



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

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Hearing Date: January 20, 2022

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Kenneth Holland Special Permits**  
Record Number: PLN-13183-SP  
Assessor's Parcel Number (APN): 221-221-008  
7005 Crooked Prairie Road, Etnersburg area

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

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> January 20, 2022	<b>Subject</b> Special Permits	<b>Contact</b> Megan Marruffo
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**Project Description:** A Special Permit for 8,320 square feet (SF) of existing mixed light cannabis cultivation and 832 SF of ancillary propagation, for a total of 9,152 of onsite cultivation. Irrigation water is sourced from a Class II stream diversion. Existing available water storage is 57,300 gallons in fourteen (14) HDPE tanks, with an additional 30,000 gallons proposed, for a total of 87,300 gallons of onsite water storage. Estimated annual water usage is 126,200 gallons. Drying and curing occurs onsite with all other processing occurring offsite at a licensed processing or manufacturing facility. A maximum of four (4) people will be on-site during peak operations. Power is provided by a generator, with long-term plans to add solar and hydropower. Special Permits are also requested for development in the Streamside Management Area (SMA) related to continued use and maintenance of two (2) points of diversion for irrigation and future installation, use, and maintenance of hydropower infrastructure.

**Project Location:** The project is located in the Ettersburg area, on the north and south side of Crooked Prairie Road, approximately 0.8 miles southeast from the intersection of East Fork Road and Crooked Prairie Road, on the property known as 7005 Crooked Prairie Road.

**Present Plan Land Use Designations:** Residential Agriculture (RA40) Density: forty acres per dwelling unit, Slope Stability: Moderate instability (2).

**Present Zoning:** Unclassified (U)

**Record Number:** PLN-13183-SP

**Assessor's Parcel Number:** 221-221-008

**Applicant**

Kenneth Holland  
260 Landis Road  
Shelter Cove, CA 95589

**Owner**

Ferdinand Burkhart  
P.O. Box 2473  
Redway, CA 95560

**Agent**

Timberland Resource  
Consultants  
Dave Spinosa  
165 S. Fortuna Boulevard #4  
Fortuna, CA 95540

**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 Zoning Administrator Action:**

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

*Find that the Zoning Administrator 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 all of the required findings for approval of the Special Permits and adopt the Resolution approving the Kenneth Holland project as recommended by staff subject to the recommended conditions.*

**Executive Summary:** Kenneth Holland seeks a Special Permit to allow the continued cultivation of 8,320 square feet (SF) of existing mixed light cannabis cultivation and 832 SF of ancillary propagation, for a total of 9,152 SF of onsite 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). Special Permits are also requested for development in the Streamside Management Area (SMA) related to continued use and maintenance of two (2) points of diversion for irrigation and future installation, use, and maintenance of hydropower infrastructure. The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Unclassified (U). Mixed light cultivation occurs in the northern and central portions of the subject property within six (6) greenhouses. Ancillary propagation occurs within an additional greenhouse totaling 832 SF. Two (2) harvests are anticipated annually for a growing season that extends from January through October.

Drying and curing occurs onsite in a 600 SF (12'x50') structure located between the two cultivation areas. All other processing currently occurs offsite at a licensed processing or manufacturing facility. A maximum of four (4) people will be onsite during peak operations. Power is provided by one (1) 10-kilowatt (kW) generator, and there are long-term plans to add solar and hydropower. The operation is secured behind gated access and someone is typically onsite at all times.

**Propagation Area**

As noted above, ancillary propagation associated with the operation currently occurs in an 832 SF (8'x104') greenhouse located within Cultivation Area #2, north of the mixed light greenhouses. The nursery space equates to 10% of the cultivation area, which is what Planning staff and the Planning Commission have found allowable in the past. With the ancillary propagation space included, there is a total of 9,152 SF of onsite cultivation; however, based on the County's cultivation area verification, only 8,320 SF was in existence prior to the CMMLUO environmental baseline date of January 1, 2016. Because the parcel is zoned U, over 5 acres in size, and the existing cultivation is located on graded flats where the slope is less than 15%, new cultivation could be allowable on the subject parcel. Therefore, Planning staff supports allowing ancillary propagation up to 10% of the cultivation area (or 832 SF), for a total of 9,152 SF of onsite cultivation.

**Onsite Relocation and Remediation**

As described in the Site Management Plan (SMP; WDID 1\_12CC407765) prepared by Timberland Resource Consultants in April 2019 (Attachment 3; discussed further below under "Water Resources"), cultivation areas associated with Cultivation Areas A and B, in addition to cannabis-related materials and refuse, were found to be within a watercourse and required Streamside Management Area (SMA) buffers associated with Blue Slide Creek (Class I) and Class II and Class III watercourses. The SMP includes various recommendations to further protect water quality and bring the project into compliance with required standards, including but not limited to gathering and properly dispose of refuse, relocating cultivated-related infrastructure outside of the required riparian setbacks, and removing the unused

point of diversion and associated poly-pipe located within a watercourse. As described further below, the project is conditioned to implement all remaining corrective actions detailed in the SMP to minimize any potential impacts associated with the project and minimize runoff into nearby SMAs, which includes relocating all cultivation-related infrastructure outside of the required SMA setbacks. The applicant is proposing relocation of the cultivation areas currently located within the required SMA setbacks, with specific existing and proposed relocation areas depicted on the Site Plan. A condition of approval is included to require preparation of a Remediation Plan, detailing how the former cultivation areas will be remediated, as well as compliance with the plan.

### **Timber Conversion**

Based on review of historic aerial imagery dating back to 2004, the subject property contains several existing open areas; however, it appears timber conversion has occurred onsite in order to accommodate the existing greenhouses and associated infrastructure. The California Department of Forestry and Fire Protection (CAL FIRE) provided comments in July 2019, where it was noted that "CAL FIRE cannot support the project due to unpermitted conversion activities on the property."

A Timber Conversion Evaluation was prepared by Timberland Resource Consultants in July 2020, in which it was noted that approximately 0.5 acres of unauthorized timberland conversion for cultivation-related purposes occurred on the subject property between 1998 and 2009, 2009 and 2010, 2020 and 2012, and 2014 and 2016, which is below the three-acre conversion exemption maximum. It is further noted in the Report that most slash and woody debris generated from the conversion activities have already been treated, but some scattered slash piles and woody debris remain, including along a Class III watercourse. In addition, the subject property is located within a Zone of Infestation (ZOI) for Sudden Oak Death (SOD), and evidence of oak mortality associated with SOD was observed onsite. Some infected trees have been felled yet remain onsite, and present a fire hazard, requiring slash treatment. The remaining infected trees that have not been properly removed "will likely die and topple over and their removal is recommended to minimize hazard." As the conversion activities conducted on the property do not comply with the standards set forth in the California Forest Practice Act and the California Forest Practice Rules, two (2) recommendations are included in the Report to bring the project into compliance, including treatment of all slash piles and woody debris as soon as possible by burying, chipping and spreading, piling and burning, or removal from the site; and treatment of SOD-infected felled trees. It is noted that any standing trees deemed a hazard may be harvested, but require subsequent treatment for hazard reduction. The project is conditioned to require the applicant implement any remaining corrective actions detailed in the Timber Conversion Evaluation and provide a statement from a registered professional forester (RPF) that all work was completed in compliance with the Report upon completion.

A copy of the Timber Conversion Evaluation was provided to CAL FIRE for review and comment on December 16, 2021. A response was received from CAL FIRE on December 16, 2021, which confirmed that since their original comments provided in July 2019, the applicant has submitted a timberland conversion evaluation report, and, in doing so, has fulfilled the requirements of the County's CMMLUO. A copy of Planning staff's correspondence with CAL FIRE in December 2021 is included in Attachment 4.

### **Water Resources**

Estimated annual water usage is 126,200 gallons (15.17 gal/SF). Water for irrigation is provided by a stream diversion from an unnamed stream, which is a tributary to Blue Slide Creek (a Class I watercourse). A *Right to Divert and Use Water*, issued by the State Water Resources Control Board (SWRCB) in July 2018 (Registration No. H500635, Certificate No. H100127; Attachment 3), includes two (2) stream diversions; however, only one (1) of the water diversions is currently utilized for irrigation. Per the water right, the water appropriated shall not exceed 0.45 acre-feet (146,632.9 gallons) per year and the total storage capacity shall not exceed 0.52 acre-feet (169,442.5 gallons). The total estimated annual water usage (126,200 gallons) is approximately 86.07% of the appropriated amount allowed under the water right. Currently, there is 57,300 gallons of onsite water storage in fourteen (14) HDPE tanks ranging in size

between 1,300 and 5,000 gallons, with two (2) tanks dedicated to domestic use and fire suppression. An additional 30,000 gallons of water storage in six (6) 5,000-gallon tanks is proposed, for a total of 87,300 gallons of onsite water storage. Total water storage (including the amount proposed) is under the maximum allowed under the water right. Conditions of approval require the applicant to continue to comply with the requirements of the Right to Divert and Use Water.

In addition, a Final Streambed Alteration Agreement (Final SAA) was issued by the California Department of Fish and Wildlife (CDFW) in September 2016 (Notification No. 1600-2016-0311-R1; Attachment 3), which includes one (1) encroachment – a water diversion from a Class II stream for domestic use and irrigation. Work for the project includes use and maintenance of the water diversion infrastructure. Per the Final SAA, the amount of water diverted is required to be reduced to a maximum of 150 gallons per day between May 15 to October 15. Based on the amount of water storage available onsite, Planning staff concludes there is sufficient water storage available to meet this requirement. Conditions of approval require the applicant to comply with the requirements established under the Final SAA and to monitor water use from the stream diversion and storage tanks annually to demonstrate there is sufficient water available to meet operational needs.

Several watercourses traverse the subject property. Per review of the County's GIS and as depicted on the Site Plan with respective SMA buffers, Blue Slide Creek (a Class I watercourse) traverses the western and southern portions of the site. In addition, several additional Class II and Class III watercourses are depicted within the northern, western, and eastern portions of the site on the Site Plan, although not depicted on the County's GIS portal. As shown on the Site Plan, portions of three (3) existing greenhouses are shown to be within the SMA buffers, which are proposed for relocation outside of the required setbacks. Conditions of approval require relocation of cannabis-related features outside of the SMA and to a previously disturbed area without the use of heavy machinery.

As previously described, the project also includes Special Permits for development in the Streamside Management Area (SMA) related to continued use and maintenance of two (2) points of diversion for irrigation and future installation, use, and maintenance of hydropower infrastructure. Only one (1) point of diversion is currently utilized; however, the *Right to Divert and Use Water* covers two (2) separate points of diversion. The applicant proposes utilization of the second point of diversion for hydropower, including installation, use, and maintenance of associated infrastructure, at the location of an existing waterfall on an onsite watercourse. The applicant will be required to obtain all necessary permits from applicable regulatory agencies for the proposed onsite hydropower. By adhering to forbearance periods and ensuring the diversion and hydropower infrastructure are designed to minimize impacts to aquatic species, Planning staff supports approval of the Special Permits as impacts to the SMA will be minimized.

A Site Management Plan (SMP; WDID 1\_12CC407765) was prepared for the site by Timberland Resource Consultants in April 2019 (Attachment 3), which details existing site conditions, how the property is or will meet the provisions and requirements of the Cannabis General Order, how the applicant is implementing the best practicable treatment or control (BPTC) measures listed in the Cannabis General Order, and remediation efforts needed to bring the operation into compliance. As noted in the SMP, "sections of disturbed area" and cultivation areas associated with Cultivation Areas A and B, in addition to windblown and discarded cultivation-related wastes, legacy refuse, new and used fertilizer containers, cultivation-related poly-pipe associated with an unused surface water diversion, a 500-gallon fuel tank, portable generator and two unused generators, enclosed cargo van, and potting soil, was found to be within a watercourse and riparian setbacks of Blue Slide Creek (Class I) and Class II and Class III watercourses. No irrigation runoff, or evidence of such runoff, was observed at any of the cultivation areas. However, the use of monofilament plastic trellis netting and fencing was observed during the site assessment. The SMP identifies thirty-four (34) treatment recommendations to further protect water quality and bring the project into compliance with required standards, including but not limited to: upgrade existing culverts, installation of rolling dips and rock-lined catchment basin, regrade road surface and rock the access road, provide secondary containment, gather and properly dispose of refuse, relocate cultivated-related infrastructure outside of the required riparian setbacks, and remove unused point of diversion and associated poly-pipe. The project is conditioned to implement all

remaining corrective actions detailed in the SMP to minimize any potential impacts associated with the project and minimize runoff into nearby SMAs.

### **Biological Resources**

Per review of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) in November 2021, the site is mapped within potential habitat for the southern torrent salamander (*Rhyacotriton variegatus*), and the nearest Northern Spotted Owl (NSO) positive sighting and activity center are located approximately 2.14 and 2.55 miles from the nearest cultivation area, respectively. Power to the site is provided by a generator, which, per the Cultivation and Operations Plan (Attachment 3), is estimated to be utilized for 16 hours per day between April and May, and for 14 hours per day from June through September. The applicant has long-term plans to add solar and hydropower. The conditions of approval require the applicant to implement noise and light attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

A Biological Assessment for the site was prepared by Timberland Resource Consultants, date stamp received June 1, 2019 (on file and confidential). The site assessment was conducted on February 15, 2019. Terrestrial habitats present within the biological assessment are consist of mixed hardwood conifer timberlands, and riparian corridors were observed to be a mixture of upland and riparian vegetation. Riverine habitat within the assessment area includes perennial (Class I), intermittent (Class II), and ephemeral (Class III) watercourses. Per the Report, there are multiple sensitive wildlife resources mapped in the approximate location of the assessment area. In addition, it is noted that "improperly stored cultivation soils were observed [near] potentially hydrologically connected to watercourses during the site visit. Road surfaces on property were saturated and eroding. Improperly stored fuel and large amounts of trash were also observed on-site. These site conditions pose a risk of adversely impacting water quality, aquatic habitat, aquatic wildlife, and terrestrial wildlife through the potential discharge of pollutants including but not limited to sediment, nutrients, fuels, and trash." Further, it is noted that the "cultivation site in its current configuration presents a high risk of nutrient and sediment discharge to Blue Slide Creek." The project area encroaches on the riparian buffer setback of Blue Slide Creek and two ephemeral tributaries (Class III) to Blue Slide Creek. Refuse was observed within the riparian setbacks. It is noted in the Report that the applicant indicated they have been making progress to clear up the property and multiple fifth wheel trailers have been removed from the site since it was acquired in 2015. Several recommendations are included in the Biological Assessment to assure potential impacts on sensitive biological resources are minimized. The project is conditioned to implement all remaining recommendations contained in the Biological Assessment.

### **Access**

Access to the site is via a driveway off Crooked Prairie Road (a private road, which traverses the site) via Blue Slide Creek Road and China Creek Road (private roads) to Briceland-Thorne Road. Briceland Thorn Road is a County-maintained road that has been approved by the Department of Public Works for use by commercial cannabis operations. Road Evaluation Reports for a 1.35-mile segment of China Creek Road from Briceland Thorn Road to Blue Slide Creek Road, a 3.05-mile segment of Blue Slide Creek from China Creek Road to Crooked Prairie Road, and for a 0.5-mile segment of Crooked Prairie Road from Blue Slide Creek Road to the subject property were prepared by the applicant's agent in December 2021 (Attachment 3), which indicate that the roadways meet a Category 4 road equivalent standard and are adequate for the proposed use. The submitted road evaluation included sufficient photographic evidence to verify the roadway condition as described, including roadway width and line of sight. Per referral comments received from the Department of Public Works, Land Use Division, dated July 2019, any existing or proposed non-County maintained road to serve as access for the proposed project that connects to a County-maintained road shall be improved to current standards for a commercial driveway, and, as a result, the access road (China Creek Road Road) shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Briceland Thorn Road). Additionally, all driveways and private road intersections onto the County road shall be

maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). Conditions of approval require the applicant to make the required roadway improvements in accordance with Public Works' comments.

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 204 permits and the total approved acres would be 72.5 acres of cultivation.

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

Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

**Alternatives:** Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT  
Resolution Number: 22-  
Record Number: PLN-13183-SP  
Assessor's Parcel Number: 221-221-008**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Kenneth Holland Special Permits request.**

**WHEREAS, Kenneth Holland** submitted an application and evidence in support of approving a Special Permit for an existing 8,320 square foot (SF) mixed light cannabis cultivation and 832 SF of ancillary propagation, for a total of 9,152 SF of onsite cultivation. Irrigation water is sourced from a Class II stream diversion. Existing available water storage is 57,300 gallons in fourteen (14) HDPE tanks, with an additional 30,000 gallons proposed, for a total of 87,300 gallons of onsite water storage. Estimated annual water usage is 126,200 gallons. Drying and curing occurs onsite with all other processing occurring offsite at a licensed processing or manufacturing facility. A maximum of four (4) people will be on-site during peak operations. Power is provided by a generator, with long-term plans to add solar and hydropower. Special Permits are also requested for development in the Streamside Management Area (SMA) related to continued use and maintenance of two (2) points of diversion for irrigation and future installation, use, and maintenance of hydropower infrastructure; and

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

**WHEREAS,** the Humboldt County Zoning Administrator held a duly-noticed public hearing on January 20, 2022, and reviewed, considered, and discussed the application for Special Permits, and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED,** that the Zoning Administrator makes all the following findings:

- 1. FINDING:**                    **Project Description:** The application is a Special Permit for an existing 8,320 square foot (SF) mixed light cannabis cultivation and 832 SF of ancillary propagation, for a total of 9,152 SF of onsite cultivation. Irrigation water is sourced from a Class II stream diversion. Existing available water storage is 57,300 gallons in fourteen (14) HDPE tanks, with an additional 30,000 gallons proposed, for a total of 87,300 gallons of onsite water storage. Estimated annual water usage is 126,200 gallons. Drying and curing occurs onsite with all other processing occurring offsite at a licensed processing or manufacturing facility. A maximum of four (4) people will be on-site during peak operations. Power is provided by a generator, with long-term plans to add solar and hydropower. Special Permits are also requested for development in the Streamside Management Area (SMA) related to continued use and maintenance of two (2) points of diversion for irrigation and future installation, use, and maintenance of hydropower infrastructure.

**EVIDENCE:**                a) Project File: PLN-13183-SP

- 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 Site Management Plan (WDID 1\_12CC407765) was prepared for the site by Timberland Resource Consultants in April 2019 and a Notice of Application has been provided by the applicant to show compliance with the State Water Board Cannabis General Order for Waste Discharge. Conditions of approval require the applicant to adhere to and implement the recommendations in the Site Management Plan and maintain enrollment in the State Cannabis Cultivation Policy for the life of the project.
- d) California Department of Fish and Wildlife Resource Maps indicate the site is mapped within potential habitat for the southern torrent salamander (*Rhyacotriton variegatus*). A review of the California Natural Diversity Database (CNDDDB) Spotted Owl Observation Database in November 2021 showed that Northern Spotted Owl habitat exists in the vicinity and the nearest Northern Spotted Owl (NSO) positive sighting and activity center are located approximately 2.14 and 2.55 miles from the nearest cultivation area, respectively. Power to the site is provided by a generator, which, per the Cultivation and Operations Plan (Attachment 3), is estimated to be utilized for 16 hours per day between April and May, and for 14 hours per day from June through September. The applicant has long-term plans to add solar and hydropower. Conditions of approval will require the generator to be contained and noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.

A Biological Assessment for the site was prepared by Timberland Resource Consultants, date stamp received June 1, 2019 (on file and confidential). The site assessment was conducted on February 15, 2019. Terrestrial habitats present within the biological assessment are consist of mixed hardwood conifer timberlands, and riparian corridors were observed to be a mixture of upland and riparian vegetation. Per the Report, there are multiple sensitive wildlife resources mapped in the approximate location of the assessment area. In addition, it is noted that site conditions were observed which "pose a risk of adversely impacting water quality, aquatic habitat, aquatic wildlife, and terrestrial wildlife through the potential discharge of pollutants including but not limited to sediment, nutrients, fuels, and trash" and that the "cultivation site in its current configuration presents a high risk of nutrient and sediment discharge to Blue Slide Creek." The project area encroaches on the riparian buffer setback of Blue Slide Creek and two ephemeral tributaries (Class III) to Blue Slide Creek, with refused observed within the riparian setbacks. It is noted in the Report that the applicant indicated they have been making progress to clear up the property. Several recommendations are included in the Biological Assessment to assure potential impacts on sensitive biological resources are minimized. The project is conditioned to implement all remaining recommendations contained in the Biological Assessment, and relocate all cultivation-related

infrastructure outside of required SMA setbacks to minimize any potential impacts on sensitive biological resources.

- e) Based on review of historic aerial imagery dating back to 2004, the subject property contains several existing open areas. However, it appears timber conversion has occurred onsite in order to accommodate the existing greenhouses and associated infrastructure.

A Timber Conversion Evaluation was prepared by Timberland Resource Consultants in July 2020, in which it was noted that approximately 0.5 acres of unauthorized timberland conversion for cultivation-related purposes occurred on the subject property between 1998 and 2009, 2009 and 2010, 2020 and 2012, and 2014 and 2016, which is below the three-acre conversion exemption maximum. It is further noted in the Report that most slash and woody debris generated from the conversion activities have already been treated, but some scattered slash piles and woody debris remain, including along a Class III watercourse. In addition, the subject property is located within a Zone of Infestation (ZOI) for Sudden Oak Death (SOD), and evidence of oak mortality associated with SOD was observed onsite. Some infected trees have been felled yet remain onsite, and present a fire hazard, requiring slash treatment. The remaining infected trees that have not been properly removed "will likely die and topple over and their removal is recommended to minimize hazard." As the conversion activities conducted on the property do not comply with the standards set forth in the California Forest Practice Act and the California Forest Practice Rules, two recommendations are included in the Report to bring the project into compliance, including treatment of all slash piles and woody debris as soon as possible by burying, chipping and spreading, piling and burning, or removal from the site; and treatment of SOD-infected felled trees. It is noted that any standing trees deemed a hazard may be harvested, but require subsequent treatment for hazard reduction. The project is conditioned to require the applicant implement any remaining corrective actions detailed in the Timber Conversion Evaluation and provide a statement from a registered professional forester (RPF) that all work was completed in compliance with the Report upon completion.

- f) The Cultural Resources referral process carried out by staff concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol, which is included as an ongoing condition of approval.
- g) Road Evaluation Reports for a 1.35-mile segment of China Creek Road from Briceland Thorn Road to Blue Slide Creek Road, a 3.05-mile segment of Blue Slide Creek from China Creek Road to Crooked Prairie Road, and for a 0.5-mile segment of Crooked Prairie Road from Blue Slide Creek Road to the subject property were prepared by the applicant's agent in December 2021, which indicate that the roadways meet a Category 4 road equivalent standard and are suitable for safe access to and from the site. Conditions of approval require the applicant to obtain an encroachment permit from the Department of Public Works and improve the intersection of China Creek Road and Briceland Thorn Road to commercial driveway standards, as well as maintain all driveways and private road intersections onto the County road in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

#### **FINDINGS FOR SPECIAL PERMITS**

- 3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
- EVIDENCE**
- a) General agriculture is a use type permitted in the Residential Agriculture (RA) 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 U zone in which the site is located.
- EVIDENCE**
- a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
  - b) All general agricultural uses are principally permitted in the U zone.
  - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis and up to 10,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 8,320 square feet of mixed light cultivation on a 34.42-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
  - d) Staff is supportive of continued use of the stream diversion for irrigation use, as proposed, since measures are in place to protect resources and minimize potential impacts. Conditions of approval require the applicant to adhere to and implement the projects and recommendations contained in the Final SAA and provide evidence to the Planning Department that the projects included in the Final SAA are completed to the satisfaction of CDFW. Conditions of approval also require the applicant to adhere to the terms and conditions of the Right to Use and Divert Water issued by the State Water Resources Control Board (SWRCB).
- Under the project, the applicant proposes utilization of the second point of diversion for hydropower, including installation, use, and maintenance of associated infrastructure, at the location of an existing waterfall on an onsite watercourse. The applicant will be required to obtain all necessary permits from applicable regulatory agencies for the proposed onsite hydropower.
- By implementing permit conditions from the SWRCB, CDFW, and any additional applicable regulatory agencies associated with the future hydropower project component, impacts to the SMA are and will be minimized.
- 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 U (HCC 314-55.4.8.2.2).
  - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by deed

recorded November, 7, 1967, before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.

- c) Water for irrigation is provided by a stream diversion from an unnamed stream, which is a tributary to Blue Slide Creek (a Class I watercourse). A *Right to Divert and Use Water*, issued by the State Water Resources Control Board (SWRCB) in July 2018 (Registration No. H500635, Certificate No. H100127; Attachment 3), includes two (2) stream diversions; however, only one (1) of the water diversions is currently utilized. Per the water right, the water appropriated shall not exceed 0.45 acre-feet (146,632.9 gallons) per year and the total storage capacity shall not exceed 0.52 acre-feet (169,442.5 gallons). The total estimated annual water usage (126,200 gallons) is approximately 86.07% of the appropriated amount allowed under the water right. Currently, there is 57,300 gallons of onsite water storage in fourteen (14) HDPE tanks ranging in size between 1,300 and 5,000 gallons, with two (2) tanks dedicated to domestic use and fire suppression. An additional 30,000 gallons of water storage in six (6) 5,000-gallon tanks is proposed, for a total of 87,300 gallons of onsite water storage. Total water storage (including the amount proposed) is under the maximum allowed under the water right. Conditions of approval require the applicant to continue to comply with the requirements of the Right to Divert and Use Water.
- d) Road Evaluation Reports for a 1.35-mile segment of China Creek Road from Briceland Thorn Road to Blue Slide Creek Road, a 3.05-mile segment of Blue Slide Creek from China Creek Road to Crooked Prairie Road, and for a 0.5-mile segment of Crooked Prairie Road from Blue Slide Creek Road to the subject property was prepared by the applicant's agent in December 2021, which indicate that the roadways meet a Category 4 road equivalent standard and are functionally appropriate for the expected traffic. Conditions of approval require the applicant to obtain an encroachment permit from the Department of Public Works and improve the intersection of China Creek Road and Briceland Thorn Road to commercial driveway standards, as well as maintain all driveways and private road intersections onto the County road in accordance with County Code Section 341-1 (Sight Visibility Ordinance).
- e) The slope of the land where cannabis will be cultivated is less than 25% as described by the Site Management Plan prepared by Timberland Resource Consultants dated April 19, 2019.
- f) Based on review of historic aerial imagery dating back to 2004, the subject property contains several existing open areas. However, it appears timber conversion has occurred onsite in order to accommodate the existing greenhouses and associated infrastructure.

A Timber Conversion Evaluation was prepared by Timberland Resource Consultants in July 2020, in which it was noted that approximately 0.5 acres of unauthorized timberland conversion for cultivation-related purposes occurred on the subject property between 1998 and 2009, 2009 and 2010, 2020 and 2012, and 2014 and 2016, which is below the three-acre conversion exemption maximum. It is further noted in the Report that most slash and woody debris generated from the conversion activities have already been treated, but some scattered slash piles and woody debris remain, including along a Class III watercourse. In addition, the subject property is located within a Zone of Infestation (ZOI) for Sudden Oak Death

(SOD), and evidence of oak mortality associated with SOD was observed onsite. Some infected trees have been felled yet remain onsite, and present a fire hazard, requiring slash treatment. The remaining infected trees that have not been properly removed "will likely die and topple over and their removal is recommended to minimize hazard." As the conversion activities conducted on the property do not comply with the standards set forth in the California Forest Practice Act and the California Forest Practice Rules, two recommendations are included in the Report to bring the project into compliance, including treatment of all slash piles and woody debris as soon as possible by burying, chipping and spreading, piling and burning, or removal from the site; and treatment of SOD-infected felled trees. It is noted that any standing trees deemed a hazard may be harvested, but require subsequent treatment for hazard reduction. The project is conditioned to require the applicant implement any remaining corrective actions detailed in the Timber Conversion Evaluation and provide a statement from a registered professional forester (RPF) that all work was completed in compliance with the Report upon completion.

- g) 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, public park or Tribal Cultural Resource.

**6. FINDING**

The cultivation of 8,320 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) The site is located on road that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 30 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a diversion from an unnamed stream that is a tributary to Blue Slide Creek, which is both included under a Right to Divert and Use Water, issued by the State Water Resources Control Board (SWRCB) in July 2018 (Registration No. H500635, Certificate No. H100127).
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

**7. FINDING**

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

**EVIDENCE**

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element and does is currently developed with an existing

residence. The approval of cannabis cultivation on this parcel will not conflict with the ability for the existing residence to continue to be utilized on this parcel.

**8. FINDING**

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

**EVIDENCE**

- a) The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 204 permits and the total approved acres would be 72.5 acres of cultivation.

**DECISION**

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

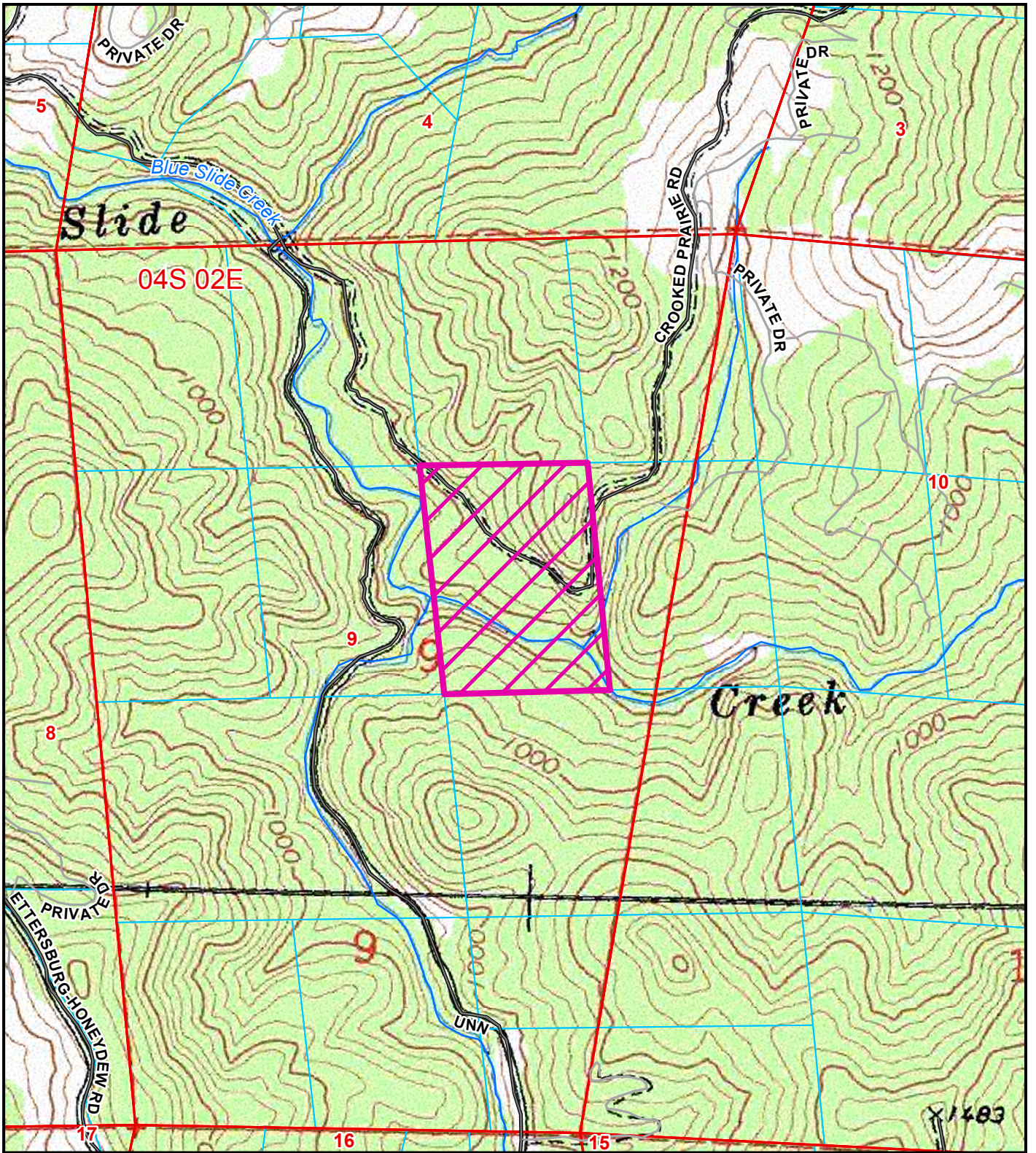
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permits for Kenneth Holland, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on January 20, 2022.

I, John Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

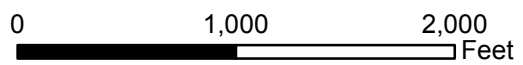
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John H. Ford Zoning Administrator,  
Planning and Building Department

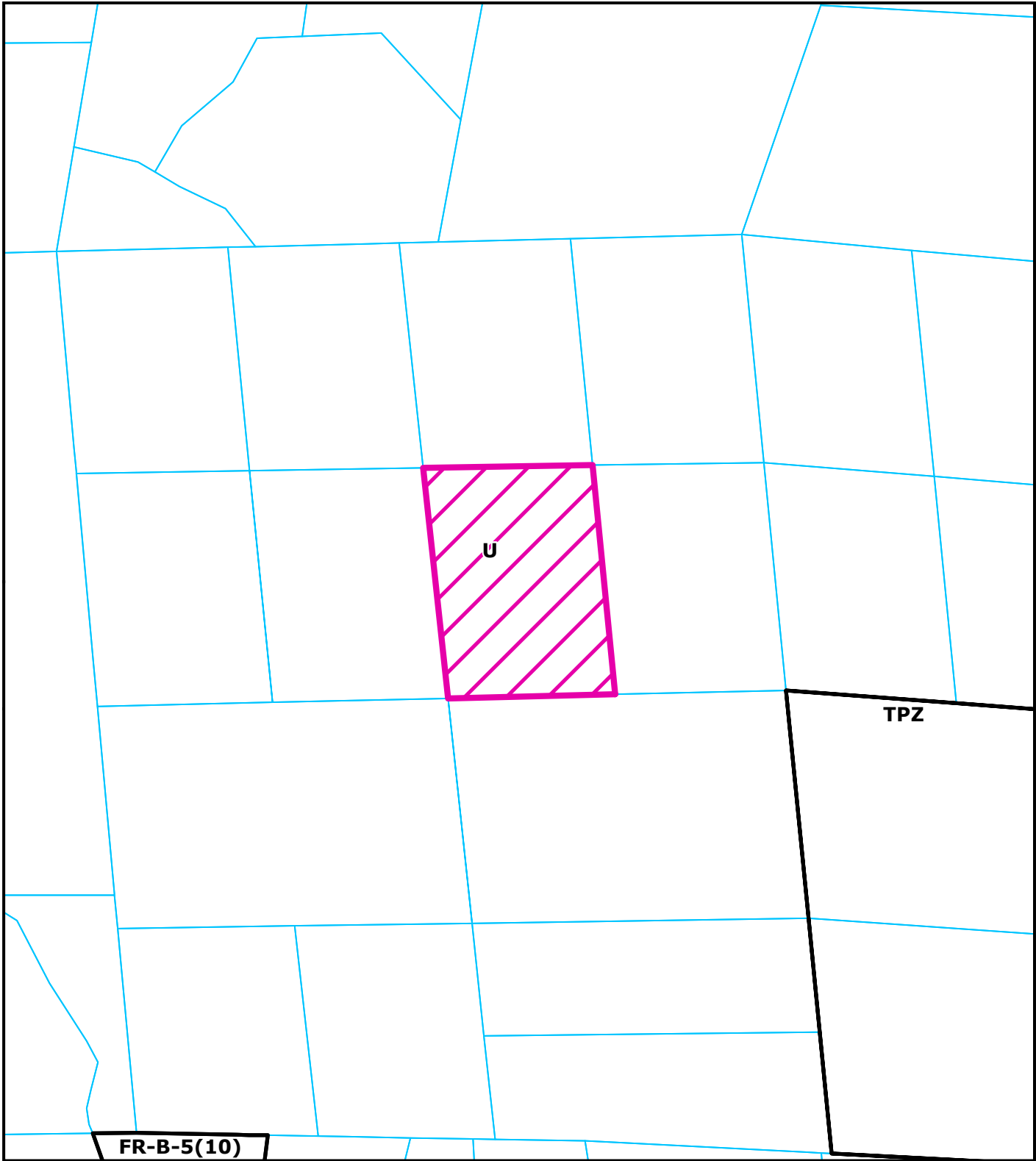


**TOPO MAP**  
**PROPOSED SEAN MOYNIHAN**  
**ETTERSBURG AREA**  
**SP-16-803**  
**APN: 221-221-008-000**  
**T04S R02E S9 HB&M (ETTERSBURG)**

Project Area =



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

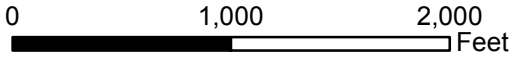


Project Area = 

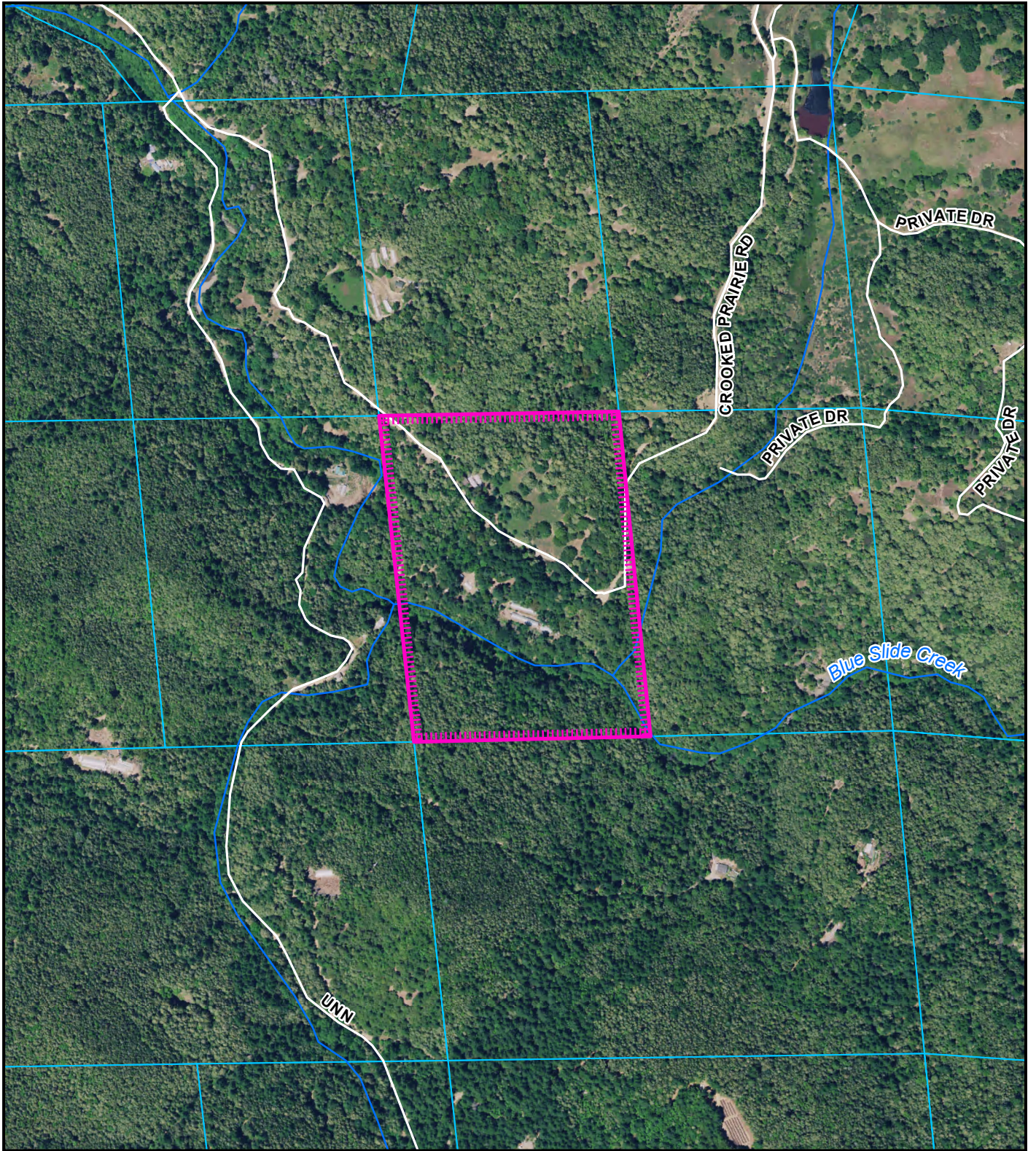
**ZONING MAP**  
**PROPOSED SEAN MOYNIHAN**  
**ETTERSBURG AREA**  
**SP-16-803**  
**APN: 221-221-008-000**  
**T04S R02E S9 HB&M (ETTERSBURG)**



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.





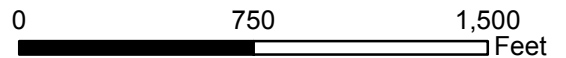


Project Area = 

**AERIAL MAP**  
**PROPOSED SEAN MOYNIHAN**  
**ETTERSBURG AREA**  
**SP-16-803**  
**APN: 221-221-008-000**  
**T04S R02E S9 HB&M (ETTERSBURG)**












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.



# Site Plan

APN 221-221-008

-  Property Boundary
-  Disturbed Area within Riparian Zone
-  Cultivation Area
-  Cultivation Area To Be Relocated
-  Relocation Area
-  Nursery
-  Structure
-  Riparian Buffer
-  Turnaround

-  Class I Watercourse
-  Class II Watercourse
-  Class III Watercourse
-  Permanent Road
-  Seasonal Road
-  Legacy Road
-  Point of Diversion
-  Water Tank

Project Information:  
 Applicant/Property Owner:  
 Kenneth Holland  
 Parcel Size: 34 acres  
 APN(s): 221-221-008  
 APPS #: 13183  
 Zoning: U  
 Cultivation Area: 8,320 SqFt

Directions: The project is located in Humboldt County, in the Ettersburg area, on the North and South side of Crooked Prairie Road, approximately .8 miles Southeast from the intersection of East Frok Road and Crooked Prairie Road, on the property known as 7005 Crooked Prairie Road.

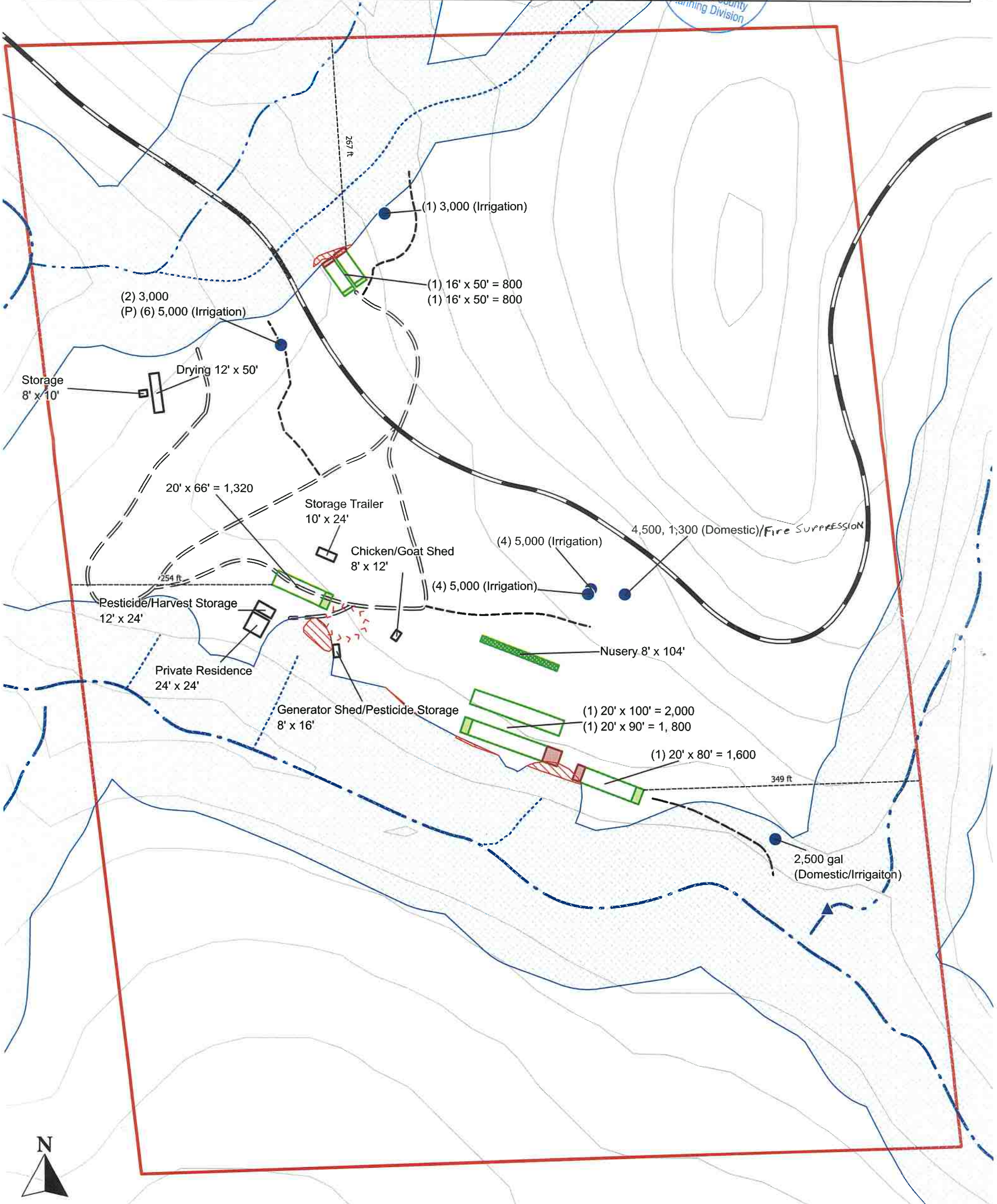
For planning purposes only.

This is not a boundary survey.

No schools, school bus stops, places of worship or tribal cultural resources are located within 600 feet of Cultivation Areas.



Map Scale 1" = 120'



## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

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

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall submit a revised plot plan showing the following, in addition to what is shown:
  - a. Existing and revised locations of all cultivated-related infrastructure currently located within the Streamside Management Area (SMA) buffers, outside of the required riparian setbacks, as detailed in the Site Management Plan.
  - b. Location of all structures, grading, septic system, and point of diversion.
6. 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 #7 through #17. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
7. The applicant shall secure building permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, greenhouses, water tanks over 5,000 gallons, structures associated with drying, storage, processing, or any activity with a nexus to cannabis, graded flats, 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 must demonstrate that a properly functioning onsite wastewater treatment system serves the operation or shall secure permits and install an onsite wastewater treatment system and restroom facilities. The applicant may secure permits and install a new on-site sewage disposal system, or provide the Department of Environmental Health (DEH) with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or registered environmental health specialist (REHS) that certifies the existing system complies with the SWRCB definition of a Tier 0 system – not impairing groundwater or surface water resources. Board (SWRCB) definition of a Tier 0 system (not impairing groundwater or surface water resources). Portable toilet and handwashing facilities may be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
9. The applicant shall prepare a Remediation Plan detailing how the former cultivation areas (to be relocated out of required SMA buffers) will be remediated, and shall also implement all requirements of the plan. The applicant shall submit evidence (e.g., statement from qualified professional and/or photographs) to demonstrate compliance with this condition. Alternatively, the applicant may request a site inspection with the Planning Department to verify this condition is met. A sign-off from the Planning Department will satisfy this condition.
10. All driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. A letter or similar communication from the Department of Public Works will satisfy this condition.
11. The applicant shall improve the intersection of China Creek Road (a private road) and Briceland Thorn Road to commercial driveway standards. Specifically, the access road (China Creek Road) shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Briceland Thorn Road). The applicant shall obtain an encroachment permit from the Department of Public Works prior to commencing any work. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. A letter or similar communication from the Department of Public Works will satisfy this condition.
12. The applicant shall relocate all cannabis-related infrastructure and refuse, currently located within the required Streamside Management Area (SMA) buffers, outside of the SMA and to a previously disturbed area without the use of heavy machinery. A sign-off from the Planning Department will satisfy this condition.
13. The applicant shall adhere to and implement the Final Streambed Alteration Agreement (Notification No. 1600-2016-0311-R1) issued by CDFW in September 2016. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
14. The applicant shall continue to adhere to the Right to Divert and Use Water, issued by the State Water Resources Control Board (SWRCB) in July 2018 (Registration No. H500635, Certificate No. H100127) for the point of diversion utilized by the project. A sign-off from the Planning Department will satisfy this condition.
15. The project is conditioned to implement all remaining corrective actions detailed in the following reports to minimize any potential impacts associated with the project and minimize runoff into nearby SMAs:
  - a. Site Management Plan (SMP; WDID 1\_12CC407765) prepared by Timberland Resource

Consultants, dated April 19, 2019.

- b. Biological Assessment prepared by Timberland Resource Consultants, date stamp received June 1, 2019.
- c. Timber Conversion Evaluation prepared by Timberland Resource Consultants, dated July 8, 2020.

The applicant shall submit a letter or similar communication from a qualified professional stating the recommendations are completed as described by each plan. Alternatively, the applicant may schedule a site inspection with the Planning Department to verify the improvements are completed as described. A sign-off from the Planning Department will satisfy this condition.

16. The applicant shall submit copies of all documents filed with the State Water Resources Control Board. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
17. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
18. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
19. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
20. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
21. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the point of diversion and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
22. 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.
23. 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.

24. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.

9. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).
15. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of the Final Lake and Streambed Alteration Agreement (EPIMS-HUM-09230-R1), as well as any subsequent amendments, obtained from the California Department of Fish and Wildlife (CDFW).
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 the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
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 Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
  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 #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

**ATTACHMENT 2**

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

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

**APN 221-221-008; 7005 Crooked Prairie Road, Ethersburg area  
County of Humboldt**

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

**January 2022**

## Background

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

The modified project involves a Special Permit for an existing 8,320 square feet (SF) of existing mixed light cannabis cultivation and 832 SF of ancillary propagation, for a total of 9,152 SF of onsite cultivation. Irrigation water is sourced from a Class II stream diversion. Existing available water storage is 57,300 gallons in fourteen (14) HDPE tanks, with an additional 30,000 gallons proposed, for a total of 87,300 gallons of onsite water storage. Estimated annual water usage is 126,200 gallons. Drying and curing occurs onsite with all other processing occurring offsite at a licensed processing or manufacturing facility. A maximum of four (4) people will be on-site during peak operations. Power is provided by a generator, with long-term plans to add solar and hydropower. Special Permits are also requested for development in the Streamside Management Area (SMA) related to continued use and maintenance of two (2) points of diversion for irrigation and future installation, use, and maintenance of hydropower infrastructure.

Several watercourses traverse the subject property. Per review of the County's GIS and as depicted on the Site Plan with respective SMA buffers, Blue Slide Creek (a Class I watercourse) traverses the western and southern portions of the site. In addition, several additional Class II and Class III watercourses are depicted within the northern, western, and eastern portions of the site on the Site Plan, although not depicted on the County's GIS portal. As shown on the Site Plan, portions of three (3) existing greenhouses are shown to be within the SMA buffers, which are proposed for relocation outside of the required setbacks. Conditions of approval require relocation of cannabis-related features outside of the SMA and to a previously disturbed area without the use of heavy machinery. All approved cannabis cultivation activities would occur on slopes less than 25%, as described in the Site Management Plan SMP; WDID 1\_12CC407765) prepared by Timberland Resource Consultants in April 2019.

Per review of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) in November 2021, the site is mapped within potential habitat for the southern torrent salamander (*Rhyacotriton variegatus*), and the nearest Northern Spotted Owl (NSO) positive sighting and activity center are located approximately 2.14 and 2.55 miles from the nearest cultivation area, respectively. Power to the site is provided by a generator, which, per the Cultivation and Operations Plan (Attachment 3), is estimated to be utilized for 16 hours per day between April and May, and for 14 hours per day from June through September. The applicant has long-term plans to add solar and hydropower. Conditions of approval require the applicant use noise and light attenuation to ensure the project has a Less the Significant Impact on NSO.

A Biological Assessment for the site was prepared by Timberland Resource Consultants, date stamp received June 1, 2019 (on file and confidential). The site assessment was conducted on February 15, 2019. Terrestrial habitats present within the biological assessment are consist of mixed hardwood conifer timberlands, and riparian corridors were observed to be a mixture of upland and riparian vegetation. Per the Report, there are multiple sensitive wildlife resources mapped in the approximate location of the assessment area. In addition, it is noted that site conditions were observed which “pose a risk of adversely

impacting water quality, aquatic habitat, aquatic wildlife, and terrestrial wildlife through the potential discharge of pollutants including but not limited to sediment, nutrients, fuels, and trash" and that the "cultivation site in its current configuration presents a high risk of nutrient and sediment discharge to Blue Slide Creek." The project area encroaches on the riparian buffer setback of Blue Slide Creek and two ephemeral tributaries (Class III) to Blue Slide Creek, with refused observed within the riparian setbacks. It is noted in the Report that the applicant indicated they have been making progress to clear up the property. Several recommendations are included in the Biological Assessment to assure potential impacts on sensitive biological resources are minimized. The project is conditioned to implement all remaining recommendations contained in the Biological Assessment, and relocate all cultivation-related infrastructure outside of required SMA setbacks to minimize any potential impacts on sensitive biological resources.

The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Bear River Band of the Rohnerville Rancheria in September 2019.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

**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 9,152 square feet of

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

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

1. Site Plan prepared by applicant, received 5/20/21.
2. Cultivation and Operations Plan, received 7/1/19, with Updated Cultivation and Operations Plan, received 5/19/21, both prepared by the applicant.
3. Additional project information provided by the applicant, as detailed in the Record of Conversation, dated 12/8/21.
4. Site Management Plan (WDID-1\_12CC407765) prepared by Timberland Resources Consultants, dated 4/19/19, for the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy) and Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order).
5. Road Evaluation Reports for China Creek Road, Blue Slide Creek Road, and Crooked Prairie Road, prepared by the applicant's agent, dated 12/28/21.
6. Timber Conversion Evaluation prepared by Timberland Resource Consultants, dated 7/8/19.
7. Final Streambed Alteration Agreement (Notification No. 1600-2016-0311-R1), issued by the California Department of Fish and Wildlife (CDFW), dated 9/23/16.
8. Right to Divert and Use Water (Registration No. H500635, Certificate No. H100127, issued by the State Water Resources Control Board (SWRCB), dated 7/6/18.
9. Notice of Applicability (WDID: 1\_12CC407765), issued by the SWRCB, dated 5/14/20.
10. Biological Assessment for Humboldt County Application #13183, prepared by Jack Henry, Wildlife Biologist, Timberland Resource Consultants, date stamp received July 1, 2019.
11. Record of Conversation with the Applicant prepared by Megan Marruffo, Assigned Planner, dated December 8, 2021.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

### **FINDINGS**

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.

3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

## **CONCLUSION**

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

### ATTACHMENT 3

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

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (**Attached** - Site Plan prepared by applicant, received 5/20/21)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached** - Cultivation and Operations Plan, received 7/1/19, with Updated Cultivation and Operations Plan, received 5/19/21, both prepared by the applicant, and additional project information provided by the applicant, as detailed in the Record of Conversation, dated 12/8/21.)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (**Attached** - Right to Divert and Use Water (Registration No. H500635, Certificate No. H100127, issued by the State Water Resources Control Board (SWRCB), dated 7/6/18)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (See operations plan and item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file – NOI form, received 9/12/17; Site Management Plan (WDID-1\_12CC407765) prepared by Timberland Resource Consultants, dated 4/19/19; Attached - Notice of Applicability (WDID: 1\_12CC407765), issued by the SWRCB, dated 5/14/20)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (**Attached** - Final Streambed Alteration Agreement (Notification No. 1600-2016-0311-R1), issued by the California Department of Fish and Wildlife (CDFW), dated 9/23/16)



9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (**Attached** - Timber Conversion Evaluation prepared by Timberland Resource Consultants, dated 7/8/19)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
16. Road Evaluation Reports for China Creek Road, Blue Slide Creek Road, and Crooked Prairie Road, prepared by the applicant's agent, dated 12/28/21. (**Attached**)
17. Biological Assessment for Humboldt County Application #13183, prepared by Jack Henry, Wildlife Biologist, Timberland Resource Consultants, date stamp received July 1, 2019. (On file)



Apps# 13183

CMMLUO SITE/OPERATIONS OVERVIEW

update 5-19-21  
JS

APN: 221-221-008

**Project Description:** The applicant is seeking approval for continued mixed light cultivation of 8,320 ft<sup>2</sup> and development of appurtenant support infrastructure/facilities on the subject parcel

The applicant acknowledges that the commercial cannabis activity approval being sought under the aforementioned conditional use permit, pursuant to CMMLUO, is subject to compliance with all other applicable Humboldt County zoning and land use regulations, as well as other applicable provisions of the Humboldt County Code and applicable state laws. Determination of compliance will require multi-agency review of proposed activity/development described in the aforementioned special permit and, may also require site inspections by personnel from various governmental agencies.

If development and/or activities on the subject parcel are determined, for some reason, to be out of compliance with any applicable State or County code, regulation or policy, a compliance agreement can be formulated between the applicant and relevant agency or agencies, which includes a compliance timeline whereby operations may continue under a "Provisional Clearance or Permit" and corrective action is initiated to achieve compliance under agreed upon terms.

**Parcel Information:** The subject parcel (221-221-008) is approximately 35 acres and is zoned U with RA40 framework designation.

**Topography/Landscape:** Forested hillside descending westward towards Blue Slide Creek.

**Surface Water Features:** Class II watercourses are present on the property and are shown on maps attached with Appendix C included with this submittal.

**Roads/Stream Crossings/Easements:** Interior road conditions were assessed in a recent Site Management Plan included with this submission along with Stream Crossings. The Plan prescribes corrective measures to be completed within a specified time frame. Work shall be accomplished under applicable State and local regulatory requirements.

**Utilities:** Electrical power is sourced from generators. Water is derived from a permitted surface water diversion.

**Water Supply:** Agricultural water is sourced from a permitted diversion CDFW Agreement 1600-2016-0311-R1.

Documentation which demonstrates and defines the legal authorization, terms and conditions for the ongoing use of the existing water source(s) and/or development of other potential water sources (applicable to activity/development proposed under the aforementioned permit application) shall be provided as it becomes available.

**Peak Water Demand:** The peak water demand anticipated to maintain cultivation during the warmest summer months is 28,000 gallons/month. The table below shows estimated monthly water use (gallons) at different growth stages during the grow season.

	<b>Greenhouses (8,320 ft<sup>2</sup>)</b>	<b>Plant Stage</b>
<b>April</b>	7,200	veg
<b>May</b>	16,000	veg
<b>June</b>	22,400	veg
<b>July</b>	28,000	Veg/flower
<b>August</b>	28,000	veg
<b>September</b>	19,600	Veg/flower
<b>October</b>	5,000	flower

Water used for irrigation shall be monitored and recorded by use of in-line totalizing flow meters in accordance with applicable regulations.

A CDFW LSAA and a DWR “Right to Divert and Use Water” are included with this submission.

**Irrigation Method(s):** Irrigation is accomplished by use of gravity flow drip lines. The flow to drip lines is regulated by timers and adjusted for maximum efficiency taking into consideration temperature, plant demand etc. Water delivery throughout the system is carefully monitored on a regular basis to ensure proper function and responsible water use. Mulch is carefully placed as a top dressing to optimize soil water retention. Occasional hand watering may be employed if needed.

**Irrigation Runoff/Erosion control:** The use of carefully regulated drip irrigation minimizes the chance of overwatering or residual discharge of irrigation solutions outside of the “targeted” root zone. In the unlikely event that residual discharge did occur it would contact permeable soil on nearly level ground in and around cultivation areas and be rapidly absorbed. **Movement or runoff** of any irrigation solution away from the point of ground contact is very unlikely. The ground surface in and around cultivation areas is proactively managed year-round to prevent any unwanted migration of entrained constituents such as fine sediment, fertilizer or other organic particles.

**Watershed Protection:** Watershed Protection is accomplished through implementation of BMP’s and corrective measures prescribed in a site-specific Site Management Plan developed by Timberland Resource Consultants.

Enrollees in Order WQ 2017-0023-DWQ are required to engage in ongoing monitoring, reporting and maintenance including periodic site inspections and reviews of operational practices to ensure regulatory requirements related to the following items are being met.

<i>Site maintenance, erosion control, and drainage features</i>	<i>Stream crossing maintenance</i>
<i>Riparian and wetland protection and management</i>	<i>Spoils management</i>
<i>Water storage and use</i>	<i>Irrigation runoff</i>
<i>Fertilizers and soil amendments</i>	<i>Pesticides and herbicides</i>
<i>Petroleum products and other chemicals</i>	<i>Cultivation-related wastes</i>
<i>Refuse and human waste</i>	

Additionally, participants ensure that management measures and controls are effectively protecting water resources, and that any newly developing problems representing a water quality concern are identified and corrected quickly.

Generator use on the subject parcel occurs at locations no closer than 450 feet to any neighboring property line. A WhisperWatt 10kw generator is used and has a noise level rating at full load of 61dB(A) at 23 feet from the source. The expected noise level at the nearest property line according to [https://www.engineeringtoolbox.com/inverse-square-law-d\\_890.html](https://www.engineeringtoolbox.com/inverse-square-law-d_890.html) is 36 dB.

Month	Generator (Hrs/Day)	Lights On (Hrs/Day)
April	16	10
May	16	10
June	14	10
July	14	
August	14	
September	14	

All generator use including ancillary fuel storage and placement within enclosures shall comply with applicable state and county requirements including but not limited to Order WQ 2017-0023-DWQ, Humboldt County Division of Environmental Health CUPA requirements, Building Code requirements and CMMLUO 55.4.11(o) property line sound pressure level requirements.

Black-out tarps shall be placed to prevent any light spillage from one hour prior to dusk and one hour after dawn. Tarps shall be secured with cables to ensure effectiveness such that animals or weather conditions can not disrupt functionality.

**Fertilizers, Pesticides, and other Regulated products:**

**List and describe machinery and equipment used for cultivation and associated activities**

1 – 10 kw WhisperWatt Generator

Dehumidifiers, Fans

**Describe equipment service and maintenance; including where it is done (oil change, cleaning, etc.)**

Equipment service/maintenance is done by qualified service providers at either Redway or Garberville.

**List and describe petroleum products and automotive fluids used onsite.**

Generator Fuel – 500 gallon Fuel Tank

Fuel and motor oil in conventional canisters stored inside Ag Shop and Shop Building (see site plan)

**List and describe compressed gases, cleaners, solvents and sanitizers; indicate amounts normally stored and how/where they are stored. NA**

**Fertilizers, Pesticides, other Regulated products:** The fertilizers/amendments listed below are used at the start of the grow season; only quantities needed are purchased and brought to the site. Annual reporting of fertilizer/amendment use is required under Order WQ 2017-0023-DWQ

Mixing of the products listed below takes place only within a small area near cultivation sites and the products are kept protected from accidental spillage or disturbance from wildlife while mixing takes place. If any leftover product remains it will be kept in original packaging and be stored on shelves inside of the Ag Storage and/or Shop Building

<b>Product</b>	<b>Quantity</b>
Ohrstroms's Maxicrop Liquid Seaweed	3 gallons
Organic Gem Liquid Fish Fertilizer	3 gallons
Botanicare CAL-MAG Plus Plant Supplement	3 gallons
Cutting Edge Solutions Sugaree	3 gallons
Sparetime Supply Archipelago Bat Guano	5 gallons
Lost Coast Plant Therapy	3 gallons
Vital Garden Supply Baseline Granular Humus	3 gallons

The applicant shall ensure that that the storage and/or use of all fertilizers, petroleum products and herbicides/pesticides comply with directives prescribed in the site-specific Site Management Plan (Order WQ 2017-0023-DWQ). Furthermore, the applicant acknowledges that certain materials in specified volumes and/or weights will be subject to regulation through Humboldt County Division of Environmental Health CUPA and may require: submittal of inventories for those materials, documentation of emergency and training procedures, maintenance of hazardous waste disposal records, obtaining an EPA generator ID number and be subject to site inspections.

**Cultivation related wastes** are sorted such that compostable materials are recycled/composted onsite within a small area equipped with perimeter and top containment to prevent unwanted movement of materials due to weather conditions or animals/pests. Other materials, unsuitable for composting, are stored in conventional trash containers with tight fitting lids and hauled to an approved transfer station as needed. If it becomes necessary, exhausted soil will be removed from cultivation beds and carefully mixed and spread over native soils on level ground at select locations to initiate microbial reconditioning and prevent unwanted constituent migration. Spent growth medium containing inorganic substances such as perlite, will be stored in weatherproof containers and hauled to an approved waste facility as needed.

**Human Waste:** Portable toilets equipped with handwashing facilities shall be utilized pending installation of an approved/permitted Onsite Wastewater Treatment System.

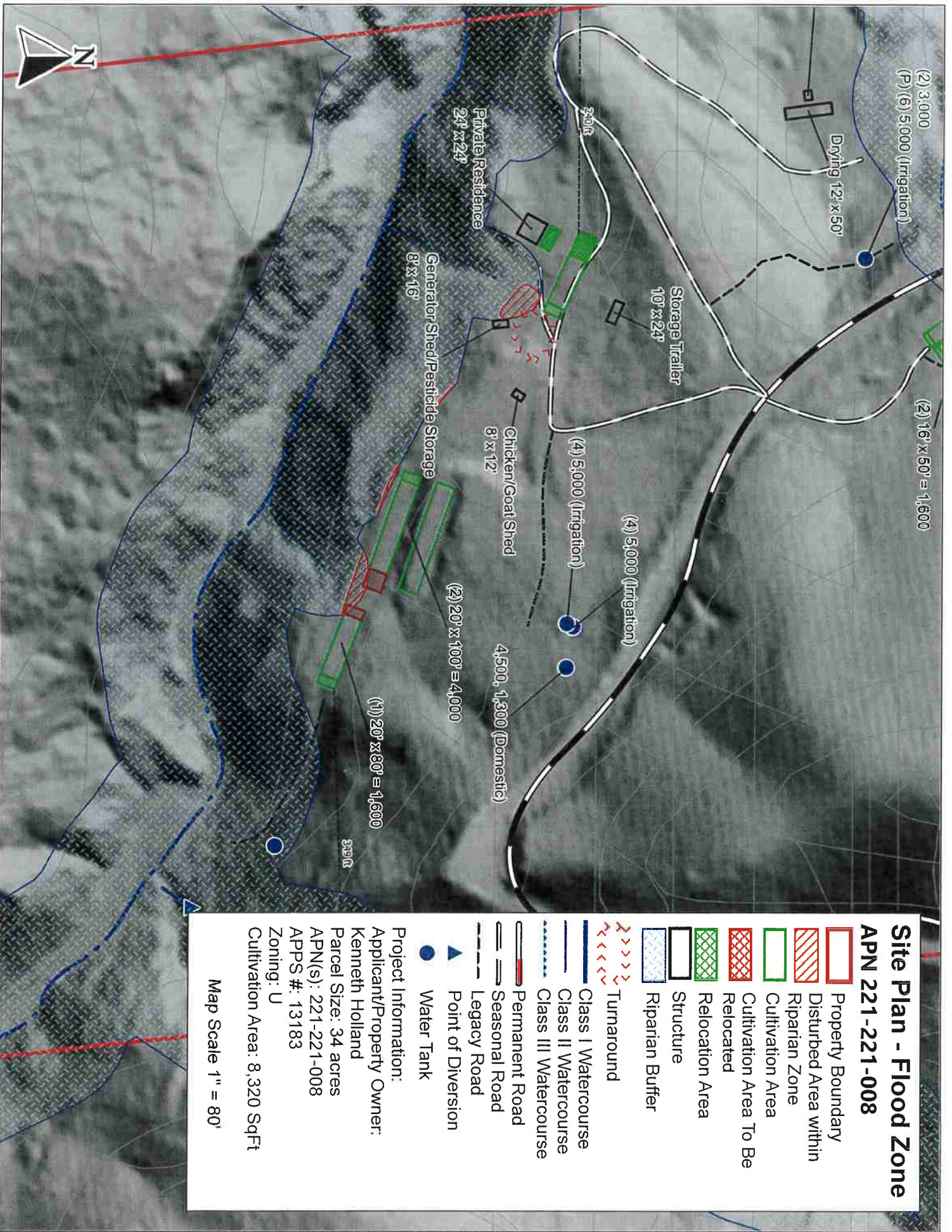
***Cultivation Operations/Practices:***

A "Cultivation Activities Schedule" is attached at the end of this Site/Operations Overview.

**Processing:** Plants are periodically inspected to ensure that any indication of pests, molds, mildews or disease are immediately addressed and crop quality is maintained. When ready, individual plants are hand harvested, placed inside clean transport containers and immediately transferred to the Ag/ Shop Building where they are hung to dry and undergo trimming. The drying area is cleaned thoroughly prior to placement of any harvested plants therein to minimize potential contaminant contact. Natural air flow may be supplemented with careful use of household fans and dehumidifiers to facilitate drying and maintain product quality control.

Dried product will be transported to an approved processing facility in compliance with applicable state and local regulations. The applicant anticipates permitting a facility, APPS: 13194, located on Parsons Road in Shelter Cove (APN: 110-051-029) to accomplish processing activities.

**Security:** Access to the subject parcel is restricted by placement of locked metal gates at entrance roads. The owner/applicant or other residents are usually onsite.



### Site Plan - Flood Zone

**APN 221-221-008**

	Property Boundary
	Disturbed Area within Riparian Zone
	Cultivation Area
	Cultivation Area To Be Relocated
	Relocation Area
	Structure
	Riparian Buffer
	Turnaround
	Class I Watercourse
	Class II Watercourse
	Class III Watercourse
	Permanent Road
	Seasonal Road
	Legacy Road
	Point of Diversion
	Water Tank

**Project Information:**  
 Applicant/Property Owner: Kenneth Holland  
 Parcel Size: 34 acres  
 APN(s): 221-221-008  
 APPS #: 13183  
 Zoning: U  
 Cultivation Area: 8,320 SqFt

**Map Scale 1" = 80'**

**Apps# 13183**  
**CMMLUO SITE/OPERATIONS OVERVIEW**  
**APN: 221-221-008**



**Project Description:** The applicant is seeking approval for continued mixed light cultivation of **8,320 ft<sup>2</sup>** and development of appurtenant support infrastructure/facilities on the subject parcel

The applicant acknowledges that the commercial cannabis activity approval being sought under the aforementioned conditional use permit, pursuant to CMMLUO, is subject to compliance with all other applicable Humboldt County zoning and land use regulations, as well as other applicable provisions of the Humboldt County Code and applicable state laws. Determination of compliance will require multi-agency review of proposed activity/development described in the aforementioned special permit and, may also require site inspections by personnel from various governmental agencies.

If development and/or activities on the subject parcel are determined, for some reason, to be out of compliance with any applicable State or County code, regulation or policy, a compliance agreement can be formulated between the applicant and relevant agency or agencies, which includes a compliance timeline whereby operations may continue under a "Provisional Clearance or Permit" and corrective action is initiated to achieve compliance under agreed upon terms.

**Parcel Information:** The subject parcel (221-221-008) is approximately 35 acres and is zoned U with RA40 framework designation.

**Topography/Landscape:** Forested hillside descending westward towards Blue Slide Creek.

**Surface Water Features:** Class II watercourses are present on the property and are shown on maps attached with Appendix C included with this submittal.

**Roads/Stream Crossings/Easements:** Interior road conditions were assessed in a recent Site Management Plan included with this submission along with Stream Crossings. The Plan prescribes corrective measures to be completed within a specified time frame. Work shall be accomplished under applicable State and local regulatory requirements.

**Utilities:** Electrical power is sourced from generators. Water is derived from a permitted surface water diversion.

**Water Supply:** Agricultural water is sourced from a permitted diversion CDFW Agreement 1600-2016-0311-R1.

Documentation which demonstrates and defines the legal authorization, terms and conditions for the ongoing use of the existing water source(s) and/or development of other potential water sources (applicable to activity/development proposed under the aforementioned permit application) shall be provided as it becomes available.



**Water Storage:** HDPE Storage tanks

2-5,000 gallon

2-3,500 gallon

2-3,000 gallon

1-1,000 gallon

1-1,550 gallon mixing tank

Proposed 16 – 5,000 gallon tanks

**Cultivation Area(s) and/or other graded flats:** Proposed cultivation on the subject parcel consists of the following:

Three (3) - 20' x 100' Greenhouses

One (1) - 20' x 80' Greenhouse - relocation site for (2)-16' x 50' previously located at north property.

One (1) - 20' x 36' Greenhouse -relocation site for same size greenhouse located west.

Relocation of the two 16' x 50' greenhouses from the northern portion of the property and the 20' x 36' greenhouse was necessary as the previous locations **did not meet riparian setbacks** (as demonstrated in the SMP included with this submission).

The relocation areas are an **environmentally superior** cultivation option in this context:

- potential impacts to watercourses will be reduced
- use of roads to transport materials/fertilizers to disconnected area can cease, thereby reducing erosion and risk of sediment transport
- remove plastic piping and other cultivation materials from hillside to decrease biological impacts
- discontinue habitat fragmentation

The forthcoming cultivation within the relocation area shall **comply with standards set forth in SWRCB Order WQ 2017-0023-DWQ (SMP)**. In addition to any corrective measures prescribed in the SMP, the applicant shall ensure required site monitoring/reporting continues in accordance with **all** applicable State mandates to ensure the ongoing protection of water resources. Corrective measures prescribed in the SMP do not preclude the need for Cultivation Areas or other manmade features to be brought into compliance with all applicable state and local grading, excavation and erosion/sediment control requirements.

**Peak Water Demand:** The peak water demand anticipated to maintain cultivation during the warmest summer months is 28,000 gallons/month. The table below shows estimated monthly water use (gallons) at different growth stages during the grow season.

	<i>Greenhouses (8,320 ft<sup>2</sup>)</i>	<i>Plant Stage</i>
<i>April</i>	7,200	veg
<i>May</i>	16,000	veg
<i>June</i>	22,400	veg
<i>July</i>	28,000	Veg/flower
<i>August</i>	28,000	veg
<i>September</i>	19,600	Veg/flower
<i>October</i>	5,000	flower

Water used for irrigation shall be monitored and recorded by use of in-line totalizing flow meters in accordance with applicable regulations.

A CDFW LSAA and a DWR “Right to Divert and Use Water” are included with this submission.

**Irrigation Method(s):** Irrigation is accomplished by use of gravity flow drip lines. The flow to drip lines is regulated by timers and adjusted for maximum efficiency taking into consideration temperature, plant demand etc. Water delivery throughout the system is carefully monitored on a regular basis to ensure proper function and responsible water use. Mulch is carefully placed as a top dressing to optimize soil water retention. Occasional hand watering may be employed if needed.

**Irrigation Runoff/Erosion control:** The use of carefully regulated drip irrigation minimizes the chance of overwatering or residual discharge of irrigation solutions outside of the “targeted” root zone. In the unlikely event that residual discharge did occur it would contact permeable soil on nearly level ground in and around cultivation areas and be rapidly absorbed. **Movement or runoff** of any irrigation solution away from the point of ground contact is very unlikely. The ground surface in and around cultivation areas is proactively managed year-round to prevent any unwanted migration of entrained constituents such as fine sediment, fertilizer or other organic particles.

**Watershed Protection:** Watershed Protection is accomplished through implementation of BMP’s and corrective measures prescribed in a site-specific Site Management Plan developed by Timberland Resource Consultants.

Enrollees in Order WQ 2017-0023-DWQ are required to engage in ongoing monitoring, reporting and maintenance including periodic site inspections and reviews of operational practices to ensure regulatory requirements related to the following items are being met.

<i>Site maintenance, erosion control, and drainage features</i>	<i>Stream crossing maintenance</i>
<i>Riparian and wetland protection and management</i>	<i>Spoils management</i>
<i>Water storage and use</i>	<i>Irrigation runoff</i>
<i>Fertilizers and soil amendments</i>	<i>Pesticides and herbicides</i>
<i>Petroleum products and other chemicals</i>	<i>Cultivation-related wastes</i>
<i>Refuse and human waste</i>	

Additionally, participants ensure that management measures and controls are effectively protecting water resources, and that any newly developing problems representing a water quality concern are identified and corrected quickly.

Generator use on the subject parcel occurs at locations no closer than 450 feet to any neighboring property line. A WhisperWatt 10kw generator is used and has a noise level rating at full load of 61dB(A) at 23 feet from the source. The expected noise level at the nearest property line according to [https://www.engineeringtoolbox.com/inverse-square-law-d\\_890.html](https://www.engineeringtoolbox.com/inverse-square-law-d_890.html) is 36 dB.

Month	Generator (Hrs/Day)	Lights On (Hrs/Day)
April	16	10
May	16	10
June	14	10
July	14	
August	14	
September	14	

All generator use including ancillary fuel storage and placement within enclosures shall comply with applicable state and county requirements including but not limited to Order WQ 2017-0023-DWQ, Humboldt County Division of Environmental Health CUPA requirements, Building Code requirements and CMMLUO 55.4.11(o) property line sound pressure level requirements.

Black-out tarps shall be placed to prevent any light spillage from one hour prior to dusk and one hour after dawn. Tarps shall be secured with cables to ensure effectiveness such that animals or weather conditions can not disrupt functionality.

**Fertilizers, Pesticides, and other Regulated products:**

**List and describe machinery and equipment used for cultivation and associated activities**

1 – 10 kw WhisperWatt Generator

Dehumidifiers, Fans

**Describe equipment service and maintenance; including where it is done (oil change, cleaning, etc.)**

Equipment service/maintenance is done by qualified service providers at either Redway or Garberville.

**List and describe petroleum products and automotive fluids used onsite.**

Generator Fuel – 500 gallon Fuel Tank

Fuel and motor oil in conventional canisters stored inside Ag Shop and Shop Building (see site plan)

**List and describe compressed gases, cleaners, solvents and sanitizers; indicate amounts normally stored and how/where they are stored.** NA

**Fertilizers, Pesticides, other Regulated products:** The fertilizers/amendments listed below are used at the start of the grow season; only quantities needed are purchased and brought to the site. Annual reporting of fertilizer/amendment use is required under Order WQ 2017-0023-DWQ

Mixing of the products listed below takes place only within a small area near cultivation sites and the products are kept protected from accidental spillage or disturbance from wildlife while mixing takes place. If any leftover product remains it will be kept in original packaging and be stored on shelves inside of the Ag Storage and/or Shop Building

<b>Product</b>	<b>Quantity</b>
Ohrstroms's Maxicrop Liquid Seaweed	3 gallons
Organic Gem Liquid Fish Fertilizer	3 gallons
Botanicare CAL-MAG Plus Plant Supplement	3 gallons
Cutting Edge Solutions Sugaree	3 gallons
Sparetime Supply Archipelago Bat Guano	5 gallons
Lost Coast Plant Therapy	3 gallons
Vital Garden Supply Baseline Granular Humus	3 gallons

The applicant shall ensure that that the storage and/or use of all fertilizers, petroleum products and herbicides/pesticides comply with directives prescribed in the site-specific Site Management Plan (Order WQ 2017-0023-DWQ). Furthermore, the applicant acknowledges that certain materials in specified volumes and/or weights will be subject to regulation through Humboldt County Division of Environmental Health CUPA and may require: submittal of inventories for those materials, documentation of emergency and training procedures, maintenance of hazardous waste disposal records, obtaining an EPA generator ID number and be subject to site inspections.

**Cultivation related wastes** are sorted such that compostable materials are recycled/composted onsite within a small area equipped with perimeter and top containment to prevent unwanted movement of materials due to weather conditions or animals/pests. Other materials, unsuitable for composting, are stored in conventional trash containers with tight fitting lids and hauled to an approved transfer station as needed. If it becomes necessary, exhausted soil will be removed from cultivation beds and carefully mixed and spread over native soils on level ground at select locations to initiate microbial reconditioning and prevent unwanted constituent migration. Spent growth medium containing inorganic substances such as perlite, will be stored in weatherproof containers and hauled to an approved waste facility as needed.

**Human Waste:** Portable toilets equipped with handwashing facilities shall be utilized pending installation of an approved/permitted Onsite Wastewater Treatment System.

***Cultivation Operations/Practices:***

A "Cultivation Activities Schedule" is attached at the end of this Site/Operations Overview.

**Processing:** Plants are periodically inspected to ensure that any indication of pests, molds, mildews or disease are immediately addressed and crop quality is maintained. When ready, individual plants are hand harvested, placed inside clean transport containers and immediately transferred to the Ag/ Shop Building where they are hung to dry and undergo trimming. The drying area is cleaned thoroughly prior to placement of any harvested plants therein to minimize potential contaminant contact. Natural air flow may be supplemented with careful use of household fans and dehumidifiers to facilitate drying and maintain product quality control.

Dried product will be transported to an approved processing facility in compliance with applicable state and local regulations. The applicant anticipates permitting a facility, APPS: 13194, located on Parsons Road in Shelter Cove (APN: 110-051-029) to accomplish processing activities.

**Security:** Access to the subject parcel is restricted by placement of locked metal gates at entrance roads. The owner/applicant or other residents are usually onsite.

## CULTIVATION ACTIVITIES SCHEDULE

Item	Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Pre-cultivation Activities	Propagate cuttings from 'mother plant' stock												
	Transplant cuttings into 6" pots												
	Transplant clones into 2-gallon pots or beds												
	Amend soil in greenhouses and/or indoor cultivation building												
Irrigation Activities	Import new cultivation soil												
	Irrigation of juvenile plants /clones												
Outdoor Cultivation and Harvest	Irrigation of adult plants												
	Outdoor Cultivation Cycle												
Mixed Light/Light Dep Cultivation and Harvest Schedule	Harvest activities												
	Mixed Light/ Light Dep Cycle 1												
	Mixed Light Cycle 2												
Drying and Processing	Mixed Light Cycle 3												
	Harvest activities												
	Light deprivation: Greenhouses are covered with blackout covers												
Drainage, Runoff, and Erosion Control	Drying activities												
	Trimming activities												
	Winterization (storage of pots/greenhouse covers)												
	Temporary Erosion Control BMP's (straw, seeding, fiber rolls, etc)												
	Road maintenance												
Culvert and Inboard ditch maintenance/Inspection	Culvert and Inboard ditch maintenance/Inspection												
	Cultivation waste hauled off site												
Cover soil beds and seed/straw with cover crop	Cultivation waste hauled off site												
	Cover soil beds and seed/straw with cover crop												

# DCA10SPXU4C

10kW Prime Rating, Single-Phase, Kubota Tier 4 Final

Our compact and portable single-phase WhisperWatt Super-Silent Generators come fully equipped with just about every control and convenience feature imaginable. They are great sources of power for many applications including construction and residential.



The DCA10SPXU4C is a 10 kW Single Phase generator with a 1.0 power factor and 120/240 volt output. It features an electronic governor control; an easy to read analog control panel; a sound attenuated, weatherproof steel housing that is lockable and designed with a single point lifting eye. Its easy to maintain design offers quick access to all filters and drain extensions.

Like Share 2 people like this. [Sign Up](#) to see what your friends like.

Performance Data

Options

## Unit Specifications

Prime Rating	10 kW
Standby Rating	11 kW
Generator RPM	1800
Voltage - Single Phase	120/240 V
Generator Design	Revolving field, Self-ventilated, Drip-proof, Single bearing
Voltage Regulation (No Load to Full Load)	±0.5%
Power Factor	1.0
Armature Connection	Series
Excitation	Brushless with AVR
No. Poles	4-pole
Frequency	60 Hz
Frequency Regulation (steady state load)	±0.25%
Sound Level (Full Load at 23 ft.)	61 dB(A)

## Engine Specifications

Make/Model	Kubota/ D1503
Emissions	EPA Tier 4 Certified
Starting System	Electric
Design	3-cylinder, 4-cycle, Water cooled, Swirl Chamber
Gross Engine Power Output	24.5 bhp 18.3 kW
Fuel Tank Capacity	16.4 gal 62.0 L
Fuel Consumption:	
Full load	0.97 gph 3.7 lph
3/4 load	0.75 gph 2.8 lph



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

DIVISION OF WATER RIGHTS

**RIGHT TO DIVERT AND USE WATER**

REGISTRATION H500635

CERTIFICATE H100127

Right Holder: Sean Moynihan  
 11740 Corp Ranch Road  
 Ashland, OR 97520

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 03/29/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Class II POD	Unnamed Stream	Blue Slide Creek	Mattole River	40.1293	-123.9586	Humboldt	221-221-008
POD 2	Unnamed Stream	Blue Slide Creek	Mattole River	40.1293	-123.9585	Humboldt	221-221-008

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation	Humboldt	221-221-008	0.1951331

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 07/06/2018.

The place of use is shown on the map filed on 07/06/2018 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.45 **acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.52 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

5. No water shall be diverted or used under this right unless the water right holder is in compliance with all applicable



conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, except as follows:

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

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

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

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

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

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

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

Dated: 07/06/2018 08:48:47

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**North Coast Regional Water Quality Control Board**

May 14, 2020  
REVISED

WDID:1\_12CC407765

KENNETH HOLLAND  
PO BOX 1602  
REDWAY, CA 95560

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

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

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

Sincerely,

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

200514\_1L\_1\_12CC407765\_Kenneth\_Holland\_NOA\_Revised\_TW

**NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, KENNETH HOLLAND, HUMBOLDT COUNTY APN 221-221-008-000**

Sean Moynihan submitted information through the State Water Resources Control Board's (State Water Board's) online portal on December 14, 2018, for discharges of waste associated with cannabis cultivation related activities for APN 221-221-008-000. On February 15, 2019, a request was filed to transfer the responsibility for this enrollment to Kenneth Holland (hereafter "Discharger"). 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\_12CC407765**. The effective date of this Notice of Applicability, which confirms the transfer of responsibility to you for this enrollment, is May 14, 2020.

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**

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

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

**2. SITE-SPECIFIC REQUIREMENTS**

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

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

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

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

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

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

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

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/200204/RB1\\_Cannabis\\_WQC\\_401\\_App.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf)

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

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

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

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;

- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

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

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

A Site Management Plan, by March 13, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

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

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

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

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

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below. [https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2019/19\\_0023\\_Regional%20Supplement%2013267%20Order.pdf](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf).

## 5. ANNUAL FEE

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

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

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

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

Cc: Kevin Porzio, State Water Resources Control Board,  
[dwq.cannabis@waterboards.ca.gov](mailto:dwq.cannabis@waterboards.ca.gov)  
Adam McKannay, California Department of Fish and Wildlife,  
[adam.mckannay@wildlife.ca.gov](mailto:adam.mckannay@wildlife.ca.gov)  
Cheri Sanville, California Department of Fish and Wildlife,  
[cheri.sanville@wildlife.ca.gov](mailto:cheri.sanville@wildlife.ca.gov)  
Kristy Anderson, Trinity County Environmental Health,  
[kanderson@trinitycounty.org](mailto:kanderson@trinitycounty.org)  
Ferdinand Burkhart, PO Box 2473 Road Redway, CA 95560

RECEIVED

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

SEP 21 2016

CDFW - EUREKA



**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION NO. 1600-2016-0311-R1

Unnamed Tributary Blue Slide Creek, Tributary to the Mattole River and the Pacific Ocean

Mr. Sean Moynihan  
Moynihan Water Diversion Project  
1 Encroachment

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

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on July 7, 2016, that the Permittee intends to complete the project described herein.

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

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

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

**PROJECT LOCATION**

The project to be completed is located within the Blue Slide Creek watershed, approximately 2.1 miles east of the town of Ettersburg, County of Humboldt, and State of California. The project is located in Section 9, T4S, R2E, Humboldt Base and Meridian; in the Ettersburg U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 221-221-08; latitude 40.1294 N and longitude 123.9581 W at the point of diversion (POD).

**PROJECT DESCRIPTION**

The project is limited to one encroachment for water diversion. A Class II stream is diverted for domestic use and irrigation. Work for the project includes use and maintenance of the water diversion infrastructure.



## PROJECT IMPACTS

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

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

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

increased water temperature;  
reduced instream flow;

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

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

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

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

## MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

### 1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.

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

## 2. Avoidance and Minimization Measures

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received with fees paid in full on June 30, 2016, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed 5 gallons per minute or 10% of the total flow at any time.
- 2.3 Bypass Flow. The Permittee shall pass sufficient flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.4 Seasonal Diversion Minimization. No more than 150 gallons per day shall be diverted from this POD during the season from May 15 to October 15 of any year beginning when this Agreement is signed. Water shall be diverted only if the Permittee can adhere to conditions 2.2 and 2.3 of this Agreement.

- 2.5 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the storage system. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water pumped to and from the system on a weekly basis. Alternatively, the Permittee can record the frequency of pumping and the time to fill storage.
- 2.6 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.7 Intake Screening. Screens shall be installed on intakes wherever water is diverted, and shall be in place whenever water is diverted. Openings in intakes shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.8 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.9 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.10 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.11 Water Management Plan. The Permittee shall submit a Water Management Plan no later than May 15, 2017, that describes how forbearance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain irrigation needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 2.12 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The link to file a Statement of Water Use can be found at:  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/docs/intl\\_stmnt\\_form.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/docs/intl_stmnt_form.pdf)

### 3. Reporting Measures

- 3.1 **Measurement of Diverted Flow.** Copies of the **water diversion records** shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 **no later than December 31 of each year beginning in 2016.**
- 3.2 **Water Management Plan.** The Permittee shall submit a **Water Management Plan no later than May 15, 2017**, that describes how forbearance will be achieved under this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

### CONTACT INFORMATION

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

To Permittee:

Mr. Sean Moynihan  
153 Honey Way  
Templeton, California 93465  
805-441-7266  
[moynihan45@gmail.com](mailto:moynihan45@gmail.com)

To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2016-0311-R1

### LIABILITY

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

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

## **SUSPENSION AND REVOCATION**

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

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

## **ENFORCEMENT**

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

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

## **OTHER LEGAL OBLIGATIONS**

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

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

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

## **AMENDMENT**

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

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

## **TRANSFER AND ASSIGNMENT**

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

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

## **EXTENSIONS**

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

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

## **EFFECTIVE DATE**

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the

applicable FGC section 711.4 filing fee listed at  
[http://www.wildlife.ca.gov/habcon/ceqa/ceqa\\_changes.html](http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html).

## **TERM**

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

## **AUTHORITY**

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


## **AUTHORIZATION**

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

**CONCURRENCE**

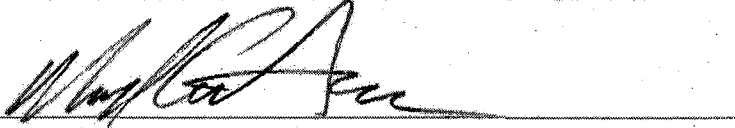
The undersigned accepts and agrees to comply with all provisions contained herein.

**FOR Mr. Sean Moynihan**

  
Sean Moynihan

9-17-16  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

  
Gordon Leppig  
Senior Environmental Scientist Supervisor

9-23-2016  
Date

*FOR*

Prepared by: David Manthorne, Environmental Scientist, September 8, 2016





165 South Fortuna Boulevard, Fortuna, CA 95540

707-725-1897 • fax 707-725-0972

trc@timberlandresource.com

July 8, 2020

Kenneth Holland  
P.O. Box 1602  
Redway, CA 95560

RE: Permit Application #13183  
APN: 221-221-008

The following is an evaluation of potential timberland conversion on cannabis cultivation sites and associated areas included in the Humboldt County Cannabis Permit Application (Apps #13183) for APN 221-221-008. Please accept this letter as the RPF's written report required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10 (j), cited below.

*"Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall provide CAL-FIRE written Notice of Availability of the RPF's report. If CAL-FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final."*

Timberland Resource Consultants (TRC) initially inspected and evaluated the cultivation sites and associated areas contained within the application on January 9, 2018. The RPF visited the site again to verify site conditions on May 12, 2020. Applicant Ken Holland attended the most recent site visit. The RPF exercised his due diligence in reviewing all sites and available resources to fully assess potential timberland conversion and consequential impacts. This report evaluates the cultivation site and associated areas for timber operations only. The scope of this report does not include: all other land alteration (such as grading, construction, and other permit-regulated activities), all property features and sites unrelated to cultivation activities, or any proposed, planned, or absent cultivation-related project sites. All findings are summarized in the report below.

## Project Location

APN: 221-221-008

Acreage: 34.42 GIS acres

Legal Description: Portion of NE ¼ of Section 9;  
Township 4 South, Range 2 East;  
Humboldt Base & Meridian, Humboldt County

Located on USGS 7.5' Quadrangle: Ettersburg, 1969

Humboldt County Zoning: Unclassified

Site Address: 7005 Crooked Prairie Road, Ettersburg, CA 95542

Landowner/Timber Owner: Ferdinand J. Burkhart, P.O. Box 2473, Redway, CA 95560-2473

The parcel is located approximately 1.8 air miles east-southeast of Ettersburg, CA. To access the project area from Briceland, CA, head west on Briceland-Thorne Road; turn right on Blue Springs Creek Road; keep left to continue on Blue Slide Creek Road; cross the bridge over Blue Slide Creek and turn right on to Crooked Prairie Road; continue 0.5 miles then turn right into a private, gated drive (see General Location Map).

APN 221-221-008 – Timberland Conversion Evaluation

## Parcel Description & Timber Harvest History

*Note: The property background has been summarized using personal accounts of the current landowner, digital orthographic quadrangle (DOQ) imagery, Humboldt County Web GIS, CAL FIRE Watershed Mapper v2, and Historic Aerials. To avoid speculation and maintain relevancy, the property background focuses mainly on the past 10-15 years.*

The parcel consists of even-aged second growth Douglas-fir and tanoak with a minor component of Pacific madrone, live oak, and pepperwood. Review of 1968 aerial imagery shows the property and surrounding areas were regenerated/clearcut sometime in the past decade as evidenced by skid roads, landings, truck roads, and distinct changes in stand structure. The RPF observed old growth Douglas-fir stumps and second growth timber throughout the property confirming that timber was harvested approximately 50-60 years ago. There have been no commercial harvests on the property since the initial entry as recorded by Cal Fire (Watershed Mapper v2 [http://egis.fire.ca.gov/watershed\\_mapper/](http://egis.fire.ca.gov/watershed_mapper/)). Ferdinand Burkhart purchased the property and its timber in August 2006 from William H. Lyster (*Parcel Quest*).

## Project Description

Four cultivation sites and two associated areas were inspected during the field assessment within APN 221-221-008. The following table lists the inspected sites and their acreages; see detailed site descriptions below.

Cultivation Site/Associated Area	Total Acreage
Cultivation Site 1	0.06
Cultivation Site 2	0.14
Cultivation Site 3	0.19
Cultivation Site 4	0.04
Materials Storage Area & Generator Shed	0.03
Materials Storage Buildings	0.04
<b>TOTAL</b>	<b>0.50</b>

### Cultivation Site 1

Cultivation Site 1 is a 0.06-acre area located in the northwestern portion of the property. Cultivation-related activities observed included two greenhouses. Review of aerial imagery reveals that the site was initially cleared of trees, stumps, and vegetation between 2014 and 2016. It does not appear that any commercial timber operations occurred. Though the site is nearby a Class III watercourse, it lies outside of the 30-foot minimum Equipment Exclusion Zone. Piles of slash and scattered woody debris from conversion activities exists along the nearby Class III watercourse and along the seasonal road to the site. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

### Cultivation Site 2

Cultivation Site 2 is a 0.14-acre area located in the southwestern portion of the property, approximately 430 feet south-southeast of Cultivation Site 1. Cultivation-related activities observed included multiple greenhouses. Review of aerial imagery reveals that this site occupies a historic skid road. The site was initially cleared of trees, stumps, and vegetation between 2014 and 2016. It does not appear that any commercial timber operations occurred. No piles of slash and scattered woody debris from conversion activities remain. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

### Cultivation Site 3

Cultivation Site 3 is a 0.19-acre area located in the southeastern portion of the property, approximately 530 feet south-southeast of Cultivation Site 1. Cultivation-related activities observed included two greenhouses. Review of aerial imagery reveals that this site occupies a historic skid road.

## Project Description (Cont.)

The site was partially cleared of trees, stumps, and vegetation between 2009 and 2010 and was expanded to its current size between 2010 and 2012. It does not appear that any commercial timber operations occurred. One pile of slash from conversion activities remains in the southeastern edge of the site. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

### Cultivation Site 4

Cultivation Site 4 is a 0.04-acre area located in the southeastern portion of the property, approximately 670 feet southeast of Cultivation Site 1. Cultivation-related activities observed included one greenhouse. Review of aerial imagery reveals that this site occupies a historic skid road. The site was initially cleared of trees, stumps, and vegetation between 2014 and 2016. It does not appear that any commercial timber operations occurred. One pile of slash from conversion activities remains in the southwestern edge of the site. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

### Materials Storage Area & Generator Shed

The Materials Storage Area and Generator Shed are located in the southwestern portion of the property, approximately 400 feet south of Cultivation Site 1. The site contains a tented structure filled with various cultivation project materials as well as a small structure housing a generator. These features are classified together due to their close proximity to each other and small acreage. Together they total 0.03 acres. Review of aerial imagery reveals that the site was partially cleared of trees, stumps, and vegetation between 1998 and 2009. The site was expanded to its current size between 2012 and 2014. It does not appear that any commercial timber operations occurred. No slash or woody debris exists near the site. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

### Materials Storage Buildings

The Materials Storage Buildings is located in the southwestern portion of the property, approximately 370 feet south of Cultivation Site 1. The site contains two buildings used for cultivation project materials storage and totals 0.04 acres. This site is also seasonally used as a nursery. Review of aerial imagery reveals that the site was cleared of trees, stumps, and vegetation between 2010 and 2012. It does not appear that any commercial timber operations occurred. Piles of slash and woody debris exist on the western edge of the site. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

### Other Mapped Features

The Overview Map shows the location of a water storage bladder in the southwestern portion of the property (see Photo 8). This bladder is used for personal and recreational purposes only, not for cultivation activities; therefore, it falls outside the scope of this report.

The map also shows the locations of multiple plastic water storage tanks used for cultivation water storage and irrigation. Though minor tree and vegetation clearing may have occurred to install these features, the surrounding stand still meets the stocking standards of the California Forest Practice Rules (FPRs). Ultimately, the water tanks do not impede the use of the land for current or future timber growth and harvesting; therefore, they do *not* constitute timberland conversion.

### Timberland Conversion Summary

In total, TRC observed approximately 0.50 acres of unauthorized timberland conversion for cultivation-related purposes within APN 221-221-008. This total does not exceed the three-acre conversion exemption maximum.

## Limitations and Considerations for Timberland Conversion Activities

### Watercourses and Water Resources

14CCR 1104.1(a)(2)(F): "No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city)."

Humboldt County General Plan, Appendix G Housing Element, G-118: "The County maintains Streamside Management Areas (SMAs) to protect sensitive fish and wildlife habitats and to minimize erosion, runoff, and other conditions detrimental to water quality...The width of the SMA depends on whether or not the stream is perennial or intermittent and whether the area is inside or outside of Urban Development and Expansion Areas. In urban areas, the SMA width is 50 feet on each side of perennial streams and 25 feet for intermittent streams; outside of urban areas, the width is 100 feet for perennial streams and 50 feet for intermittent streams. Development within the SMAs is very restricted and is subject to implementation of numerous mitigation measures designed to protect the habitat quality of the SMA."

No conversion areas exist within a Watercourse and Lake Protection Zone (WLPZ).

The Materials Storage Area falls within the 30-foot minimum Equipment Exclusion Zone (EEZ) of the Class III watercourse southwest of the site. Conversion of timberland within a Class III EEZ is not prohibited by the Forest Practice Rules. However, per the Humboldt County General Plan, the Grading and Open Space Ordinance would have applied to this project (Unclassified zoning) and a Streamside Management Area of 50 feet would have been required on the Class III watercourse prohibiting timberland conversion and timber harvesting without a Special Permit.

Cultivation Site 1 is located outside of the 30-foot minimum Equipment Exclusion Zone (EEZ) of the Class III watercourse north of the site, but within the 50-foot minimum Streamside Management Areas (SMA) of required by Humboldt County. Per the Humboldt County General Plan, the Grading and Open Space Ordinance would have applied to this project (Unclassified zoning) and a Streamside Management Area of 50 feet would have been required on the Class III watercourse prohibiting timberland conversion and timber harvesting without a Special Permit.

### Slash, Woody Debris, and Refuse Treatment

14 CCR 914.5(b): "Non-biodegradable refuse, litter, trash, and debris resulting from timber operations, and other activity in connection with the operations shall be disposed of concurrently with the conduct of timber operations."

14CCR 1104.1(a)(2)(D) – "Treatment of Slash and Woody Debris

- 1) Unless otherwise required, slash greater than one inch in diameter and greater than two feet long, and woody debris, except pine, shall receive full treatment no later than April 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.
- 2) All pine slash three inches and greater in diameter and longer than four feet must receive initial treatment if it is still on the parcel, within 7 days of its creation.
- 3) All pine woody debris longer than four feet must receive an initial treatment prior to full treatment.
- 4) Initial treatment shall include limbing woody debris and cutting slash and woody debris into lengths of less than four feet, and leaving the pieces exposed to solar radiation to aid in rapid drying.
- 5) Full treatment of all pine slash and woody debris must be completed by March 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.
- 6) Full slash and woody debris treatment may include any of the following:
  - a) Burying;
  - b) Chipping and spreading;
  - c) Piling and burning; or
  - d) Removing slash and woody debris from the site for treatment in compliance with (a)-(b). Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated.
- 7) Slash and woody debris, except for pine, which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying by April 1 of the year following its creation. Pine slash and woody debris which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying within seven days of its creation.
- 8) Any treatment which involves burning of slash or woody debris shall comply with all state and local fire and air quality rules."

Most slash and woody debris generated from the conversion activities has already been treated; however, scattered slash piles and woody debris still remain along the Class III watercourse and seasonal road near Cultivation Site 1, the southeastern edge of Cultivation Site 3, the southwestern edge of Cultivation Site 4, and the western edge of the Materials Storage Buildings (see Photos 10 and 11). All slash should be treated according to the FPRs.

## Limitations and Considerations for Timberland Conversion Activities (Cont)

### Biological Resources and Forest Stand Health

*14 CCR 1104.1 (2)(H): "No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895.1"*

A query of the California Natural Diversity Database (CNDDDB) on July 8, 2020 showed no observations of sensitive, rare, threatened, or endangered species or species of special concern within a 0.7-mile radius biological assessment area (BAA) surrounding the cultivation sites and associated areas. See CNDDDB Map attached for more information. No individuals of sensitive, rare, threatened, or endangered species or species of special concern were observed during the TRC field assessment of the project area, though potential habitat may exist on the property.

The query of the CNDDDB also revealed no known Northern Spotted Owl (NSO) Activity Centers within a 0.7-mile radius BAA surrounding the cultivation sites and associated areas. See CNDDDB Map attached for more information. No evidence of NSO individuals was observed during the TRC field assessment though habitat exists on the property.

The property is located within Humboldt County, a Zone of Infestation (ZOI) for Sudden Oak Death (SOD), and the RPF observed evidence of oak mortality associated with SOD. Near the dead-end road between the Water Storage Bladder and Water Storage Tank there is a small grove of tanoak that are infected with SOD. Numerous trees have been harvested located within striking distance to a storage structure not shown on the attached map. The felled trees are presently a fire hazard and require slash treatment per the requirements on the previous page. The remaining infected trees, which have not been removed will likely die and topple over and their removal is recommended to minimize hazard. Proper disposal of infested SOD material contributes toward limiting pathogen spread. Removal of SOD debris from the property is not recommended. Whenever possible, leave SOD tree debris on site in a safe area where woody debris will not contaminate uninfected hosts or constitute a fire hazard. When infected oaks are cut down and left on site, chip or burn the branches and cut and split the wood. To prevent pathogen spread via muddy boots or equipment, avoid chipping in wet weather. Stack woodpiles in sunny locations to promote rapid drying. Do not leave firewood and chips in an area where they might be transported to another location. Leaving infected trees intact on site may benefit wildlife if they are not a hazard. If chipping or burning is not possible, reduce fire hazard by lopping and scattering branches so they lay close to the ground at least 30 feet away from any structure, driveway, roadside, or propane tank.

The conversion areas did not include late successional stands, late seral stage forests, or old growth trees. The conversion area did not include any trees that existed before 1800 A.D. and are greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter at stump height for all other tree species.

### Cultural Resources

*14 CCR 1104.1 (2)(I): "No timber operations are allowed on significant historical or archeological sites."*

No archeological sites were observed during the TRC field assessment. The RPF's designee conducted pre-field research for the project's geographic location and closely surveyed the converted sites and surrounding undisturbed areas for presence or evidence of prehistoric or historic sites. The archaeological survey was conducted by Brita Rustad, a certified archaeological surveyor with current CALFIRE Archeological Training (Archeological Training Course #161). The survey consisted of examining boot scrapes, rodent disturbances, natural and manmade areas of exposed soils, and road and cultivation site surface.

Per 14 CCR 1104.2(2)(I), all required Native American tribes and organizations have been notified of the project location and are encouraged to respond with any information regarding archaeological sites, cultural sites, and/or tribal cultural resources within or adjacent to the project area.

## Recommendations

In summary, a total of 0.50 acres of unauthorized timberland conversion has occurred within APN 221-221-008. This total does *not* exceed the three-acre conversion exemption maximum. The conversion activities conducted on the property do *not* comply with the standards set forth in the California Forest Practice Act and the California Forest Practice Rules. The RPF recommends the following measures for the converted areas:

- 1) Slash and Woody Debris Treatment: Treat all slash piles and woody debris as soon as possible (and during an appropriate time of year) using one of the following methods: burying, chipping and spreading, piling and burning, or removal from site.
- 2) Sudden Oak Death: The RPF recommends treatment of SOD infected felled trees per 14CCR 1104.1(a)(2)(D). Any standing trees that are deemed a hazard to the landowner may be harvested, but require subsequent treatment for hazard reduction. Please see attachment titled "*A Homeowner's Guide to Sudden Oak Death*".

Sincerely,



Chris Carroll, RPF #2628  
Timberland Resource Consultants

## Pictures



**Picture 1:** Untreated logs, which are presumably from the conversion, stockpiled along the driveway. Photo date 5-20-2020.

## Pictures



**Picture 2:** Active hazard reduction occurring. Note treated logs and chipped logging slash, located north of Cultivation Site 3. Photo date 5-20-2020.



## Pictures



**Picture 3:** Untreated logs, which are presumably from the conversion, stockpiled along the driveway. Photo date 5-20-2020.

## Pictures



Picture 4: Untreated logging slash located at Cultivation Site 1. Photo date 5-20-2020.

## Pictures



**Picture 5:** Cultivation Site 1. The WLPZ flagging is the 30-foot Class III EEZ. No conversion has occurred photo-left of the EEZ but conversion of timberland has occurred within the 50-foot riparian setback and SMA. The Site Management Plan addresses restoration of this site. Photo date 5-20-2020.

## Pictures



**Picture 6:** Scattered SOD infected tanoak trees and felled trees in distance that require treatment. Photo date 5-20-2020.

## Pictures

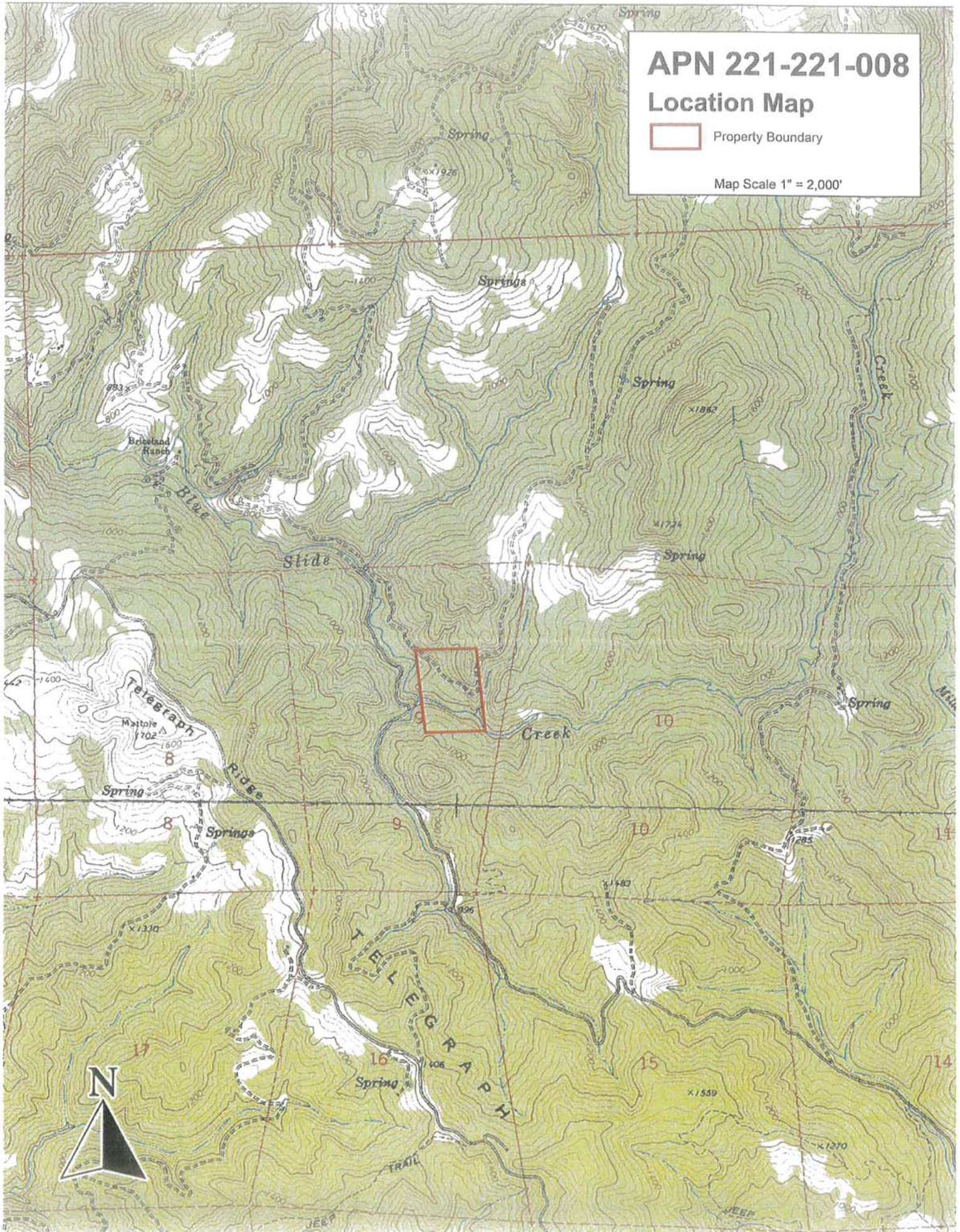


Picture 7: Scattered SOD infected tanoak trees in background and felled trees and slash in foreground that require treatment. Photo date 5-20-2020.

# APN 221-221-008 Location Map

 Property Boundary

Map Scale 1" = 2,000'



# Sean Moynihan - Timberland Conversion Evaluation

## Overview Map

APN: 221-221-008

Sec. 9, T4S, R2E

HB&M, Humboldt County





USGS 7.5' Quad: Ettersburg

Revised: 01/23/18

Map Scale: 1" = 180'

Contour Intervals = 40'

### Property Features

-  Property Boundary\*
-  Cultivation Sites & Associated Areas
- Roads**
-  Permanent
-  Seasonal

### Watercourses

-  Class I
-  Class II
-  Class III

### Watercourse Protection Buffers (WLPZ/EEZ)

-  --Variable widths between 30 and 100 ft--

### Other Features

-  Water Storage Bladder
-  Water Storage Tank

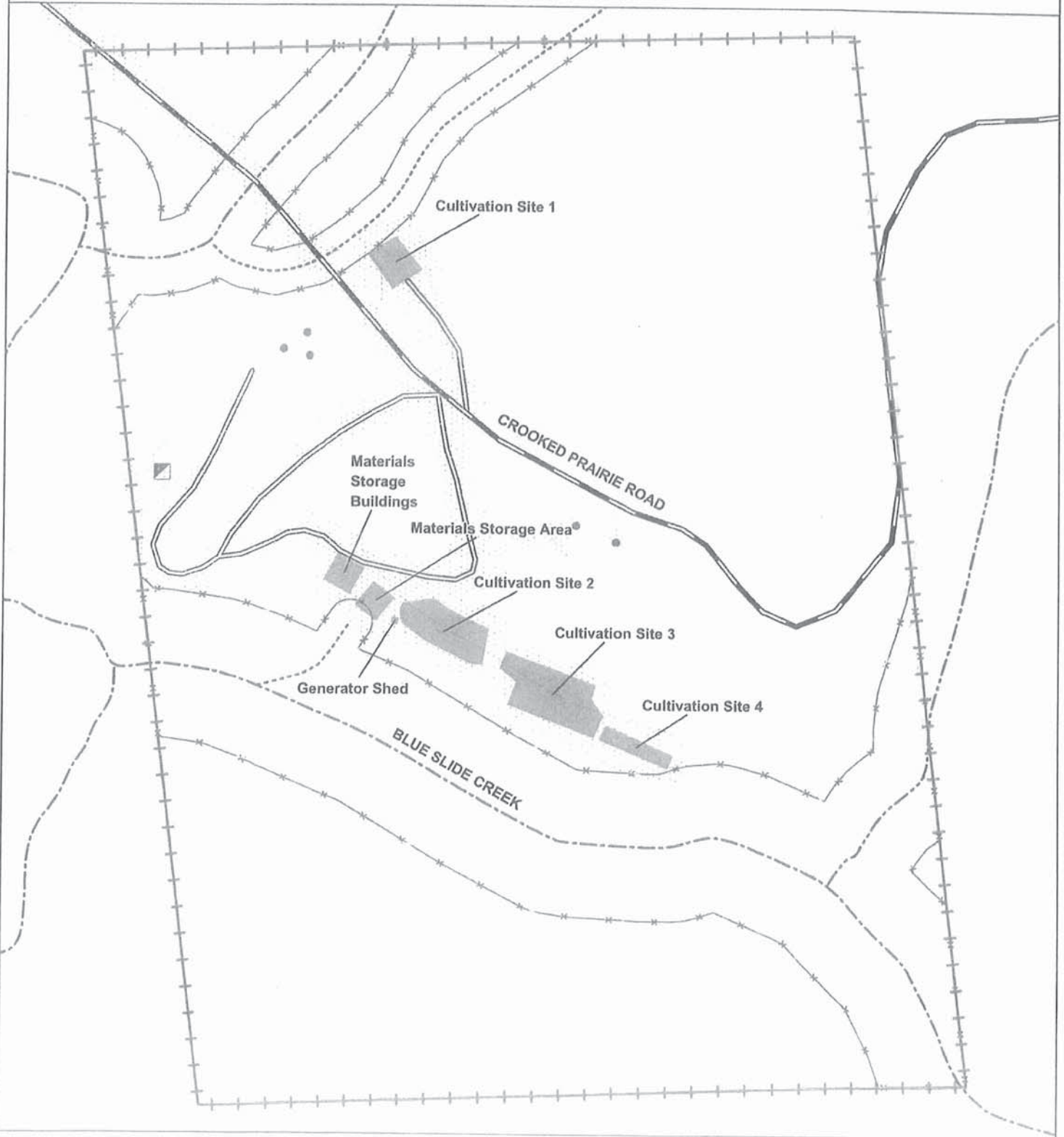


Inspected Area\*\*



\*The property boundary depicted is adapted from the Humboldt County Assessor's parcel map and Site Plan. This mapped boundary may not precisely align with the geographic boundary on the ground. The RPF is not responsible for surveying property boundaries.

\*\*The shaded area represents the extent of the inspected area. All watercourses and landscape features within the shaded area are mapped to the best of the RPF's ability. All features mapped outside of the inspected area are adapted from the Quadrangle and Site Plan; accuracy may vary.

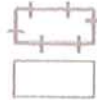


# Sean Moynihan - Timberland Conversion Evaluation

## DOQ Map

APN: 221-221-008

Sec. 9, T4S, R2E;  
HB&M, Humboldt County  
USGS 7.5' Quad: Ettersburg  
Map Scale: 1" = 250'



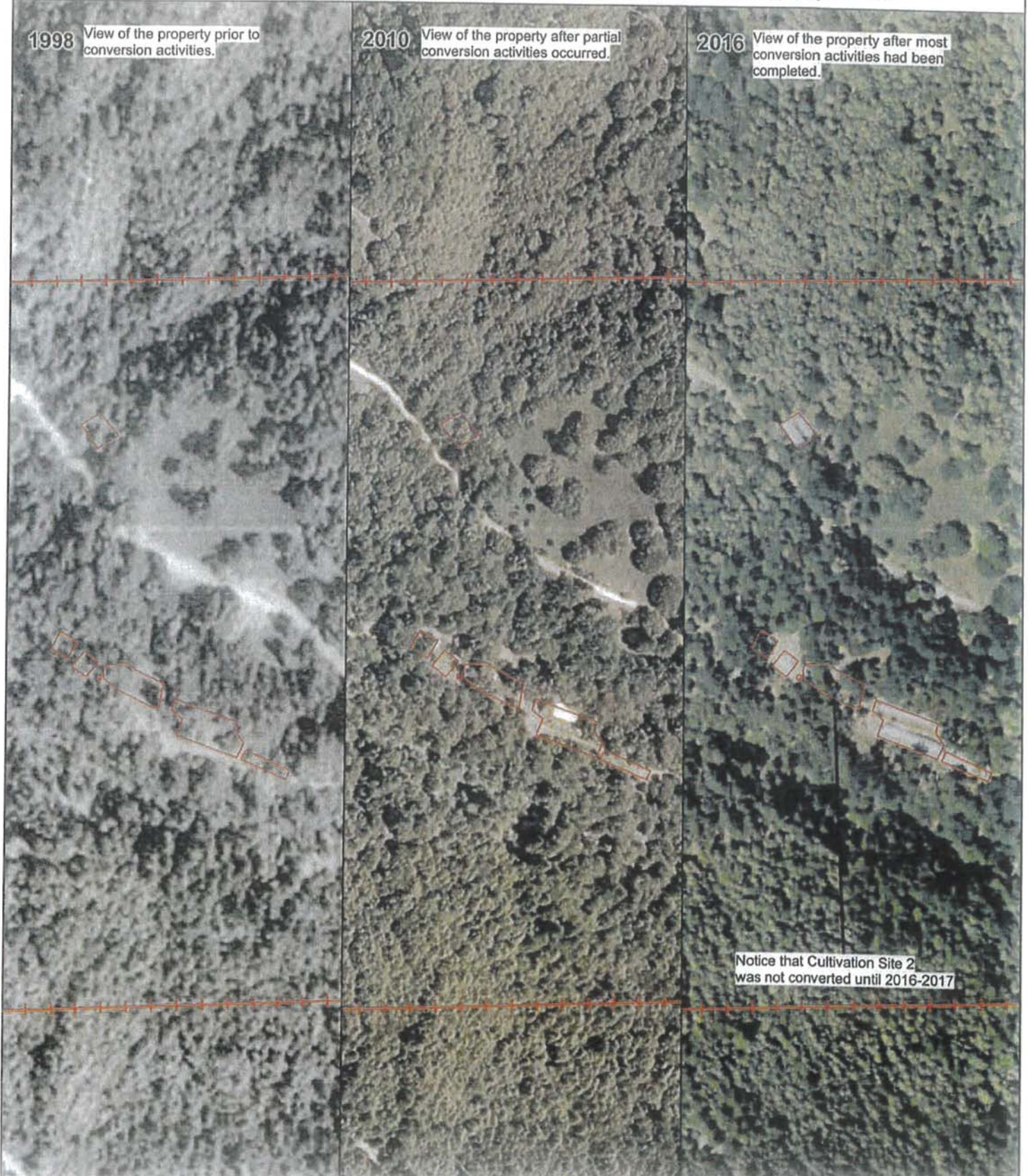
Property Boundary\*

Cultivation Sites & Associated Areas



Revised: 02/19/18

\*The property boundary depicted is adapted from the Humboldt County Assessor's parcel map and Site Plan. This mapped boundary may not precisely align with the geographic boundary on the ground. The RPF is not responsible for surveying property boundaries.



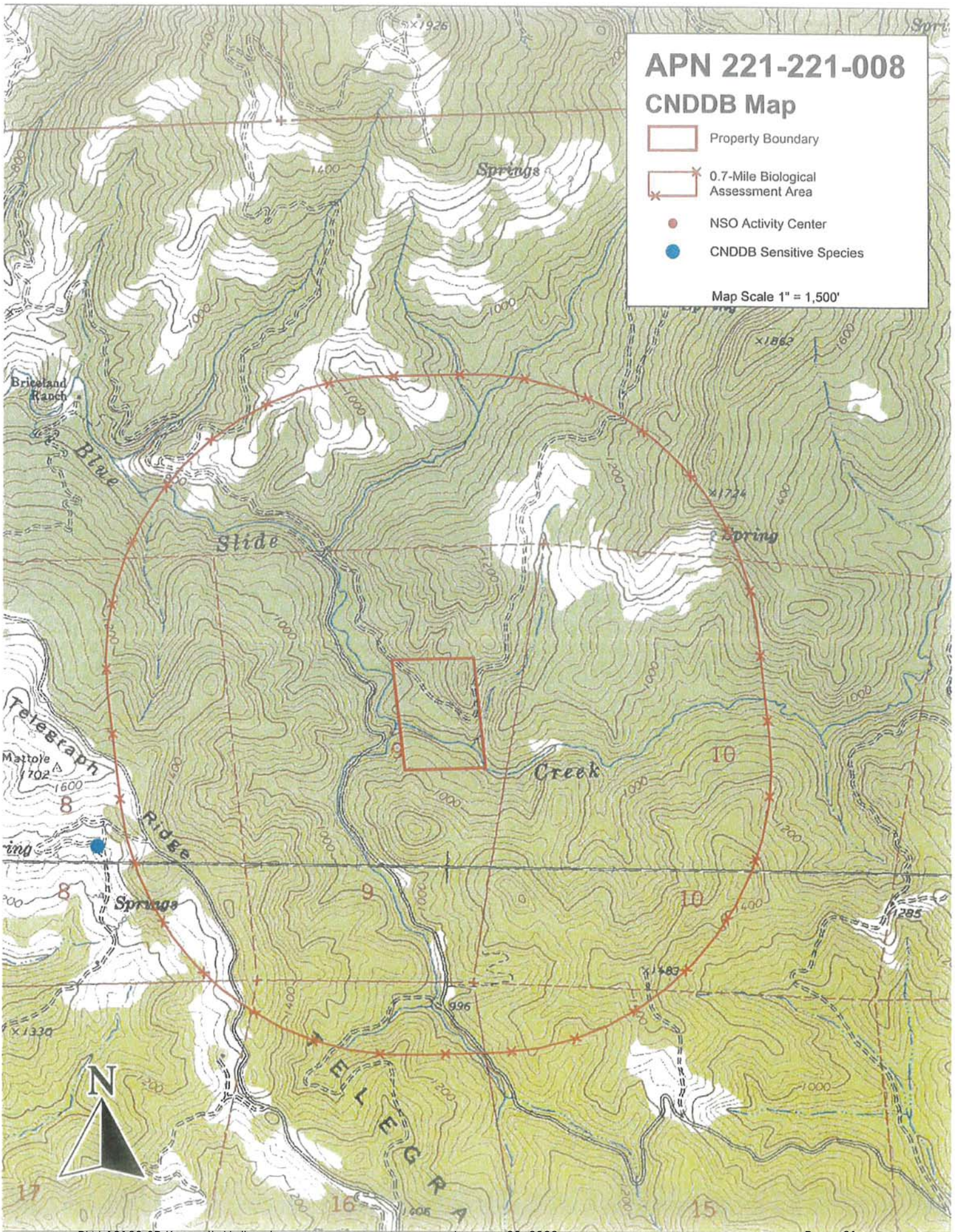
**1998** View of the property prior to conversion activities.

**2010** View of the property after partial conversion activities occurred.

**2016** View of the property after most conversion activities had been completed.

Notice that Cultivation Site 2 was not converted until 2016-2017





# APN 221-221-008

## CNDDB Map

- Property Boundary
- 0.7-Mile Biological Assessment Area
- NSO Activity Center
- CNDDB Sensitive Species

Map Scale 1" = 1,500'

# A Homeowner's Guide to Sudden Oak Death

A plant disease commonly called Sudden Oak Death is threatening coastal forests in California and Oregon. Currently found in coastal California counties from Monterey to Humboldt and in a small portion of southwest Oregon, the disease is caused by the pathogen *Phytophthora ramorum* (pronounced Fi-TOFF-thor-ra ra-MOR-um). Sudden Oak Death has resulted in the death of millions of tanoak and coast live oak trees. In addition, more than 35 other plant species are susceptible to the pathogen, yet most of these species suffer only minor damage, limited to leaf spots or twig dieback. Though Sudden Oak Death is a forest disease, it is common in urban-wildland interface areas, so it presents many challenges for homeowners. This guide addresses homeowner concerns, including diagnosing infected trees, disposing of contaminated material, and understanding treatment options that are available.

## What is the connection between Sudden Oak Death and nursery plants?

Many common horticultural plants are hosts for *Phytophthora ramorum*; consequently, nurseries in California, other states, and other countries, have found the pathogen on their plants. Plants are shipped all across the country, but they are strictly regulated. All *P. ramorum* host plants in California's regulated counties must be inspected and approved prior to shipment out of the regulated area. Nevertheless, carefully inspect the leaves of host plants for symptoms before making a purchase, and refrain from planting these horticultural hosts near susceptible oaks in your yard.

Because *P. ramorum* may be spread through the movement of infested soil and plant materials, State and federal regulations are in place to control the potential spread of the pathogen to uninfested areas. *P. ramorum* host species plant material is regulated by the California Department of Food and Agriculture (CDFA) and the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS). Quarantine regulations are in place for the infested counties, and before moving susceptible plant material out of the regulated area, you must contact your Agricultural Commissioner for a permit.

## If my oak tree has Sudden Oak Death, what are the chances it will die?

There is no way to determine if an individual tree will live or die after contracting Sudden Oak Death. Each tree responds differently to infection: experience tells us that it is rare for a tree pathogen to kill all of the trees it infects. Depending on a number of factors, some trees may never become infected, some may become infected and survive for various lengths of time, and others may become infected and die quickly. Because Sudden Oak Death is a relatively new disease in California, it will take time to determine just how likely different outcomes are for different tree species. Initial observations tell us that once infected, tanoak has a high probability of being killed by *P. ramorum*, but some individuals are still likely to survive. Coast live oaks appear to have a lower probability of being killed, though many have been killed by the disease. There is little mortality information on California black oak at this time, so it is difficult to predict how this tree species will fare.



California  
Oak Mortality  
Task Force

# Hosts, Symptoms, & Diagnosis

*Phytophthora ramorum* affects different species in different ways. It can be lethal to tanoak, coast live oak, California black oak, Shreve oak, canyon live oak, and madrone saplings, while it may cause only a minor leaf or needle disease for other hosts such as California bay laurel, coast redwood, and Douglas-fir. The list of species and varieties known to be susceptible to this plant pathogen continues to grow; check [suddenoakdeath.org](http://suddenoakdeath.org) for the latest updated host list.

## How can I confirm that my oak tree has Sudden Oak Death?

Because other organisms and injuries can produce symptoms on oaks that look similar to Sudden Oak Death, homeowners will not be able to diagnose their trees by themselves with absolute certainty. However, there are some steps that can help you determine if *Phytophthora ramorum* is likely.

(1) Determine if your oak tree is a susceptible species. To date, Sudden Oak Death has only been found on the following tree species in California: tanoak, coast live oak, Shreve oak, canyon live oak, and California black oak. Of these, tanoak is the species most likely to be killed.

(2) Determine if you are in an infested area. Check the Sudden Oak Death mapping and monitoring site or contact staff in your local County Extension, Agricultural Commissioner, or California Department of Forestry and Fire Protection (CDF) offices. If you are outside of an infested area, your tree could still be infected with *Phytophthora ramorum*, but it would be less likely.

(3) Compare the symptoms of Sudden Oak Death with those on your oak tree. Check other susceptible tree and shrub species nearby. Do they have leafspots or other symptoms of *P. ramorum*? California bay laurel is the best indicator of the risk and presence of the disease. Photos of symptoms on oaks, California bay laurel, and other hosts can be found at [suddenoakdeath.org](http://suddenoakdeath.org).

The probability that your tree is infected with *Phytophthora ramorum* will be greater if your tree is a susceptible species, exhibits typical symptoms, and is located in an infested area where other trees and plants are showing symptoms. Although positive confirmation can only be done through laboratory testing, diagnosis of *Phytophthora ramorum* based on visual symptoms can justify taking preventative action if you live in a generally infested area. If you ask a tree care professional to make such a judgment, determine what training or qualifications enable them to do this.



Bleeding cankers on a coast live oak trunk (Photo by Matteo Garbelotto, University of California, Berkeley)



Bleeding cankers on a tanoak trunk (Photo by Pavel Suthra, UC Cooperative Extension)

Rhododendron leaf spots (Photo by B. Malazan, Missouri Department of Conservation)



(Left) California bay laurel showing leaf spots typical of *P. ramorum* (Photo by Bruce Moltzau, Missouri Department of Conservation)  
(Right) California bay laurel leaf spots (Photo by Matteo Garbelotto, University of California, Berkeley)



**Treatments:** A phosphonate compound is registered as a preventative treatment for *Phytophthora ramorum*, for use on individual, high-value tanoak and oak trees. This treatment is NOT a cure, but can help protect trees from infection, as well as suppress disease progression in very early infections. However, fungicide treatment of *P. ramorum*-infected trees is not always appropriate. Trees with advanced symptoms cannot be saved.

The phosphonate compound may be injected or mixed with a surfactant and sprayed on the trunk for absorption through bark. The optimal treatment routine for coast live oaks calls for two applications the first year followed by one application annually thereafter. It is recommended to treat in either the fall then spring, or spring then fall the first year. Follow up treatments should be only in the fall annually (avoid treatments when temperatures are very low). If risk is minimal, meaning low abundance of infections or host species in the area, follow up treatments can be bi-annual.

Since the treatment must be made to healthy trees, and the pathogen's distribution and activity is patchy and somewhat unpredictable, it is difficult to determine which trees need to be treated. Generally, you should treat healthy, high-value oak or tanoak trees within 150ft of other infested plants. You may want to treat healthy, high-value oaks or tanoaks if they are surrounded by healthy California bay laurel and there are known infections between 150ft and 1000ft away. Treatment is NOT recommended in areas where infested plants are not already present. Although these treatments are best used as a preventative approach, it may be possible to prolong the life of trees already infected by *P. ramorum*. Research results indicate that treatments are effective only if trees are treated within the first two months of infection. Treatment of trees having displayed symptoms for six months or longer is not recommended.

Exactly how the pathogen spreads to oak trees is unknown, but it is suspected that neighboring non-oak host plants may be a source of infection for oak trees. However, because this relationship is poorly understood, large-scale removal of non-oak host plants is not being recommended as a way to prevent disease spread. Currently, it may be best to plant non-*Phytophthora ramorum* hosts under or adjacent to oak trees. Rhododendron, for example, is a commonly planted ornamental that is a host for *P. ramorum*, and it is possible that an infested rhododendron could infect a nearby oak. Additionally, the summer watering necessary to keep lawns and non-native ornamental shrubs, such as camellias, alive under an oak tree severely predisposes the oak to other diseases.

The use of insecticides to prevent *P. ramorum* infection is unjustified and without merit. However, the treatment of individual, high-value landscape trees displaying early bleeding symptoms of Sudden Oak Death may be justified to control damage from secondary bark beetle attacks. If an insecticide is to be used, apply it only if the disease is not at an advanced stage and realize it may only prolong the life of the tree for a relatively short period of time.

**Tree Removal:** A tree with Sudden Oak Death needs to be considered and treated differently than a tree without the disease, but the disease alone is not justification for removing a tree. Current information indicates that non-oak foliar hosts contribute the most to disease spread, so removing infected oak trees will probably have little or no impact on local disease levels and spread. However, an important consideration with respect to any tree is whether or not it presents a hazard to life or property. All trees present some hazard, depending on the tree's structural integrity and its potential to do harm should it fail or portions break off. Preliminary research has shown that trees infected or killed by *P. ramorum* are prone to rapid decay and unpredictable failure. Green infected trees, as well as trees already dead from *P. ramorum* and/or secondary pests, are at increased risk of trunk and limb breakage.

### Who should I hire to treat my trees?

The COMTF has held many training sessions for tree care professionals in California. A list of those training participants can be found on the COMTF website. Go to [suddenoakdeath.org](http://suddenoakdeath.org) to find a professional in your area who has attended a general diagnostic training session or a training session on applying the registered preventative chemical treatment. While they have been trained, it is still important to ask for references, as well as to interview the arborist and applicator to see if they are up-to-date on the latest *Phytophthora ramorum* management strategies.

The decision to remove a hazardous tree ultimately lies with the property owner. In order to get an objective assessment of hazardous conditions, contact a certified arborist or other qualified professional. Any dead tree has an increased risk of failure, but even dead trees have value, and if there is not a risk to life or property, consider leaving it standing. Standing dead trees provide important wildlife habitat, and after they fall and decay, they are a source of nutrients to be recycled into the soil.

Always consult regulatory officials regarding local tree ordinances before deciding to remove trees. Experienced tree service technicians should conduct tree felling, as infected trees may have an abundance of structural wood decay. If there is an acute emergency, contact your city arborist, local fire, or police department.

### **If I have an infected oak tree cut down, what should be done with the wood?**

The simplest and best way to deal with infested wood is to leave it on site, chipping the smaller pieces of wood for use as mulch, and splitting the larger pieces of wood for firewood. Do not stack oak firewood next to living oak trees since this can lead to insect attack on the living trees. If the stack must be next to living trees, consider seasoning the logs beneath a tightly sealed, clear plastic tarp to prevent the buildup of destructive insects.

### **What should be planted to replace a tree that was killed by *Phytophthora ramorum*?**

If you want to replant, it is important to choose a plant that will suit your needs and adapt well to the site. There are many resources available that can guide you in making the right choice. Check to see if there are any local ordinances or guidelines that govern tree replacement or planting.

Resistance to *P. ramorum* in oak trees is just beginning to be explored. Resistant planting stock is not available at this time, nor is it known if it will ever be available. If you want to replant the same species of tree that was lost, there is a risk that the new tree may also suffer from the disease. If you have space for replanting many trees, consider replanting the same species in combination with other trees that don't get the disease. Thus, if some trees are lost to *P. ramorum* there will still be other trees that survive. Coast live oaks do not seem to be infected by *P. ramorum* until they reach about 4" in diameter, so new trees should be immune for a number of years, and high value trees can be treated if necessary once they reach a susceptible age. Species in the white oak group such as valley oak, Garry oak, and blue oak are not susceptible to *P. ramorum*.

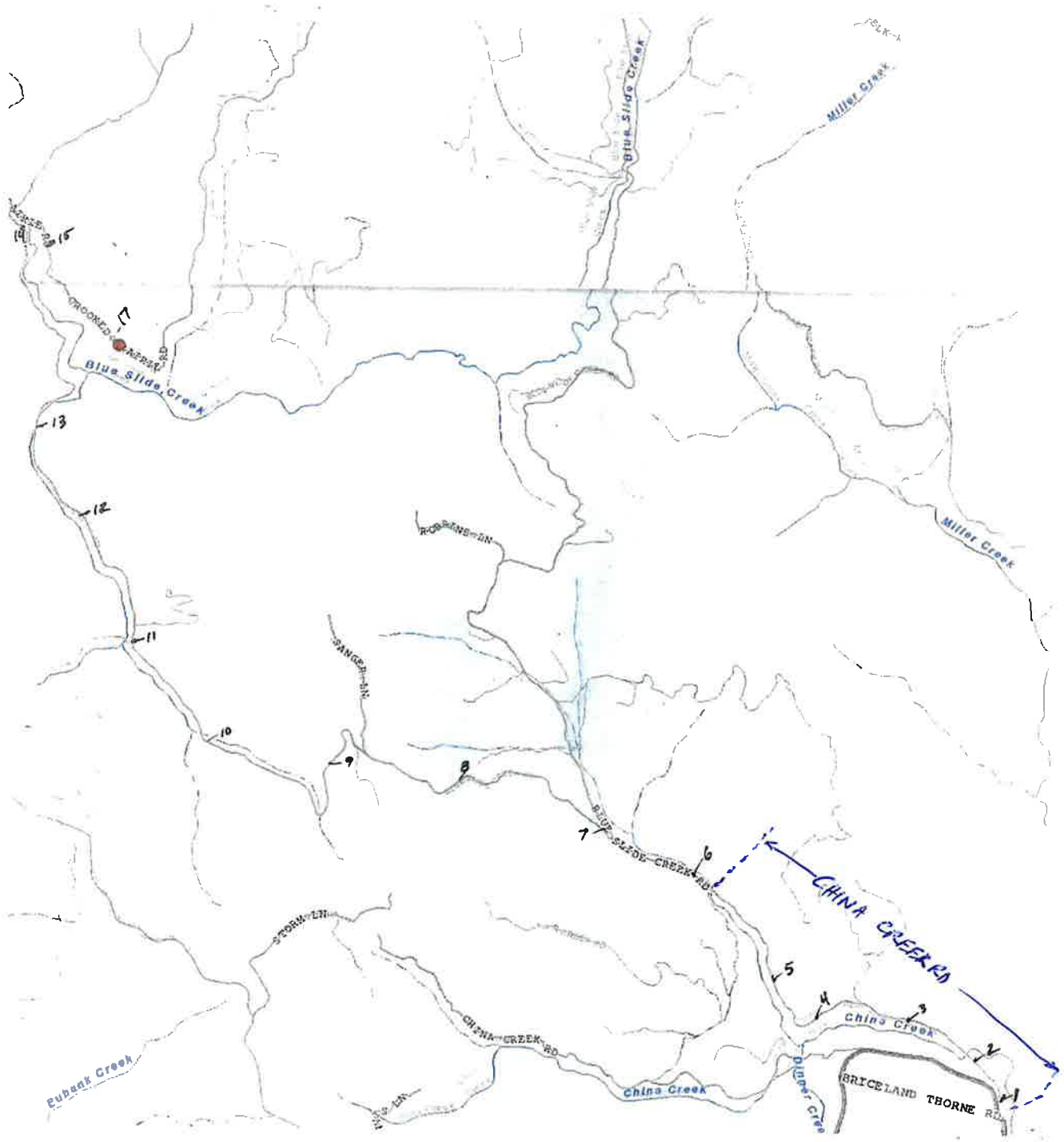
Many common ornamental plants, such as rhododendrons, azaleas, and camellias, are also known hosts of *P. ramorum*. These plants not only can host spores that may infect oak trees, but their watering requirements are vastly different than those of California native oaks. We do not recommend planting these species under or near native oaks.

If infected wood is removed from your property, make sure it is utilized or disposed of in a way that does not spread the disease. Avoid leaving wood next to roads where it could be picked up and transported off-site by unauthorized parties. Regulations prohibit the movement of host plants and plant parts out of the quarantined area. If you have infected trees cut down, make sure the wood and other tree parts are not moved outside of the quarantine area.

### **Debris Disposal:**

Disposal of infested material is extremely important because branches, twigs, and leaves from California bay laurel, rhododendron and other host plants may harbor *P. ramorum*, even after they are removed from the plant. If infested plant debris

or infected live plants are moved, they may inadvertently transfer the pathogen to uninfested areas. Unfortunately, *P. ramorum* has been present in many areas of coastal California for a decade or longer, making complete eradication impossible. In infested areas, the best option is to leave infested material on site, chipping the small material (for use as ground cover) and using larger pieces for firewood. Composting can also successfully kill the pathogen, but the compost must reach temperatures that are probably not possible or practical in a home composting site. Since inoculum levels are already thought to be high, leaving the additional inoculum from the infested plant material on site will not significantly worsen the local disease conditions. Plant debris removal from the property is only recommended if it is the first infected tree to be detected in the area, or if fire risk is high.



**Road Network Images**

APPS: 13183

The map above shows locations of 15 road images along the 4.9 mile road segment leading  
 To the project site APN: 221-221-008.

The last image, numbered 17, is at the property entrance.



APPS: 13183

2



1





APPS: 13183





5



6

APPS: 13183



7



8

APP 5: 13183



9



10

APPS: 13183



12



11

APPS: 13183

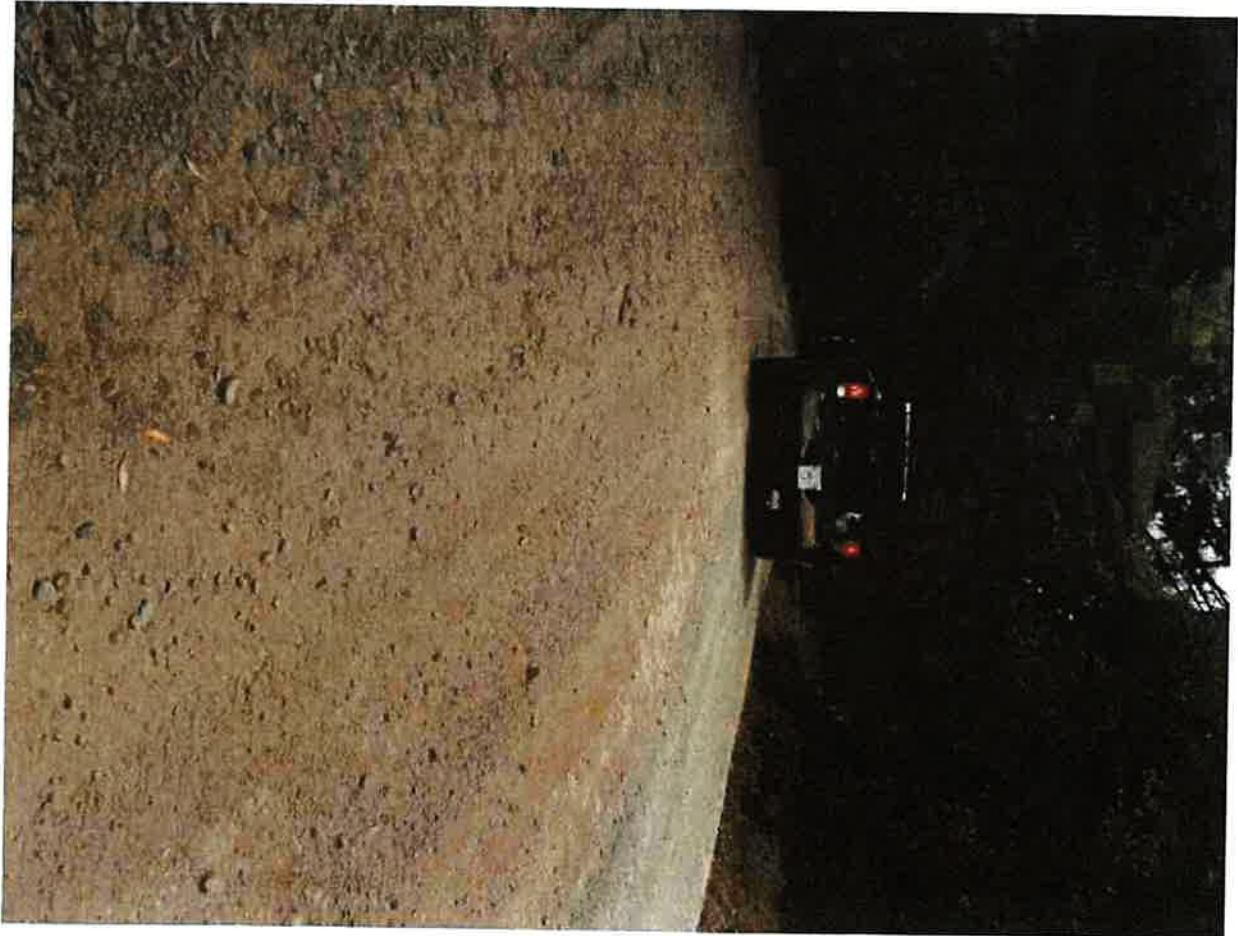


Apps: 13183

17



15



APPS: 13183

Exhibit "D"

Road Evaluation Reports

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

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

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

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thome Road	F5A010	All
Burrell Road	3D030	From Mattole Road to P.M. 067
Cathey Road	6D030	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Eel Rock Road	7D910	All
Eighth Avenue	4N080	All
Eitersburg Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kirceland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H1010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All
Sprawl Creek Road	C6B095	PM 0.0 to PM 2.11
Sprawl Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Tilow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Kenneth Holland APN: 221-221-008

Planning & Building Department Case/File No.: APPS: 13183

Road Name: CITNA Creek Rd (Humb. Crs) (complete a separate form for each road)

From Road (Cross street): Briceland-TITORNE RD

To Road (Cross street): BLUE SLIDE CREEK ROAD

Length of road segment: 1.35 miles Date Inspected: 12-28-2021

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

Check one of the following:

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

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

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

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

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

Signature David Spinoso

Date 12-28-2021

Name Printed DAVID SPINOSA

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

u:\pwrk\\_landdevprojects\referrals\forms\road evaluation report form (2017-10-26).docx





1

19



China Creek

TWIN CREEK RD

BLISS STUBB CREEK RD

CHINA

CHINA CREEK RD

BRIGHAM THORNE RD

China Creek

China Creek

China Creek

China Creek

China Creek

China Creek

China Creek

China Creek

China Creek

China Creek

China Creek

China Creek

China Creek

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China Creek

China Creek

China Creek

China Creek

China Creek

APPs: 13183

8000 Crooked  
Prairie Road

BLUE  
SLIDE CREEK RD

14 min  
4.4 miles

CHINA CREEK ROAD

Biceford Rd

Biceford Rd

Biceford Rd

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: Kenneth Holland APN: 221-221-008

Planning & Building Department Case/File No.: APPS: 13183

Road Name: BLUE SLIDE Creek Rd (complete a separate form for each road)

From Road (Cross street): CITNA Creek Rd

To Road (Cross street): CROOKED Prairie Rd

Length of road segment: 3.05 miles Date Inspected: 12-28-2021

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

Check one of the following:

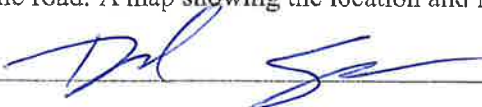
**Box 1**  The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

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

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

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

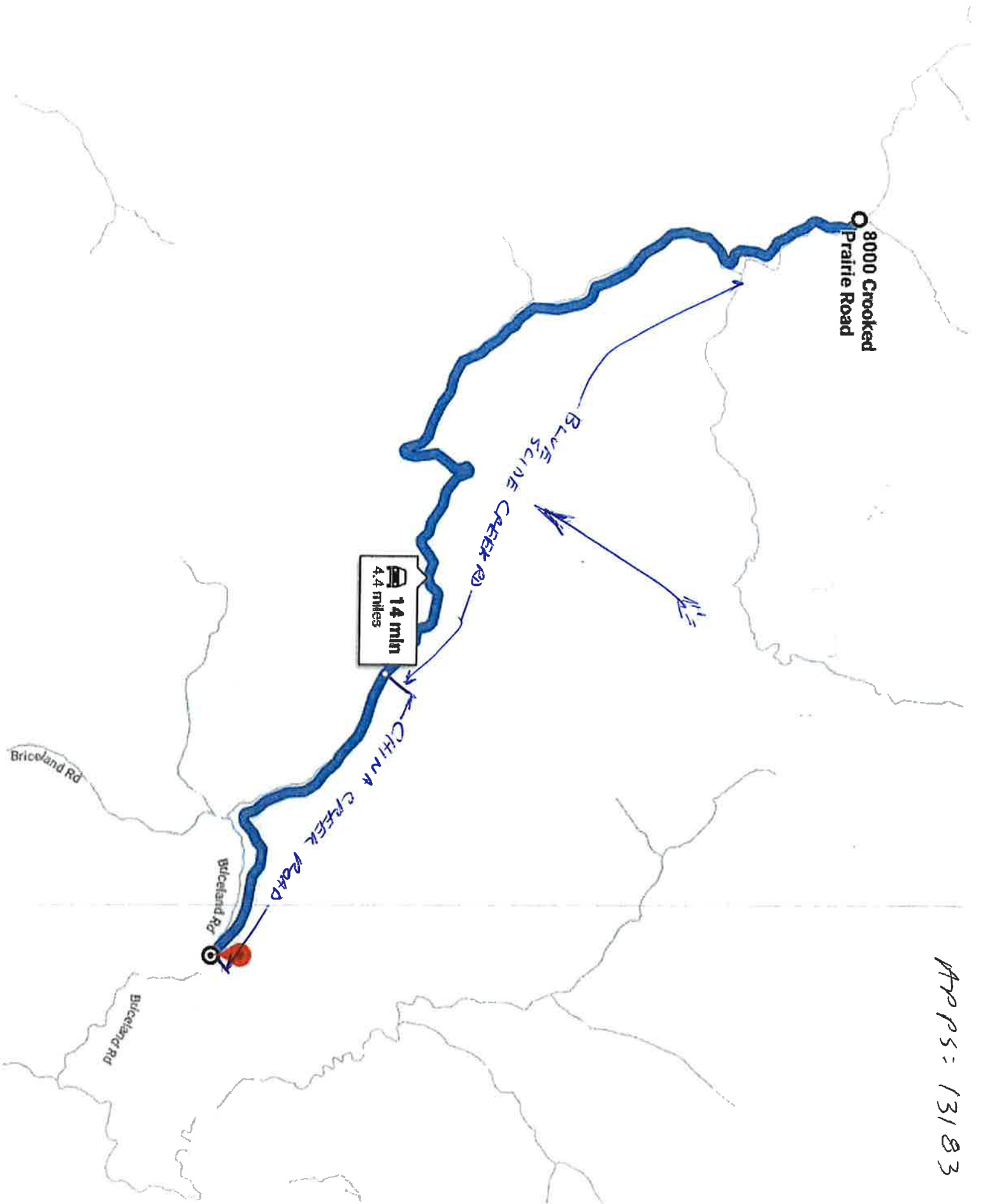
The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road. A map showing the location and limits of the road being evaluated in PART A is attached.

Signature 

Date 12-28-2021

Name Printed DAVID SPINOSA

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.2205.



APP 13183

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: Kenneth Holland APN: 221-221-008

Planning & Building Department Case/File No.: APPS: 13183

Road Name: Crooked Prairie Rd (complete a separate form for each road)

From Road (Cross street): BLUE SLIDE CREEK ROAD

To Road (Cross street): SUBJECT PARCEL

Length of road segment: 0.5 miles Date Inspected: 7-16-19

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

Check one of the following:

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

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

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

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

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

Signature



Date

7-16-19

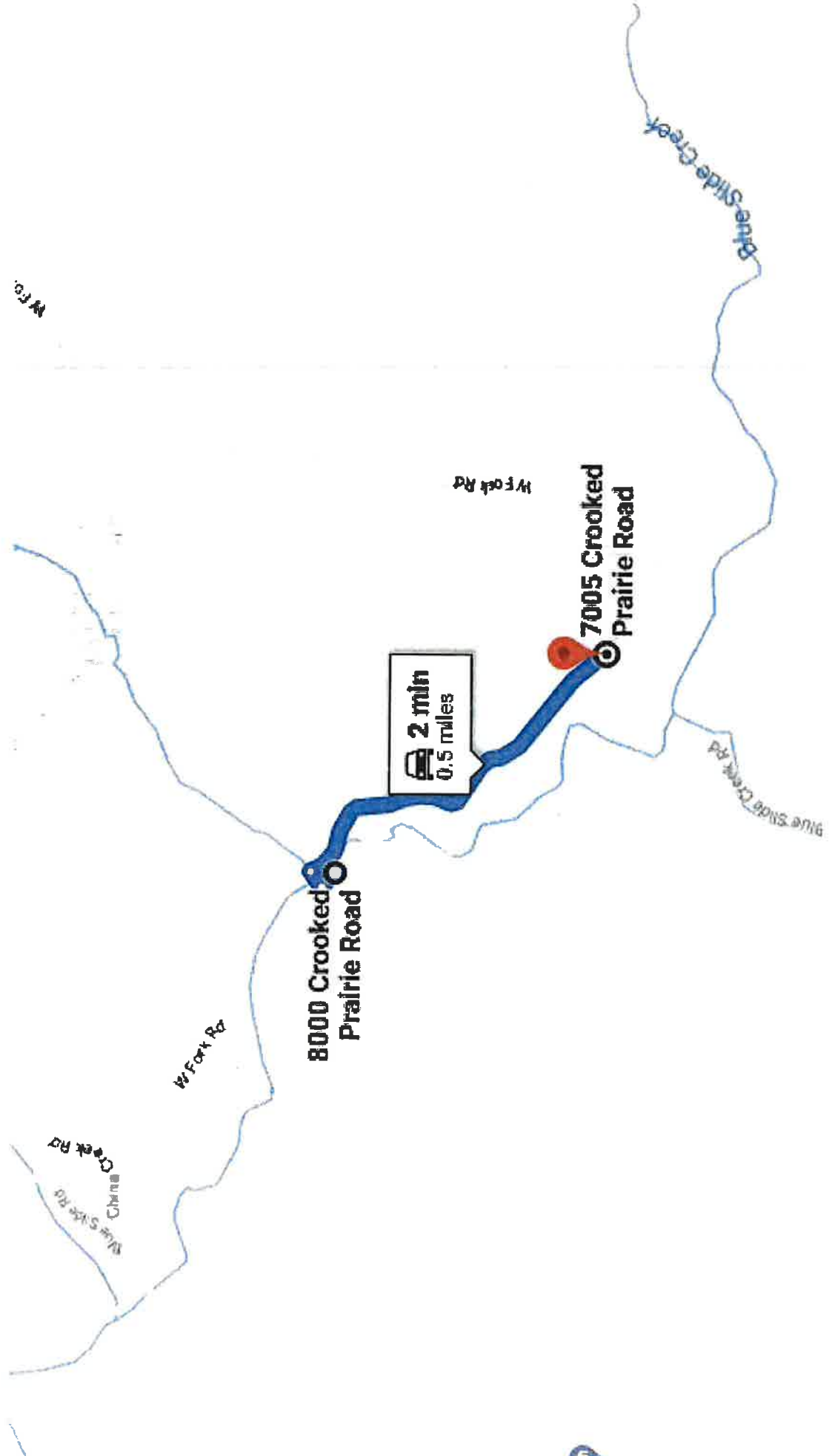
Name Printed

Sean Moynihan

DAVID SPINOSA 12-28-2014

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707-445-7305.

APPS-13183



## 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	✓	Comments	<b>Attached</b>
Division Environmental Health	✓	Approval	<b>Attached</b>
Public Works, Land Use Division	✓	Conditional Approval	<b>Attached</b>
California Department of Fish & Wildlife		No Response	<b>Attached</b> – Planning staff request for comments
CAL FIRE	✓	Comments	<b>Attached</b> – CAL FIRE comments (July 2019), Planning staff request for review of Timber Conversion Evaluation (December 2021), and additional CAL FIRE comments (December 2021)
Telegraph Ridge Fire Protection District		No Response	
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
Intertribal Sinkyone Wilderness Council		No Response	
So. Humboldt Joint Unified School District		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
Humboldt County Sheriff	✓	Approval	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING**  
 3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

7/9/2019

**Project Referred To The Following Agencies:**

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, FPD: Telegraph Ridge, RWQCB, NCUAQMD, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

**Applicant Name** Sean Moynihan **Key Parcel Number** 221-221-008-000

**Application (APPS#)** PLN-13183-SP **Assigned Planner** Rodney Yandell

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

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

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

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

**Return Response No Later Than: 7/24/2019**

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

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

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

Other Comments: Incomplete site plan. Additional permits will be required.  
See comments on checklist.

DATE: 7-23-19 PRINT NAME: Ross Esckra



Summary

Cancel Help

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (3)

Payment

Workflow History (17)

Task	Due Date	Assigned Date
Environmental Health	07/26/2019	07/15/2019

Assigned to	Status
Ben Doh	Approved

Action By	Status Date
Ben Doh	07/16/2019

Start Time	End Time	Hours Spent
		0.0

Comments

Billable	Overline
No	No

Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)

Display Email Address in ACA	Display Comment in ACA	Comment Display in ACA
No	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Record Creator	Licensed Professional	Contact	Owner
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Estimated Hours	Action Updated	Workflow Calendar
0.0		



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

ON-LINE  
 WEB: CO HUMBOLDT CA US

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

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

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

LAND USE	445-7205
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**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Rodney Yandell, Planner, Planning & Building Department  
 FROM: Kenneth M. Freed, Assistant Engineer *KA*  
 DATE: 07-15-2019

RE:

Applicant Name	SEAN MOYNIHAN
APN	221-221-008
APPS#	PLN-13183-SP

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

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

**Note:** Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

**No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

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// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 13183

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

COUNTY ROADS- PRIVATE ROAD INTERSECTION:

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

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //

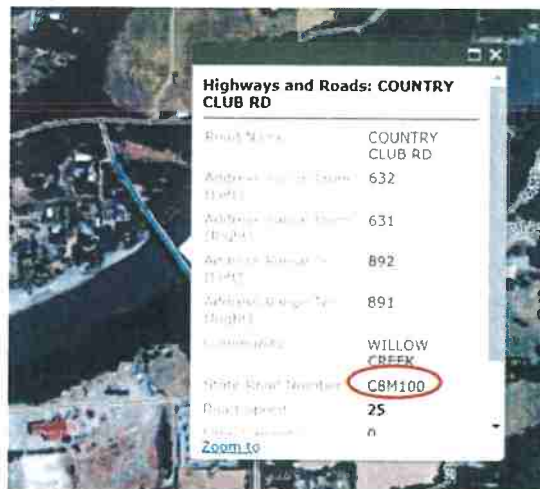
Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

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

**Exhibit "D"**

**Road Evaluation Reports**

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

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

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

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

<b>"APPROVED LIST"</b>		
<b>List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects</b>		
<b>Road Name</b>	<b>Road Number</b>	<b>Range meeting (or equivalent to) Road Category 4 standard</b>
Alderpoint Road	F6B165	All
Barrys Road	5J020	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Road to P.M. 0.67
Butler Valley Road	F5J031	All
Cathy Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Dean Creek Road	6B198	State Hwy 101 to P.M. 0.48 [End of County maintained]
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg- Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37 [End of County maintained] then continues as USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Johnson Road	4G060	State Hwy 36 to P.M. 1.69 [End County maintained]
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Lighthouse Road	1D010	Mattole Road to State Park boundary
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.5
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57 [End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained] continues as a non-County maintained road
Panther Gap Road	4D010	Mattole Road to P.M. 1.83 [End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All

**Exhibit "D"**

**Road Evaluation Reports**

<b>"APPROVED LIST"</b>		
<b>List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects</b>		
<b>Road Name</b>	<b>Road Number</b>	<b>Range meeting (or equivalent to) Road Category 4 standard</b>
Price Creek Road	3G075	Blue Slide Creek Rd to PM 2.0
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All
Showers Pass Road	6G010	PM 0.0 to PM 4.0 and PM 17.0 to PM 19.1
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11 (At Old Briceland Road)
Sprowel Creek Road	6B095	Old Briceland Rd to PM 7.22 [End of County maintained]
Tim Mullen Road	5J010	PM 0.0 to PM 2.07 [End of County maintained]
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained road
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
Wallan Road	6B166	Alderpoint Rd to PM 1.29 [End of County maintained]
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

<b>List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects</b>		
<b>Road Name</b>	<b>Road Number</b>	<b>Range not meeting (or not equivalent to) Road Category 4 standard</b>
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Cemetery Road	8D020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Harris Road	8B020	All
Kings Peak Road	C4A020	P.M. 1.0 to P.M 12.20
McCann Road	6D090	P.M.1.5 to P.M.2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49 [End]
Old Eel Rock Road	7D025	All
Price Creek Road	3G075	P.M. 2.0 to P.M. 3.45
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88 [End of County maintained]
Showers Pass Road	6G0100	P.M. 4.0 to P.M. 17.0
Stapp Road	7H010	P.M 0.00 to 3.25 [End of County maintained]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //

## Megan Marruffo

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**From:** Megan Marruffo  
**Sent:** Monday, December 27, 2021 11:21 AM  
**To:** Michael Van Hattem  
**Cc:** Cliff Johnson <CJohnson@co.humboldt.ca.us>; Meghan Ryan  
**Subject:** APPS #13183; APN 221-221-008, Kenneth Holland - Projected Hearing Date: 1/20/22  
**Attachments:** 13183 LSAA.pdf

Good morning, Michael,

I am writing to see if CDFW has comments for the Kenneth Holland project (APPS #13183; APN 221-221-008), located in the Ettersburg area. The project is anticipated to go before the Zoning Administrator for decision on January 20, 2022. There is a Streambed Alteration Agreement issued by CDFW (attached). The project description is as follows:

A Special Permit for 8,320 square feet (SF) of existing mixed light cannabis cultivation and 832 SF of ancillary propagation, for a total of 9,152 of onsite cultivation. Irrigation water is sourced from a Class II stream diversion. Existing available water storage is 57,300 gallons in fourteen (14) HDPE tanks, with an additional 30,000 gallons proposed, for a total of 87,300 gallons of onsite water storage. Estimated annual water usage is 126,200 gallons. Drying and curing occurs onsite with all other processing occurring offsite at a licensed processing or manufacturing facility. A maximum of four (4) people will be on-site during peak operations. Power is provided by a generator, with long-term plans to add solar and hydropower. Special Permits are also requested for development in the Streamside Management Area (SMA) related to continued use and maintenance of two (2) points of diversion for irrigation and future installation, use, and maintenance of hydropower infrastructure.

If CDFW has any questions or comments regarding this project, please let me know.

Thank you,  
Megan



Megan Marruffo  
Senior Planner / Project Manager  
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## Megan Marruffo

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**From:** Meyers, Tim@CALFIRE <Tim.Meyers@fire.ca.gov>  
**Sent:** Thursday, December 16, 2021 1:31 PM  
**To:** Megan Marruffo  
**Subject:** Re: APPS #13183, APN: 221-221-008, Kenneth Holland; PROJECTED HEARING DATE: 1/20/2022

Megan,

I received your email today about AP#13183. It appears that since my original response to the project the applicant has submitted his timberland conversion evaluation report. In doing so he has fulfilled the requirements of the county marijuana program. see below

HUMBOLDT COUNTY, CA - ORDINANCE NO. 2559

If the parcel is zoned TC 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, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall provide CAL-FIRE written Notice of Availability of the RPF's report. If CAL-FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final.

It is impossible for CALFIRE to oversee or insure that the work will get done and I don't know what mechanism is in place to insure compliance with the RPF recommendations listed in the timberland conversion evaluation but I think that rests solely on the landowner and his consultants or the people that the staff report suggests will do the follow up inspections.

Hope this is what you are looking for if not give me a call or shoot me an email.

Tim Meyers  
Forester I, RPF #2813  
Department of Forestry and Fire Protection  
**CAL FIRE**  
Weott Resource Management  
Humboldt-Del Norte Unit  
Office (707) 946-2204  
Cellular (707) 599-6433  
[tim.meyers@fire.ca.gov](mailto:tim.meyers@fire.ca.gov)

Every Californian should conserve water. Find out how at:



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**From:** Megan Marruffo <marruffom@lacoassociates.com>  
**Sent:** Thursday, December 16, 2021 9:38 AM  
**To:** Meyers, Tim@CALFIRE <Tim.Meyers@fire.ca.gov>  
**Cc:** Cliff Johnson <CJohnson@co.humboldt.ca.us> <cjohnson@co.humboldt.ca.us>; Meghan Ryan <ryanm@lacoassociates.com>  
**Subject:** APPS #13183, APN: 221-221-008, Kenneth Holland; PROJECTED HEARING DATE: 1/20/2022

**Warning:** this message is from an external user and should be treated with caution.

Good morning, Tim,

I am writing to in regard to the Kenneth Holland project (a Special Permit for 8,320 square feet (SF) of existing mixed light cannabis cultivation with 832 SF of ancillary propagation; APPS #13183; APN 221-221-008), located in the Ettersburg area. CAL FIRE previously provided comments on the project in July 2019 (attached for your reference), where it was noted the project could not be supported due to unpermitted conversion activities on the property.

A Timber Conversion Evaluation was performed in July 2020, which found that approximately 0.50 acres of unauthorized timberland conversion occurred onsite between 1998 and 2009, 2009 and 2010, 2010 and 2012, and 2014 and 2016, and that the total amount of conversion is under the three-acre conversion exemption maximum. The conversion activities conducted were noted to not comply with the standards set forth in the California Forest Practice Act and the California Forest Practice Rules. Two recommendations are included in the Report, including treating all slash piles and woody debris, and treatment of sudden oak death infected felled trees. The staff report will include a condition to require compliance with these recommendations.

I am respectfully requesting your review of the attached Report. Please let me know if the Report and recommendations adequately address CAL FIRE's concerns or if there are any additional comments or concerns.

Please let me know if you have any questions or require any additional information.

Thank you,  
Megan



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

The Department has no comment at this time.

Suggested conditions attached.

Applicant needs to submit additional information. List of Items attached.

Recommend denial.

Other comments.

Date:

Name:

**Forester Comments:**

Date:

Name:

**Battalion Chief Comments:**

**Summary:**

**Accelea** Civic Platform > **HUMBOLDT**

PLN-13183-SP - Kenneth Holland - SP for existing 8,320 sf cultivation

Cancel Help

Summary

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Camrabis

Project Tracking

6 Referral Task Log (2)

Fee (3)

Payment

Workflow History (17)

Task	Due Date	Assigned Date
Sheriff	08/01/2019	
Assigned to Department	Assigned to	Status
Sheriff	Sheriff Humboldt County	Approved
Action by Department	Action By	Status Date
Sheriff	Sheriff Humboldt County	07/22/2019
Start Time	End Time	Hours Spent
		0.5
Billable	Overline	Comments
No	No	No DA files for either name listed
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display / E-mail Address in ACA	<input checked="" type="checkbox"/> Display / Comment in ACA	Comment Display in ACA
		<input checked="" type="checkbox"/> All ACA Users
		<input checked="" type="checkbox"/> Record Creator
		<input checked="" type="checkbox"/> Licensed Professional
		<input checked="" type="checkbox"/> Contact
		<input checked="" type="checkbox"/> Owner
		Workflow Calendar
		Workflow Blockout
Estimated Hours	Action Updated	
0.0		