (40.105015°, -123.656112°)	Existing 24" CMP is rusted out and is structurally inadequate	Remove existing culvert and replace with 33" CMP; Install critical dip 5' from crossing	1	After DFW approval; Prior to October 2019
STX-13	Stream Crossing 13 (40.103035°, -123.651628°)	No existing engineered crossing	Install rocked dip to adequately drain the small, ephemeral seep	2	After DFW approval; Prior to October 2020
WM	Water Meters at Points of Diversion	Diversion amounts are not properly metered	Purchase and install water meters on all sources of water (POD-1, POD-2) in a manner that records water use and type (i.e. separate out domestic water from irrigation water)	1	Prior to October 2018
WZ	Winterization Measure: Soil Pile Stabilization	Soil piles are not fully tarped	Tarp under and around all soils piles, install erosion and sediment control BMPs (such as straw wattles around piles) prior to winterization	1	Prior to October 2018

Table 2b: Corrective Actions Identified for Journey Aquarian's "West" Parcel (APNs: 216-135-015)

Map ID	Description	Current Condition	Corrective Action	Priority for Action (1 = High)	BMP Time Schedule
CA-Northern	Cultivation Adjustment: Northern Area	Northern Cultivation Area has ~6,300 sf of outdoor cultivation located almost entirely within 100' of Class II creek	Remove all cultivation and cultivation-related equipment from this area; restore with natural vegetation; relocate cultivation to Southern Cultivation Area	2	After County Approval; Prior to October 2020
CA-Western	Cultivation Area Adjustment: Western Area	Western Cultivation Area has ~16,000 sf of outdoor cultivation (historically 17,700), approximately 1/3 of which is located within 50' of Class III drainage	Remove all cultivation and cultivation-related equipment from this area; restore with natural vegetation; relocate cultivation to Southern Cultivation Area	2	After County Approval; Prior to October 2020
DRC-4	Existing Ditch Relief Culvert	Existing 24" CPP is plugged and not adequately draining severely incised inboard ditch	Clean debris from inlet and remove built-up sediment from outlet of CPP; maintain and inspect regularly	1	Prior to October 2019
DRC-5	Proposed Ditch Relief Culvert 120' up road of DRC-4	Inboard ditch is severely incised (nearly 4' deep) and has the potential to deliver sediment to nearby watercourses	Install 18" CMP to help break up inboard ditch and reduce erosion	1	Prior to October 2019
DRC-6	Proposed Ditch Relief Culvert 50' up road of STX-14	Inboard ditch that feeds STX-14 is severely incising and has the potential to deliver sediment to the crossing	Install 18" CMP 50' up road of STX-14 to alleviate volume on STX-14 and reduce erosion	1	Prior to October 2019
DRC-7	Proposed Ditch Relief Culvert 120' up road of DRC-6	Inboard ditch that feeds proposed DRC-6 is severely incised	Install 18" CMP to help break up inboard ditch and reduce erosion	1	Prior to October 2019

Table 2b. Corrective Actions Identified for Journey Aquarian's "West" Parcel (APNs: 216-135-015)

Map ID	Description	Current Condition	Corrective Action	Priority for Action (1 = High)	BMP Time Schedule
IB-2	Inboard Ditch near STX-14	250' of an existing inboard ditch is severely incising	Rock incised ditch for 250' between DRC-4 and DRC-6 to help prevent further ditch incision	2	Prior to October 2019
POD-5	Diversion from Spring	Existing intake pipe of spring diversion is not screened	Install less than 3/32" screen on intake pipe to prevent aquatic life from entering the diversion works	1	Prior to October 2018
POND-7	Construction of proposed new pond	This parcel currently lacks enough water storage to be able to irrigate through the forbearance period	Construct ~800,000-gallon capacity off-stream rainwater catchment pond to collect and store water for use during the forbearance period	1	After County/DFW approval; Prior to October 2021
RDS 11-23	Rolling Dips throughout parcel	Road points along the 1.14-mile road network currently lack water drainage features and have the potential to erode without corrective action	Install or maintain rolling dips where noted on the map	1	Prior to October 2019
SC-3	Secondary Containment: Generators while in field	Multiple generators are currently used in the field (near cultivation and water storage areas) without secondary containment	Purchase plastic tubs with tops or other impermeable containers for generators and ensure use in field	1	Prior to October 2018
SP-1	Soil Pile Relocation	Existing soil pile is uncovered and is located within 50' of a Class III watercourse	Remove all soil and soil remains from this area and relocate to an area outside of riparian buffer zones; tarp soils prior to winter season	1	Prior to October 2018
STX-9	Stream Crossing 9 (40.097342°, -123.670456°)	No existing engineered crossing for Class III drainage intersecting gravel road; watercourse is currently diverted down inboard ditch and is causing erosion	Install a rocked crossing to realign the upstream and downstream channels	2	After DFW approval; Prior to October 2020

Table 2b: Corrective Actions identified for Journey Aquarian's "West" Parcel (APNs: 216-135-015)

Map ID	Description	Current Condition	Corrective Action	Priority for Action (1 = High)	BMP Time Schedule
STX-14	Stream Crossing 14 (40.096911°, -123.663965°)	No existing engineered crossing for class III drainage intersecting steep cultivation access road; watercourse is currently diverted down inboard ditch and is causing extreme incision	Install 24" CMP on grade as feasible to reconnect upstream and downstream channels; plug inboard ditch just down road of culvert inlet	1	After DFW approval; Prior to October 2020
WM	Water Meters at Points of Diversion	Diversion amounts are not properly metered	Purchase and install water meters on all sources of water (POD-5) in a manner that records water use and type (i.e. separate out domestic water from irrigation water)	1	Prior to October 2018
WZ	Winterization Measure: Soil Pile Stabilization	Soil piles are not fully tarped	Tarp under and around all soils piles, install erosion and sediment control BMPs (such as straw waddles around piles) prior to winterization	1	Prior to October 2018

Table 2c: Corrective Actions identified for Journey Aquarian's "Ranch" Parcel (APNs: 216-181-013)

Map ID	Description	Current Condition	Corrective Action	Priority for Action (1 = High)	BMP Time Schedule
CA-Ranch	Cultivation Adjustment: Ranch Cultivation	10,500 sf of cultivation is located within 100' of a Class II stream	Remove all cultivation and cultivation-related equipment from this area; restore with natural vegetation; relocate cultivation to graded flat above residence	1	After County Approval; Prior to October 2019
CB-1	Cutbank Slope on recently graded flat	Existing ~20' high cutbank slope is not well compacted and is exhibiting gulying and erosion with the potential to deliver sediment to a Class II watercourse	Install erosion control fabric to reduce potential of sediment delivery to surface water prior to rainy season; straw and seed as described in BMPs	1	Prior to October 2018
CB-2	Cutbank slope on recently graded flat	Existing cutbank slope is not well compacted and could deliver sediment to Pond 2	Install erosion control fabric to reduce potential of sediment delivery to surface water prior to rainy season	1	Prior to October 2018
POD-3	Point of Diversion 3: Diversion from Spring	Existing intake pipe of spring diversion is not screened	Install less than 3/32" screen on intake pipe to prevent aquatic life from entering the diversion works	1	Prior to October 2018
POD-4	Point of Diversion 4: Diversion from Spring	Existing intake pipe of spring diversion is not screened	Install less than 3/32" screen on intake pipe to prevent aquatic life from entering the diversion works	1	Prior to October 2018
POND-5	Construction of Proposed Pond 5	This parcel currently lacks enough water storage to be able to irrigate through the forbearance period	Construct ~800,000-gallon capacity off-stream rainwater catchment pond to collect and store water for use during the forbearance period	1	After County/DFW approval; Prior to October 2021
RD-24	Rolling Dip on Access Road	One road point along the 0.68-mile road network currently lacks water drainage features and has the potential to erode without corrective action	Install rolling dip where noted on the map	1	Prior to October 2019

Table 2c: Corrective Actions identified for Journey Aquarian's "Ranch" Parcel (APNs: 216-181-013)

Map ID	Description	Current Condition	Corrective Action	Priority for Action (1 = High)	BMP Time Schedule
STX-6	Stream Crossing 6 (40.091847° , -123.666295°)	Existing rusted-out 48" culvert	Remove existing culvert and replace with 48" CMP on-grade with stream channel	1	After DFW approval; Prior to October 2020
RR-1	Refuse Removal from Site	Existing on-site refuse	Remove refuse from site; ensure that future refuse is fenced off from wildlife or stored in wildlife-proof container	1	Prior to October 2018
WB	Water Bladders throughout property	The four water bladders located near Cultivation Areas 1 and 2 currently lack secondary containment	Install containment around water bladder or cease use of water bladders	2	Prior to October 2019
WM	Water Meters at Points of Diversion	Diversion amounts are not properly metered	Purchase and install water meters on all sources of water (POD-3, POD-4, rainwater catchment) in a manner that records water use and type (i.e. separate out domestic water from irrigation water)	1	Prior to October 2018
WZ	Winterization Measure: Soil Pile Stabilization	Soil piles are not fully tarped	Tarp under and around all soils piles, install erosion and sediment control BMPs (such as straw wattles around piles) prior to winterization	1	Prior to October 2018

APPENDICES

- A. WRPP Corrective Action Site Plans
- B. Zoning and General Plan Land Use Designation Maps
- C. Streambed Alteration Notification to CDFW
- D. Initial Statements of Diversion and Use (#S026675, #S027342, #S027517)
- E. Restoration Plan
- F. 2017 Annual Report for NCRWQCB; Notice of Intent; 2016 Monitoring & Reporting Program
- G. SIUR Water Use Justification Explanation and Water Use Charts
- H. Monitoring Documents



North Coast Regional Water Quality Control Board

November 15, 2019

WDID:1_12CC419653

JOURNEY AQUARIAN
610 DRY CREEK ROAD
HEALDSBURG, CA 95448



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

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

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

Sincerely,

Kason Grady 2019.11.15 15:20:03 PST

On Behalf Of
Matthias St. John Water Boards
Executive Officer
North Coast Regional Water Quality Control Board

191115_2H_1_12CC419653_1B171713CHUM_Aquarian_Properties__NOA_TW

VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast



NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, JOURNEY AQUARIAN, HUMBOLDT COUNTY APN(s) 216-135-015, 216-081-013, 216-135-008, 216-136-004 & 216-135-010

Journey Aquarian (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on June 30, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC419653**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B171713CHUM.

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

1. FACILITY AND DISCHARGE DESCRIPTION

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

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

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 2 High Risk.

2. SITE-SPECIFIC REQUIREMENTS

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

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html

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

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

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

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/

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

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf

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

https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc

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



NorthPoint Consulting Group, Inc.
 P.O. Box 44
 Eureka, CA 95501
 (707) 798-6438

December 7, 2018

RE: Journey Aquarian – Humboldt Kingz, LLC Road Evaluation Description
 APN: 216-081-013, 216-135-015, 216-135-008 & 216-136-004
 APPS# 12121 #12124 & #12125

Harris Road provides access for numerous property owners in the Garberville area and is classified as a *very low-volume local road*. The American Association of State Highways and Transportation Officials (AASHTO, 2001) defines a *very low-volume local road* as a road that is functionally classified as a local road and has a design average daily traffic volume (ADV) of 400 vehicles per day or less. The subject parcels, APNs 216-081-013, 216-135-015, 216-135-008 and 216-136-004 are accessed from Harris Road. Harris Road leads off from Bell Springs Road, which is paved and maintained by the County of Humboldt.

A Road Evaluation has been performed on the first 2.1 miles of Harris Road, leading off from Bell Springs Road. Road Points (RPs) were located along Harris Road, and the Road Points were analyzed. Road Points are defined as interest points along the subject road; locations of pinch points, locations of sight distance restrictions or intersections. The road widths were measured, photos were taken, and recommendations were prescribed at each Road Point. The recommendations are based on whether the RPs pose a site-specific problem. See attached Road Evaluation Map for the section of road that was evaluated, and the location of the Road Points. Table 1 below contains a description of the Road Points, Latitude and Longitude, and the measure road width of each RP. The table also describe if there is a turn out present within appropriate distance to the RPs, and the recommended prescription for each RP. See attached Road Evaluation Photographs for photos of each Road Point. Not including the RPs, all other sections of the subject road are at least 20 feet in width, do not restrict visibility and do not pose a site-specific problem.

Table 1 Description of Road Points

Road Point	Figure	Lat., Long.	Description	Road Width	Turnout Provided	Recommendations
1	1	40.1048, -123.6572	Entrance to 216-135-008	21' 11"	YES	NONE
2	2	40.1043, -123.6578	Pinch point	15' 10"	YES	NONE
3	3	40.1040, -123.6599	Road section W/ turnout	20'	YES	NONE
4	4	40.1040, -123.6615	Pinch point	14'	NO	NONE
5	5	40.1028, -123.6638	Pinch point	14' 10"	YES	NONE
6	6	40.1019, -123.6626	Pinch point	16' 11"	YES	NONE
7	7	40.1012, -123.6610	Pinch point	18'	YES	NONE
8	8	40.1006, -123.6608	Pinch point	12' 3"	YES (RP9)	NONE
9	9	40.1003, -123.6608	Pinch point	16' 4" (w/ turnout)	YES	NONE
10	10	40.0990, -123.6617	Pinch point	11' 6"	YES	NONE
11	11	40.0981, -123.6625	Pinch point	15' 8"	YES	NONE
12	12	40.0971, -123.6616	Pinch point	17' 4"	YES	NONE
13	13	40.0959, -123.6597	Pinch point (Cattle guard)	12' 3"	YES	NONE
14	14	40.0926, -123.6612	Pinch point	15' 9"	YES	NONE
15	15	40.0915, -123.6626	Pinch point	15' 3"	YES	NONE
16	16	40.0909, -123.6624	Pinch point	11' 6"	YES	NONE
17	17	40.0887, -123.6623	Pinch point	14' 4"	YES	NONE
18	18	40.0865, -123.6600	Pinch point	16' 8"	YES	NONE
19	19	40.0842, -123.6592	Intersection of Harris Rd. and Bell Springs Rd.	23' 9"	N/A	NONE

The current average daily traffic (ADT) of the 2.1 mile section of Harris Road is estimated to be 64. There are 16 parcels located off of Harris Road, 4 of which are owned by the applicant. Based on 2 trips per day per parcel that access the subject segment of road, the current ADT was estimated to be 64. Anticipating the introduction of commercial agriculture to these parcels, we estimate the ADT may increase to 5 trips per day per parcel. If this estimate is projected to every parcel on this road segment, a max anticipated ADT would become 160. The designated road speed for Harris Road is 25 miles per hour (mph) (Humboldt County WebGIS), classifying it as a very low-volume road with low speeds (AASHTO, 2002). The AASHTO guidelines also suggest that rural very low-volume roads are traveled by drivers that are familiar with the road segments, which corresponds to even fewer auto accidents. The AASHTO guidelines suggest that existing, very low-volume roads with low speeds should not be modified except in cases where there is evidence of a site-specific safety problem. There is no evidence of a site-specific safety problem along the 2.1 miles of Harris Road.

Furthermore, the 2.1-mile section of Harris Road complies with all SRA Fire Safe Regulations. This includes roadway surfaces and appropriate turnouts provided no further than approximately 1,320 feet apart. All RPs are less than 1,320 feet apart.

If you have any questions, please contact me at (707) 798-6438.

Sincerely,

Praj White, P.E.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Journey Aquarian - Humboldt Kingz, LLC APN: 216-081-013, 216-135-015, 216-135-008 & 216-136-004

Planning & Building Department Case/File No.: 12121, 12124 & 12125

Road Name: Harris Rd. (complete a separate form for each road)

From Road (Cross street): Bell Springs Rd.

To Road (Cross street): Private Access Road

Length of road segment: 2.1 miles Date Inspected 10/10/2018

Road is maintained by: County Other Private
(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

12-7-18
Date

Praj White

Name Printed

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: Harris Road Date Inspected: 10/10/2018 APN: 216-081-013, 216-135-015, 216-135-008 & 216-
 From Road: Bell Springs Road (PM RP19) Planning & Building
 To Road: Unnamed Access Road (PM RP1) Department Case/File No.:
 12121, 12124 & 12125

1. What is the Average Daily Traffic of the road?

ADT: 64 to 160 Date(s) measured: 10/10/2018

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 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 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 increased traffic from the proposed use.
 The roadway can accommodate increased traffic from the proposed use 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



NorthPoint Consulting Group, Inc.
P.O. Box 44
Eureka, CA 95501
(707) 798-6438

December 7, 2018

RE: Journey Aquarian – Humboldt Kingz, LLC Road Evaluation Photographs
APN: 216-081-013, 216-135-015, 216-135-008 & 216-136-004
APPS# 12121, 12124 & 12125

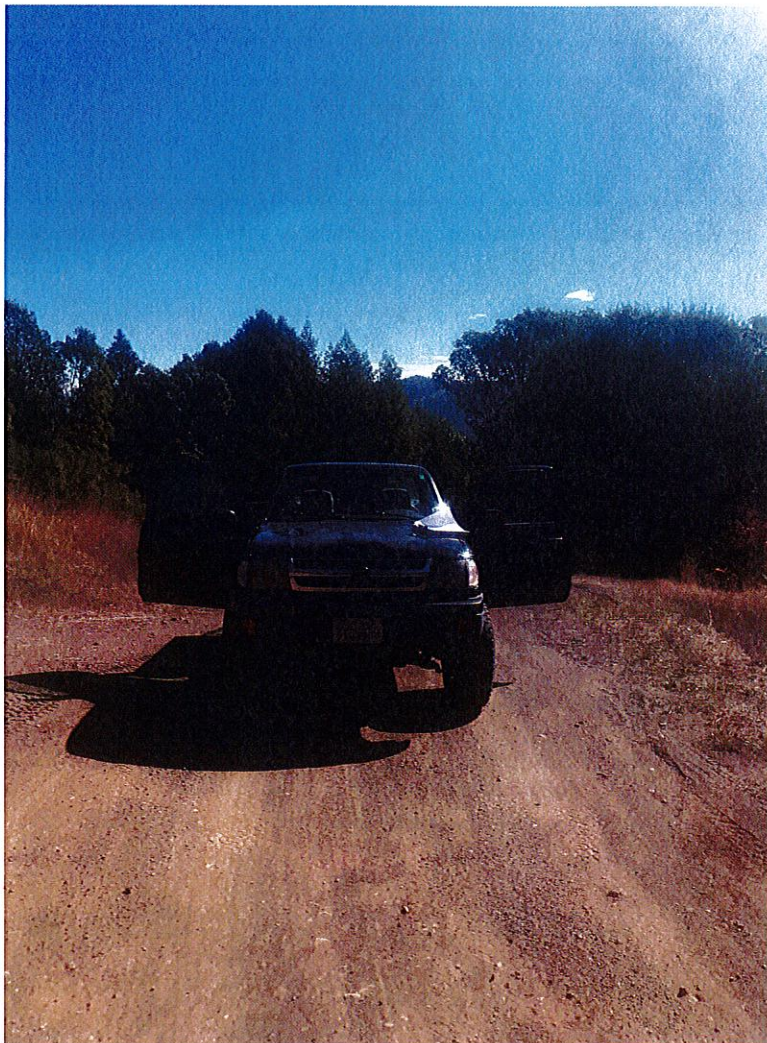


Figure 1: RP-1. Entrance to APN: 216-135-008. Road width: 21' 11".

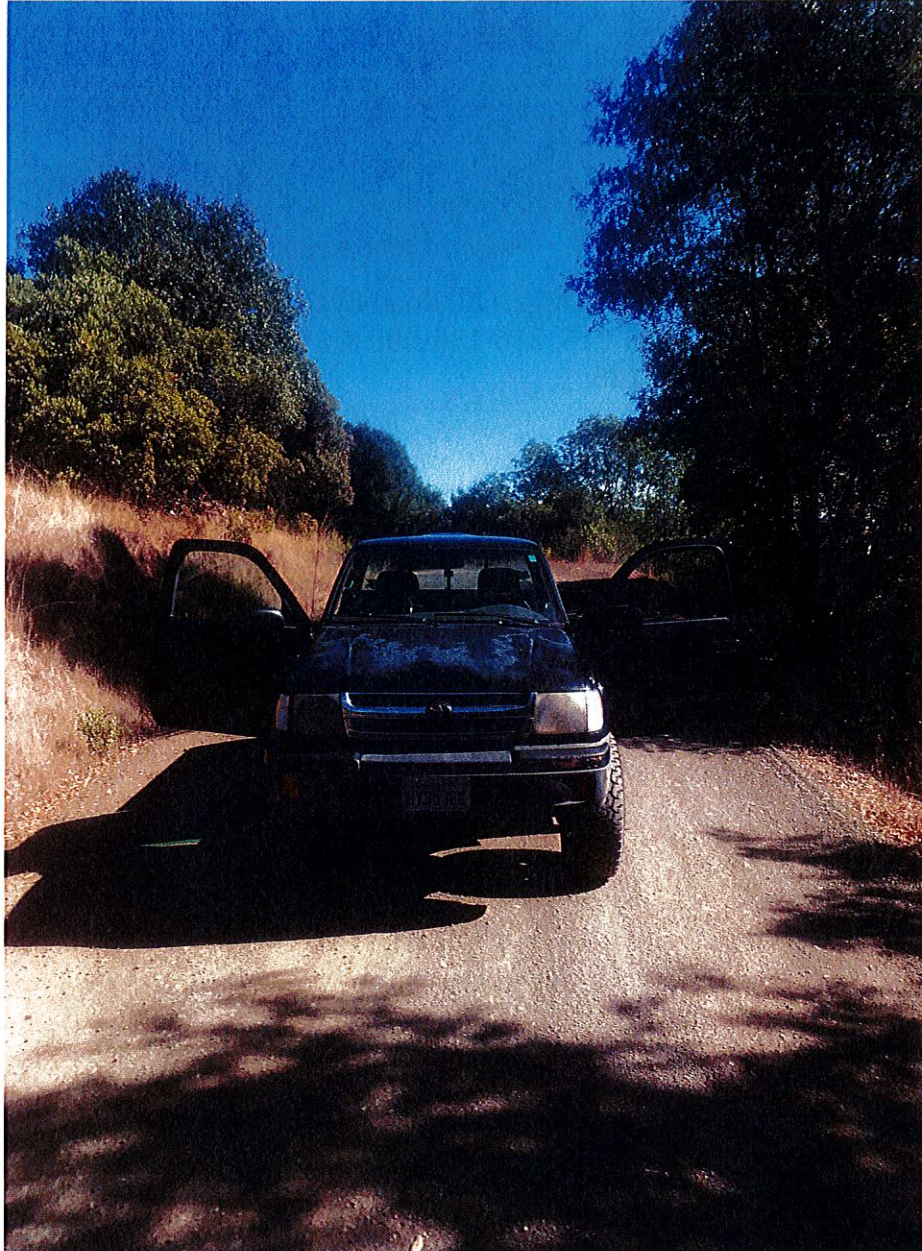


Figure 2: RP-2. Road width: 15' 10".

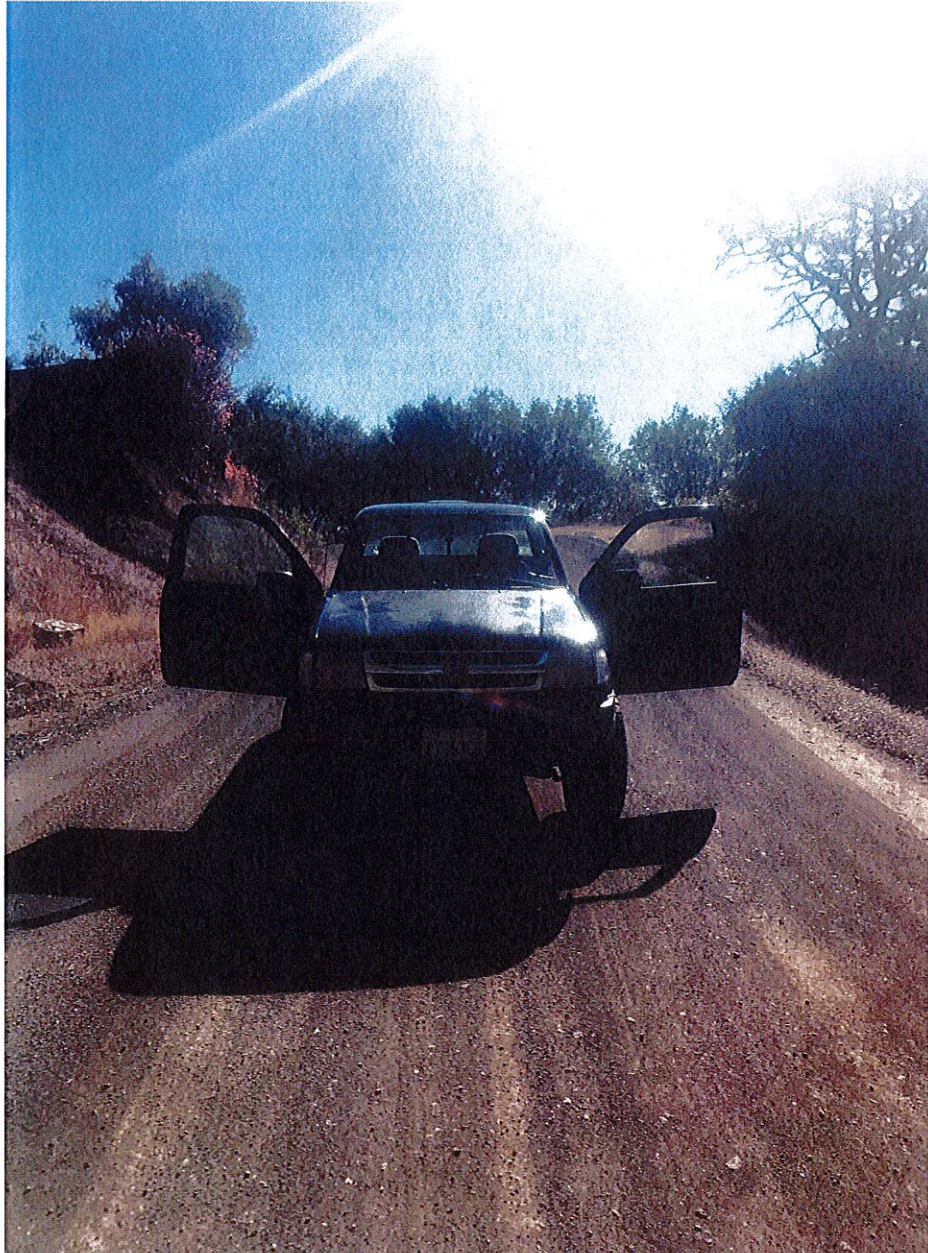


Figure 3: RP-3. Road width: 20' 0".

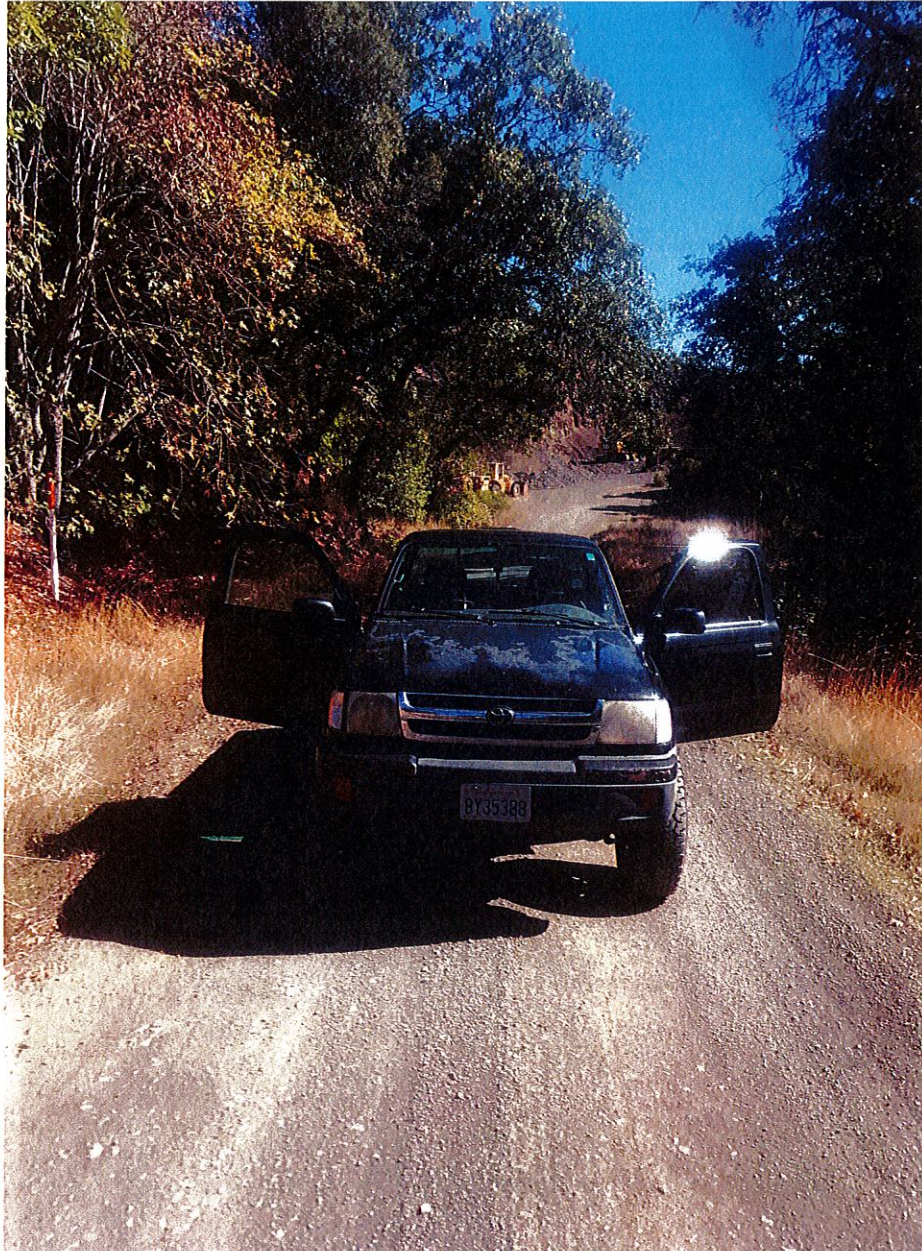


Figure 4: RP-4. Road width: 14' 0".



Figure 5: RP-5. Road width: 14' 10".



Figure 6: RP-6. Road width: 16' 11".



Figure 7: RP-7. Road width: 18' 0".



Figure 8: RP-8. Road width: 12'03". Turnout located at PR-9.



Figure 9: RP-9. Road width: 16' 14" with 7' 6" turnout.



Figure 10: RP-10. Road width: 11' 6".



Figure 11: RP-11. Road width: 15' 8".

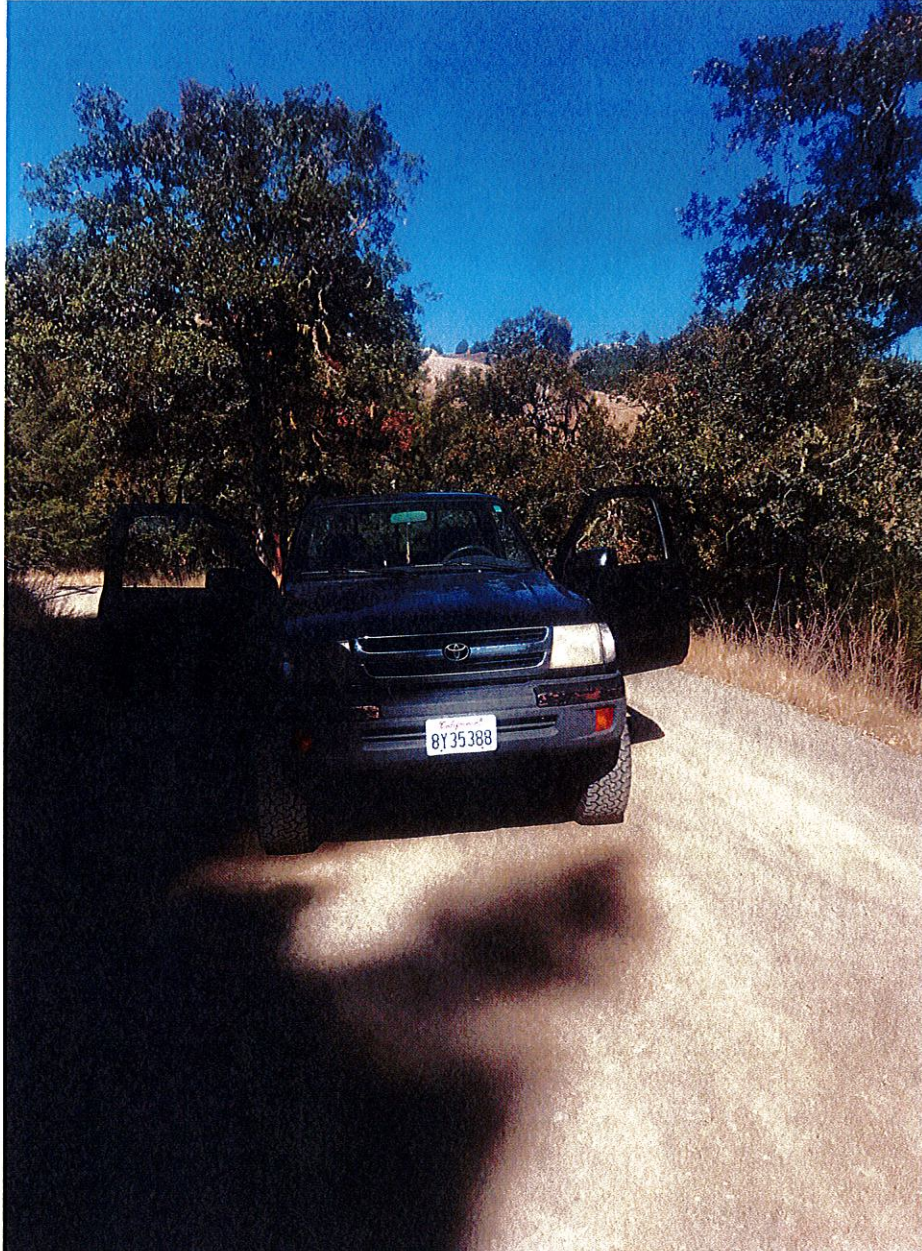


Figure 12: RP-12. Road width: 17' 4".



Figure 13: RP-13. Road width: 12' 3" at cattle guard.



Figure 14: RP-14. Road width: 15' 9".



Figure 15: RP-15. Road width: 15' 3".



Figure 16: RP-16. Road width: 11' 6".



Figure 17: RP-17. Road width: 14' 4".



Figure 18: RP-18. Road width: 16' 8".



Figure 19: RP-19. Intersection of Bell Springs Rd. and Harris Rd. Harris Rd. is paved for approximately 150 feet from the intersection of Bell Springs Rd. Road width: 23' 9".

JOURNEY AQUARIAN – HUMBOLDT KINGZ, LLC
RESTORATION PLAN
APN: 216-136-004 / 216-135-008

COMMERCIAL CANNABIS CULTIVATION FACILITIES

PREPARED FOR:



September 2018

**Restoration Plan
Journey Aquarian of Humboldt Kingz, LLC
APN # 216-135-008 / 216-136-004
Apps # 12125
CUP16-539**

Lead Agency:

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September 2018

1 Project Description

In September 2017, Journey Aquarian of Humboldt Kingz, LLC (formerly Myers and Aquarian, LLC) filed an application with Humboldt County Planning and Building Department for a Conditional Use Permit (CUP) for 43,560 sq. ft. of outdoor cannabis cultivation under Section 55.4.14 of the Commercial Medical Marijuana Land Use Ordinance (CMMLUO – Ord No. 2559). The application included the permitting of existing and proposed facilities appurtenant to the cultivation, including a building for drying and storage, and graded flats for cultivation.

Prior to January 1, 2016, there was over an acre of cannabis cultivation existing on-site located in multiple cultivation areas that varied in size over the years. Of the existing cultivation, 37,250 sq. ft. was verifiable utilizing aerial imagery (as reported in Humboldt County's Cultivation Area Verification). A Zoning Clearance Certificate Interim Permit has been issued to Humboldt Kingz, LLC for 37,250 sq. ft. of cultivation. The cultivation is located in seven areas across the eastern portion of the parcels (Areas A-G). Four of these areas (C, E, F, and G) need to be altered or removed entirely to comply with riparian setbacks and one area (A) needs to be altered due to proximity to the property line, as follows:

- Area A historically had approximately 7,000 sq. ft. of outdoor cultivation and light-deprivation cultivation in a 30' x 50' greenhouse. This greenhouse may be relocated to Area H or I due to proximity to the property boundary (boundary survey pending).
- Area B historically had approximately 4,000 sq. ft. of outdoor cultivation and can remain as-is.
- Area C historically had approximately 6,000 sq. ft. of outdoor cultivation and needs to be reduced to 2,700 sq. ft. to comply with a 50' riparian buffer off a Class III watercourse near the north side of the cultivation area.
- Area D historically had approximately 6,000 sq. ft. of outdoor cultivation and can remain as-is.
- Area E historically had approximately 2,800 sq. ft. of outdoor cultivation but is located entirely within a riparian setback from a Class III watercourse. All cultivation-related equipment will be completely removed from this area and the area will be restored with natural vegetation.
- Area F historically had approximately 7,500 sq. ft. of cultivation. This area is located entirely within 100' from a Class II watercourse and 50' from a Class III drainage. All cultivation-related equipment will be completely removed from this area and the area will be restored with natural vegetation.
- Area G historically had approximately 11,660 sq. ft. of cultivation and will be reduced to approximately 8,650 sq. ft. of cultivation (~6,400 sq. ft. in light-deprivation greenhouses) due to proximity to a Class III drainage.

The cultivation areas will be adjusted and relocated to proposed Area H and proposed Area I, described in-depth below. (H and I).

2 Site Description

2.1 Site Description Summary

The site is located off of Harris Rd., just north of the locality of Harris, CA (APNs 216-135-008, 216-136-004) and historically was used for ranching and grazing purposes. The subject property has a General Plan designation of Agricultural (AG) as identified by the Humboldt County General Plan and is zoned Agriculture Exclusive (AE-B-5-160). Land uses surrounding the parcel are comprised of agriculture,

timber, and scattered rural residences. The surrounding parcels are zoned Agricultural Exclusive (AE) and Timber Production Zone (TPZ).

The subject parcel is ~160 acres in size (both APNs are approximately 81 acres). A Determination of Status is currently under review to determine the legal status of these parcels. Several forks of Perington Creek enter the parcel from the west and flow easterly, with scattered springs and seeps. An on-stream ~10-million-gallon pond exists on-site. The botanical composition of the site is open grassland, mixed Douglas fir and upland hardwood forest, with dominant species including Douglas fir, black oak, Oregon white oak, and pacific madrone. Vegetation consists of open grasslands mixed with oak woodlands, manzanitas and mixed conifer, deciduous and riparian forest. The soils within the parcel consist predominantly of Yorknorth-Witherell complex (15-50% slopes), which are moderately well-drained silty clay loam soils.

2.2 Grading & Topography

The site has undulating topography ranging from less than 5% to greater than 35%. Disturbed areas are generally located within areas of less than 20%. Cultivation areas were constructed on naturally flat topographic benches and generally did not require much grading. Cultivation Area A was developed prior to 2009 and has natural slopes of less than 15%. Cultivation Areas B and E were developed between 2010 and 2011 and are both located on slopes less than 18%. Cultivation Areas C and F were developed between 2011 and 2013 and are both located on slopes less than 15%. Cultivation Areas G and D were developed in 2014 and are located on slopes of less than 15%.

2.3 Structures

There is no current or proposed residence on-site. Existing built infrastructure on this parcel includes a 24' x 60' metal building, two shipping containers, a tiny home, a portable toilet, and storage shed on a ~1,440 sq. ft. concrete slab.

2.4 Water Resources

Approximately 580,000 gallons of water is required to irrigate the 37,250 sq. ft. of cultivation. Water for irrigation is sourced from an estimated 6-million-gallon capacity on-stream pond. The pond is an unlined, approximately 6-million-gallon capacity pond that was constructed prior to 2004 for livestock and recreation purposes. An engineering inspection revealed no significant structural flaws or signs of dam failure. The pond has an existing 5'-wide cement spillway that conveys overflow toward the Class III drainage below, which is proposed to be maintained. The existing spillway allows for at least 1'-2' of freeboard. Three separate drainages drain into the pond under a well-maintained perimeter road that surrounds the pond. The applicant is applying for an onstream Small Irrigation Use Registration water right to be allowed to divert water out of this reservoir year-round. The pond is currently undergoing a multi-agency review to determine whether or not it will be allowed to be used for cultivation. The applicant may choose source water for cannabis from collected and stored rainwater or groundwater from a proposed groundwater well, if hydrologically disconnected.

In addition to the 6-million-gallon pond, this site currently has a total of 14,000 gallons in the form of plastic water storage tanks: three (3) x 2,500-gallon tanks, four (4) x 1,100-gallon tanks, and four (4) x 550-gallon capacity tanks.

Effective September 12, 2017, Journey Aquarian enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region*¹ (WDID Number 1B171713CHUM). A finalized Water Resource Protection Plan (WRPP) has been developed to satisfy conditions of the Tier 2 enrollment requirements of Order No. 2015-0023 (Order), which details Best Management Practices (BMPs) for cultivation area restoration.

3 Relocation Justification

As mentioned above, the existing cannabis cultivation on-site occurs in seven (7) separate cultivation areas. Due to riparian buffers and property boundary lines, the applicant is proposing to relocate approximately 12,000 sq. ft. of cultivation to two environmentally superior areas (Areas H and I).

Cultivation area H is located 200' from the nearest watercourse (Class II drainage) and Cultivation Area I is located over 100' from the nearest watercourse (Class II drainage). As stated in the Cannabis Cultivation Policy, disturbed areas located within riparian buffers are more likely to "discharge waste constituents to surface water"², which has the potential to impact water quality and/or aquatic life. Relocating cultivation out of riparian areas will help protect and restore the quality of the riparian area, which is beneficial for fish and wildlife habitat and well-being, human health, municipal, domestic, and agricultural water supply, and recreational purposes.

Cultivation Area H is located on an existing flat road in the east of the parcel with slopes less than 8% and Cultivation Area I is located on an historic logging terrace in the northwest of the parcel on slopes of less than 10%. Due to these shallow slopes, both areas will require minimal grading to relocate approximately 12,000 sq. ft. of cultivation. Neither area requires significant vegetation removal. Both areas are easily accessible from a wide, flat, graveled road in good condition that meets the equivalent of Category Four Road standards. Using this road to access the area and ceasing use of the steep road segments leading to existing cultivation areas will help reduce sediment transport from roadways to nearby watercourses.

4 Remediation Measures

All measures detailed below are to be carried out under the BMPs described in the Order. In general, all restoration work is to occur during the project work season from May 1st to October 15th unless a winter operating plan has been completed and implemented. Plant materials used shall be native to the site and ideally locally collected.

4.1 Removal of Existing Cultivation and Related Materials

Relocation includes removing all cannabis plants, irrigation systems, fencing, posts, water tanks, spoils piles, solar power pumps, cultivation waste, refuse, and any other cultivation-related materials from areas E and F, and from portions of Areas A, C, and G. Cultivation-related materials and water storage will be relocated to the Areas H and I. Refuse will be recycled or disposed of at the proper Waste Management Authority. Cultivation-related waste will be composted in the designated compost area

¹ https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/#_Waiver_of_Waste

² Cannabis Cultivation Policy, October, 2017. State Water Resources Control Board.

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html

located near the existing building, and soil will either be re-used or trucked offsite. Equipment for this Remediation Measure may include a trailer hitched to a truck.

Estimated Date of Completion: November 2019 (subject to change based on applicable permits)

4.2 Restoration of Cultivation Areas

While restoring these Cultivation Area, any non-native species will be removed and appropriately disposed of offsite. Appropriate sediment and erosion control measures will be used through the duration of the restoration process.

The ~3,000 sq. ft. of disturbed area in Area E will be revegetated with shrubs and trees to match the surrounding vegetation composition. The dominant overstory is characterized as madrone and the dominant understory is identified as manzanita. The following tree and shrub species were identified: Tanoak (*Notholithocarpus densiflorus*), White oak (*Quercus alba*), Pacific madrone (*Arbutus menziesii*), Blueblossom (*Ceanothus thyrsiflorus*), and Hoary Manzanita (*Arctostaphylos canescens*). species in the manzanita family (*Arctostaphylos*). Approximately ten (10) of the above trees will be planted in the area. A site visit revealed that native grasses were already naturally re-seeding the area to help stabilize the soil.

The ~8,000 sq. ft. of disturbed area in Area F will be revegetated with shrubs and trees to match the surrounding vegetation composition. As Area F is being relocated due to a Class II riparian buffer, the dominant overstory is characterized riparian hardwood trees and the dominant understory is manzanita and riparian shrubs. The following tree and shrub species were identified in the area: California bay (*Umbellularia californica*), Bigleaf Maple (*Acer macrophyllum*), Douglas Fir (*Pseudotsuga menziesii*), Pacific madrone (*Arbutus menziesii*), Tanoak (*Notholithocarpus densiflorus*), and Hoary Manzanita (*Arctostaphylos canescens*). Approximately 20 – 30 of the above trees will be planted in the area. To stabilize the exposed soil while the trees are growing, the area will be seeded with native California grass species (approximately 15 lbs. of "Habitat Mix" from Pacific Coast Seed, Inc. or similar seed medley, which contains Native California Brome (*Bromus carinatus*), Blue Wildrye (*Elymus glaucus*), California Barley (*Hordeum californicum*), Idaho Fescue (*Festuca idahoensis*), Purple Needlegrass (*Nassella pulchra*), and Pine Bluegrass (*Poa secunda*)).

Equipment and resources for this Restoration Measure may include a bulldozer, backhoe, grader, trailer, seedling trees and shrubs, seeds, and a dump truck.

Estimated Date of Completion: November 2019

5 Monitoring Plan

Monitoring of the revegetated areas shall occur annually for a minimum of 3 years after initial planting. Photos of the revegetated area shall be taken annually to review progress. Planted and volunteer native plants shall be counted by species and recorded (volunteer native species are included in the total plant count because they indicate that revegetation is occurring) and compared to the initial numbers of planted species. Monitoring results shall meet standard performance criteria³: At least a 90% planted

³ Based on CalTrans Revegetation Plans

Sample Plan at: http://www.dot.ca.gov/dist1/d1projects/albion/geotech_investigation_reveg_plan_12_9_16.pdf

species [or equivalent volunteer native species] survival rate during Year 1 monitoring, 80% during Year 2 monitoring, and 70% during Year 3. Monitoring shall occur between June and November annually.

6 Photos of Cultivation Areas



Cultivation Area A – Greenhouse proposed to be relocated



Cultivation Area B – to remain as-is



Cultivation Area C – to be reduced out of riparian setback



Cultivation Area D – to remain as-is



Cultivation Area E – to be removed out of riparian buffers and restored



Cultivation Area F – to be removed out of riparian setbacks and restored entirely



Cultivation Area G – to be altered out of 50' riparian setback



(Proposed) Cultivation Area H



(Proposed) Cultivation Area I

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division		No response	
Division Environmental Health	✓	Conditional Approval	On file
Public Works, Land Use Division		No response	
CalFire		No response	
Alderpoint Fire Protection District		No response	
Sheriff	✓	Comments	On file
California Department of Fish & Wildlife		No response	
Northwest Information Center		No response	
Bear River Band Rancheria	✓	Comments	On file and confidential
Southern Humboldt JT		No response	
North Coast Unified Air Quality Management District		No response	
North Coast Regional Water Quality Control Board		No response	
District Attorney		No response	
County Counsel		No response	
AG Commissioner		No response	
State Water Resources Control Board – Division of Water Rights		No response	