



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: April 15, 2021

To: Humboldt County Planning Commission

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

Subject: **Humboldt's Dankest, LLC, Conditional Use Permit and Special Permit**
Record Number: PLN-11878-CUP
Assessor's Parcel Numbers (APN): 081-091-008 and 081-091-009
719 and 733 Boy Scout Camp Road, Myers Flat area

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Please contact Emily Biro, Associate Planner, at (510) 893-3600 or emily.biro@aecom.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
April 15, 2021	Conditional Use Permit and Special Permit	Emily Biro

Project Description: A Conditional Use Permit for 1,500 square feet of existing outdoor cannabis cultivation and 3,500 square feet of new mixed light cannabis cultivation activities totaling 5,000 square feet of cultivation area. Propagation would occur on-site in a proposed 320-square-foot temporary structure. Irrigation water is provided by Myers Flat Mutual Water System, Inc. Water storage onsite consists of one 2,500-gallon hard water tank allocated for fire suppression. Estimated annual water usage is 115,000 gallons. Trimming would occur in a proposed 320-square-foot temporary structure while drying and storage will occur in proposed, temporary structures of the same proposed size (320-square-foot). No additional employees are required (other than applicant and the applicant's family). Power is provided by P. G. & E. The proposed project includes a Special Permit to reduce the required 600-foot setback from the public lands as the subject parcels are located adjacent to a parcel owned by the California State Parks.

Project Location: The project is located in Humboldt County, in the Myers Flat area, on the south side of Boy Scout Camp Road, approximately 425 feet southwest from the intersection of Orchard Way and Boy Scout Camp Road, on the property known as 719 and 733 Boy Scout Camp Road.

Present Plan Land Use Designations: Residential Estates (RE) and Conservation Floodway (CF). Slope Stability: Moderate instability (2).

Present Zoning: Flood Plain (FP)

Record Number: PLN-11878-CUP

Assessor's Parcel Number: 081-091-009 and 081-091-008

Applicant

Humboldt's Dankest, LLC
4787 Patricia Dr
Eureka, CA 95503

Owner

Vivian Mou
4787 Patricia Dr
Eureka, CA 95503

Agents

NorthPoint Consulting Group,
Inc.
1117 Samoa Blvd.
Arcata, CA 95521

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.

Humboldt's Dankest, LLC
Record Number: PLN-11878-CUP
Assessor's Parcel Numbers: 081-091-009 and 081-091-008

Recommended Commission Action:

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

Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit and adopt the Resolution approving the Humboldt's Dankest, LLC, project as recommended by staff subject to the recommended conditions.

Executive Summary: Humboldt's Dankest, LLC, seeks a Conditional Use Permit to allow the continued cultivation of 1,500 square feet of existing outdoor cannabis and 3,500 square feet of new mixed light cannabis totaling 5,000 square feet of cultivation area. The subject parcel is designated as Residential Estates (RE) and Conservation Floodway (CF) in the Humboldt County 2017 General Plan Update and zoned Flood Plain (FP). The subject parcel is currently developed with one recreational vehicle (RV) and agricultural accessory structures. Cultivation would take in three (3) greenhouses. The existing greenhouse for outdoor cultivation uses natural light and light deprivation. The two proposed greenhouses, approximately 1,400 square feet in 1,800 square feet size, respectively, for mixed light cultivation will use a combination of artificial light, natural light and light deprivation. All plant starts will be propagated on site within a proposed 320-square-foot temporary structure used for propagation. The outdoor cultivation will produce two flowering cyclers per year. The mixed light cultivation will produce 3 flowering cycles per year. The growing season extends from March through November. Drying and storage will occur onsite in two proposed temporary 320-square-foot structures. No additional employees are required (other than the applicant and the applicant's family, which would generally consist of two people onsite and occasionally up to four people onsite). The proposed project includes temporary use of two additional RVs when cultivation is occurring. The existing and proposed RVs on site would be living spaces for the family and would be temporary in nature, to be moved every six months. The existing RV is connected to an existing septic system. Power is provided by P. G. & E. The operation will be secured behind a locked gate, an 8-foot tall wooden fence around the entire property, and surveillance will be provided by motion activated security, and a family member will be living on site.

The proposed project was submitted in 2016 and is being processed pursuant to the Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The CMMLUO Section 314- 55.4.8.2.1 *Approvals for New Outdoor and Mixed-Light Cultivation Areas* allows for parcels with prime agricultural soils located in the FP zoning district on slopes less than 15% with a nondiversionary water source. The development on the subject parcel cannot exceed 20% and existing and proposed cultivation areas cannot exceed 10,000 square feet. The CMMLUO Section 314-55.4.8.2.1.3 requires a Conditional Use Permit for parcels in the FP zoning district and limits the area of cultivation to 5,000 square feet. The subject parcels are 0.52 acres and 0.75 acres in size. The applicant is proposing to merge the subject parcels into one legal parcel that totals 1.27 acres in size to meet minimum parcel size requirements contained within the CMMLUO. Application for the Notice of Merger is included in the recommended conditions of approval. Prime agricultural soils total 1.27 acres and the proposed cultivation area is 5,000 square feet or 9% of the prime agricultural soils area. The slopes on the subject parcels are less than 15% as shown on the Humboldt County WebGIS. Water will be provided by the Myers Flat Mutual Water Systems, Inc. There was 1,500 square feet of cultivation in existence prior to January 1, 2016. Total cultivation on the subject parcels is 5,000 square feet. Therefore, the proposed projects meet CMMLUO requirements for new cultivation.

The pre-2016 cultivation footprint was located entirely within the Streamside Management Area (SMA) for the South Fork of the Eel River and within CAL FIRE SRA setbacks, so efforts were made in 2016 and

2017 to reconfigure cultivation area footprint to a location outside the SMA. The initial cultivation operation on the site consisted of outdoor pots and above ground raised beds, placed along the south eastern fence within the 100-foot SMA buffer. Remediation of this area included reseeding with grasses and landscaping fruit trees which had been planted by the previous owner. The area was cleared of imported soil, the raised beds taken down and removed, and all cultivation related materials have been removed from the SMA buffer. No further activity associated with cannabis cultivation occurs within the SMA. Planning staff supports the relocation outside of the SMA to minimize potential impacts to the South Fork of the Eel River from cultivation activities.

Estimated annual water usage for cultivation use is 115,000 gallons (6.97 gal/sf), with peak demand occurring in July and August. Irrigation water is provided by Myers Flat Mutual Water System, Inc. The applicant uses on-demand water purchased from Myers Flat Mutual Water System, Inc.; therefore, no water storage is necessary for cultivation use. The water provider issued a notice it would continue to supply water to the site, including both parcels, as long as the applicant complies with the Commercial Agriculture Account conditions (see Attachment 4). Irrigation will be conducted using timed drip emitters to minimize the potential for overwatering as described by the operations plan.

The applicant is enrolled in the State Water Resources Control Board (SWRCB) WQ2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order) under SWRCB Cannabis Cultivation Policy (WDID 1_12CC4169620 Effective as of 07/01/2019; Expires 4/15/2024). A Site Management Plan was prepared by Northpoint Consulting Group (Attachment 3) consistent with State Water Resource Control Board (SWRCB) Order No. WQ 2017-0023-DWQ (Cannabis General Order), and Tier 2 enrollment under Order No. 2015-0023 for the North Coast Regional Water Quality Control Board (NCRWQCB).

A search of CNDDDB biological resources database was performed on December 8, 2020. The nearest NSO sightings are approximately 1.75 miles away and there are no NSO activity centers within 2 miles. The Myers Flat community is mostly developed; however, a riparian area and the heavily forested areas across the South Fork of the Eel River could be utilized for foraging by NSO. All equipment utilized in conjunction with the proposed commercial activity including but not limited to generators, fans, dehumidifiers, heaters, etc. is required to comply with the performance standards set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) which requires noise levels be at or below 50 dB at 100 feet or edge of habitat whichever is closer to the noise source. There is one mapped sensitive species that could occur onsite in and adjacent to the South Elk Fork River: the foothill yellow-legged frog. No development is proposed in the SMA, therefore, the foothill yellow-legged frog is unlikely to be impacted by the proposed project as they are typically location in and near water courses. The project will continue to use best practical treatment or control (BPTC) measures as outlined in the Site Management Plan (SMP) prepared by Northpoint Consulting Group for this operation (Attachment 3). No conversion of timberland has occurred. Furthermore, the project is conditioned to refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife.

The proposed project includes a Special Permit requesting to reduce the 600-foot setback from adjacent lands owned by the California State Parks. The cultivation areas are approximately 133 feet from the adjacent State Park parcels. Planning staff contacted California State Parks staff on February 23, 2021, inquiring if the California State Parks had any objections to the reduction in 600-foot setback. California State Parks staff responded on March 29, 2021, and stated they did not have any concern regarding this project (see Attachment 4).

The portion of this parcel adjacent to the project parcel is not used as a developed or designated public park. The adjacent public land is subject to the *Humboldt Redwoods State Park General Plan 2001 (HRSPGP)*. The HRSPGP identifies agriculture and ranching, resource extraction, activities on private lands that generate aesthetic or resource impacts, and highway maintenance as adjacent land uses that may cause impacts. The HRSPGP states that with road work and the potential for clear-cutting occurring so near the park's boundary, erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty,

and the reduction of quality habitat for plants and animals remain issues that must be monitored. The *HRSPGP* also states that adequate buffering of development within the park from adjacent land uses or other mitigation measures must be utilized as potential remedies for adverse impacts to the park's prime resources.

The project is consistent with the *HRSPGP* because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The project will not require substantial road improvements or the removal of trees. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water withdrawals and on the storage and use of pesticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring adequate road access. The *HRSPGP*'s provisions for cultural resource protection will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. Additionally, a Site Management Plan was developed for the project. The plan was developed to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails. As a result, there will not be any new erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty or reduction of quality habitat for plants and animals.

Staff analysis of the Humboldt Redwoods State Park Road and Trail Inventory and Assessment Existing Roads and Trails Map indicate that the Park's nearest developed facility to the project site is the Myers Plaque Trail- I, located over one half of a mile to the northwest. Also, upon review of the *Humboldt Redwoods State Park Road and Trail Management Plan; Public Draft 2017* and the corresponding *Planning Recommendations Map Bull Creek Southeast*, there are no existing or proposed developments within the park that would be impacted as result of the proposed project. Therefore, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails and will not result in impacts to Humboldt Redwoods State Park.

Access to the site is via a driveway off of Boy Scout Road via Orchard Way. A Road Evaluation report for Boy Scout Road was prepared by Northpoint Consulting Group (Attachment 3) which indicates it is a private maintained road that does meet a category 4 equivalent standard. Because no additional employees will be required for the project other than the applicant and the applicant's family, the project will not result in additional traffic that could exacerbate roadway deterioration. Public Works, Land Use Division requests improvements to the driveway apron (encroachment) that connects to the County road (Orchid Way) to the non-county-maintained road section (Boy Scout Road), which included rocking or paving for a minimum width of 20 feet and a length of 50 feet. The project is conditioned to require adherence to the Public Works, Land Use Division requests as previously described. Additional conditions include requiring within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of the privately maintained portions of the access roads (from post mile 2.8 of Old Three Creeks Road) to the project site located on Assessor's Parcel Number 522-031-008. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has

prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information). Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP).

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

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number: 21-

Record Number: PLN-11878-CUP

Assessor's Parcel Numbers: 081-091-008 and 081-091-009

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

WHEREAS, Humboldt's Dankest, LLC submitted an application and evidence in support of approving a Conditional Use Permit for the continued cultivation of 1,500 square feet outdoor and 3,500 square feet of new mixed light for a total of 5,000 square feet of cannabis cultivation. The proposed project includes development of two greenhouses approximately 1,200 square feet and 1,700 square feet, and two proposed temporary 320-square-foot structures for drying and trimming. The application also includes a Special Permit to allow a reduction in the required 600-foot setback from adjacent public lands owned by the California State Parks; and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on April 15, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit Conditional Use Permit for the continued cultivation of 1,500 square feet outdoor and 3,500 square feet of new mixed light for a total of 5,000 square feet of cultivation area. The proposed project includes development of two greenhouses approximately 1,200 square feet and 1,700 square feet, and two proposed temporary 320-square-foot structures for drying and trimming. The application also includes a Special Permit to allow a reduction in the required 600-foot setback from adjacent public land. Power is provided by P. G. & E. Water for irrigation is provided by Myers Flat Mutual Water System, Inc.

EVIDENCE: a) Project File: PLN-11878-CUP

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

EVIDENCE: a) Addendum Prepared for the proposed project.

- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Site Management Plan was prepared by Northpoint Consulting Group to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023 and State Water Resource Control Board (SWRCB) Order No. WQ 2017-0023-DWQ (Cannabis General Order).
- d) A search of CNDDDB biological resources database was performed on December 8, 2020. The nearest NSO sightings are approximately 1.75 miles away and there are no NSO activity centers within 2 miles. The Meyers Flat community is mostly developed; however, a riparian area and the heavily forested areas across the South Fork of the Eel River could be utilized for foraging by NSO. Foothill yellow-legged frog could occur onsite in and adjacent to the South Elk Fork River. The project will continue to use best practical treatment or control (BPTC) measures as outlined in the Site Management Plan (SMP) prepared by Northpoint Consulting Group for this operation. Conditions of approval will require noise to be at or below 50 decibels at 100 feet or edge of habitat whichever is closer to comply with the performance standards set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o). Furthermore, the project is conditioned to refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife.
- e) All development currently meets appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife and riparian corridors.
- f) No conversion of timberland has occurred.
- g) The Bear River Band of the Rohnerville Rancheria recommended the inclusion of Inadvertent Discoveries Protocol.
- h) A Road Evaluation Report was completed by Northpoint Consulting Group in October 2018 which identified that the road is suitable for safe access to and from the project site.

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT

3. FINDING

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

EVIDENCE

- a) General agriculture is a use type permitted in the Residential Estates (RE) and Conservation Floodway (CF) 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.
- b) The portion of this parcel adjacent to the project parcel is not used as a developed or designated public park. The adjacent public land is subject to the *Humboldt Redwoods State Park General Plan 2001 (HRSPGP)*.

Staff analysis of the Humboldt Redwoods State Park Road and Trail Inventory and Assessment Existing Roads and Trails Map indicate that the Park's nearest developed facility to the project site is the Myers Plaque Trail-1, located over one half of a mile to the northwest. Also, upon review of the *Humboldt Redwoods State Park Road and Trail Management Plan; Public Draft 2017* and the corresponding *Planning Recommendations Map Bull Creek Southeast*, there are no existing or proposed developments within the park that would be impacted as result of the proposed project. Therefore, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails and will not result in impacts to Humboldt Redwoods State Park. Planning staff contacted California State Parks staff on February 23, 2021, inquiring if the California State Parks had any objections to the reduction in 600-foot setback. California State Parks staff responded on March 29, 2021, and stated they did not have any concern regarding this project.

4. FINDING

The proposed development is consistent with the purposes of the existing FP zone in which the site is located.

EVIDENCE

- a) The FP Zone is intended to be applied to areas of the County in which general agriculture residential uses are the principal permitted uses.
- b) All general agricultural uses are principally permitted in the FP zone.
- c) Humboldt County Code Section 314- 55.4.8.2.1 *Approvals for New Outdoor and Mixed-Light Cultivation Areas* allows for parcels with prime agricultural soils located in the FP zoning district on slopes less than 15% with a nondiversionary water source, such as public utility. The development on the subject parcel cannot exceed 20% and existing and proposed cultivation areas cannot exceed 10,000 square feet. The Commercial Medical Land Use Ordinance (CMMLUO) Section 314-55.4.8.2.1.3 requires a Conditional Use Permit for parcels in the FP zoning district and limits the area of cultivation to 5,000 square feet. The subject parcels are 0.52 acres and 0.75 acres in size. The applicant is proposing to merge the subject parcels into one legal parcel that totals 1.27 acres in size to meet minimum parcel size requirements contained with the CMMLUO. Application for the Notice of Merger is included in the recommended conditions of approval. Prime agricultural soils total 1.27 acres and the proposed cultivation area is 5,000 square feet or 9% of the prime agricultural soils area. The slopes on the subject parcels are less than 15% as shown on the Humboldt County WebGIS. Water will be provided by the Myers Flat Mutual Water Systems, Inc. There was 1,500 square feet of cultivation in existence prior to January 1, 2016. Total cultivation on the subject parcels is 5,000 square feet.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing and new cannabis cultivation to be permitted in areas zoned FP (HCC 314-55.4.8.2.1 and 314-55.4.8.2.2).
- b) The parcels were created in compliance with all applicable state and local subdivision regulations, by a legal parcel review check by the County of Humboldt dated February 21, 2018.
- c) The project will obtain water from the Myers Flat Mutual Water Company,

Inc.

- d) A Road Evaluation Report was completed by Northpoint Consulting Group in October 2018 which identified that the road is suitable for safe access to and from the project site.
- e) The slope of the land where cannabis will be cultivated is less than 15%
- f) The cultivation of cannabis will not result in the net conversion of timberland.
- 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 or Tribal Cultural Resource.
- h) The proposed project includes a Special Permit requesting to reduce the 600-foot setback from adjacent lands owned by the California State Parks. Staff analysis of the Humboldt Redwoods State Park Road and Trail Inventory and Assessment Existing Roads and Trails Map indicate that the Park's nearest developed facility to the project site is the Myers Plaque Trail-1, located over one half of a mile to the northwest. Also, upon review of the *Humboldt Redwoods State Park Road and Trail Management Plan; Public Draft 2017* and the corresponding *Planning Recommendations Map Bull Creek Southeast*, there are no existing or proposed developments within the park that would be impacted as result of the proposed project. Therefore, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails and will not result in impacts to Humboldt Redwoods State Park. Planning staff contacted California State Parks staff on February 23, 2021, inquiring if the California State Parks had any objections to the reduction in 600-foot setback. California State Parks staff responded on March 29, 2021, and stated they did not have any concern regarding this project.

6. FINDING

The cultivation of 1,500 square feet of existing outdoor cannabis cultivation and 3,500 square feet of new mixed light 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 project applicant has provided photograph evidence documenting that the access roads to the project site can safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is located in the Myers Flat community where parcels sizes are typically less than 5 acres. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, 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 water purchased from retail supplier Myers Flat Mutual Water System, Inc.

- 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. The applicant is also required to adhere to State standards for water quality protection for cannabis cultivation.

7. FINDING

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

EVIDENCE

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

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit and Special Permit for Humboldt's Dankest, 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 April 15, 2021.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

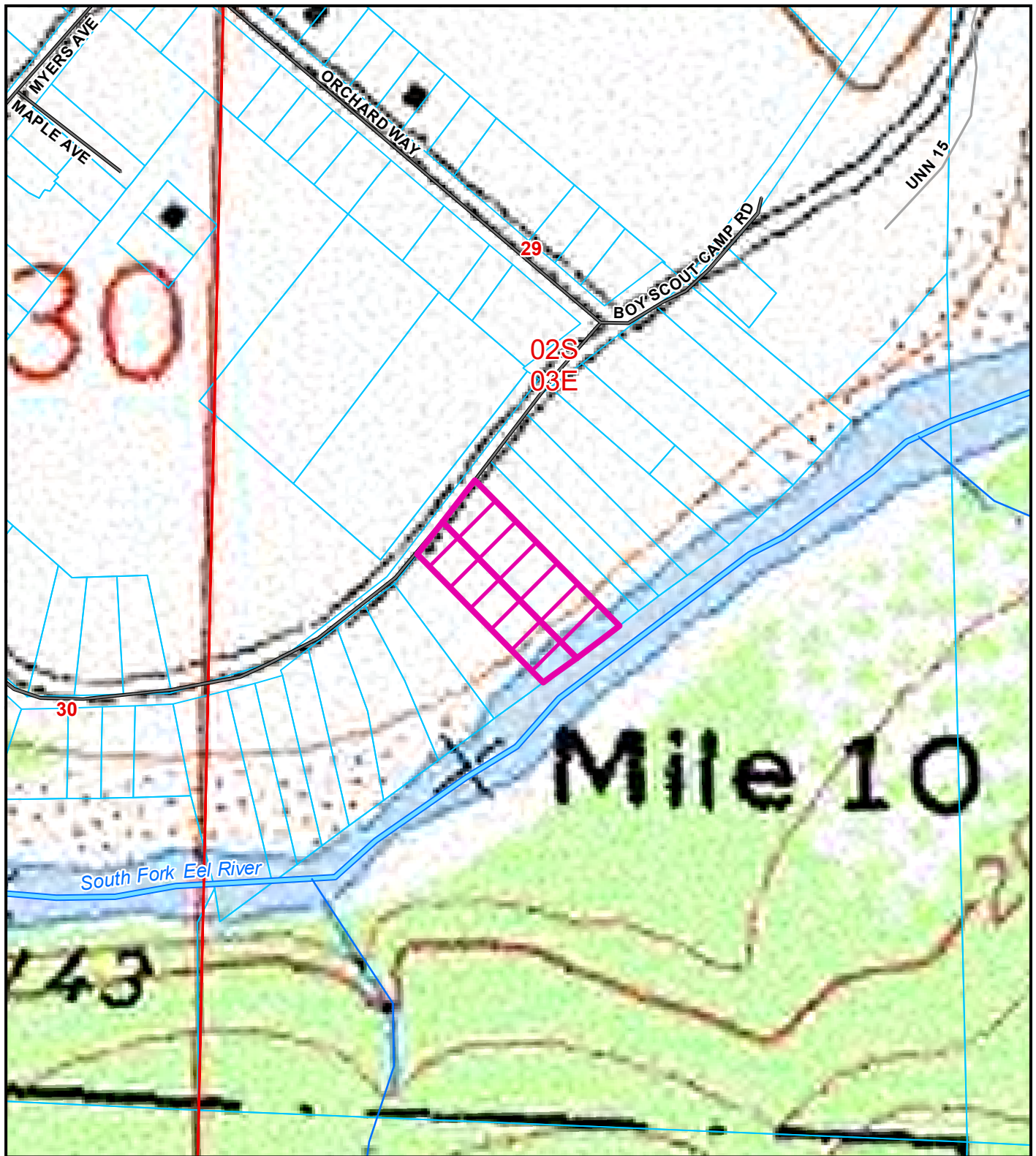
ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

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

John Ford, Director
Planning and Building Department



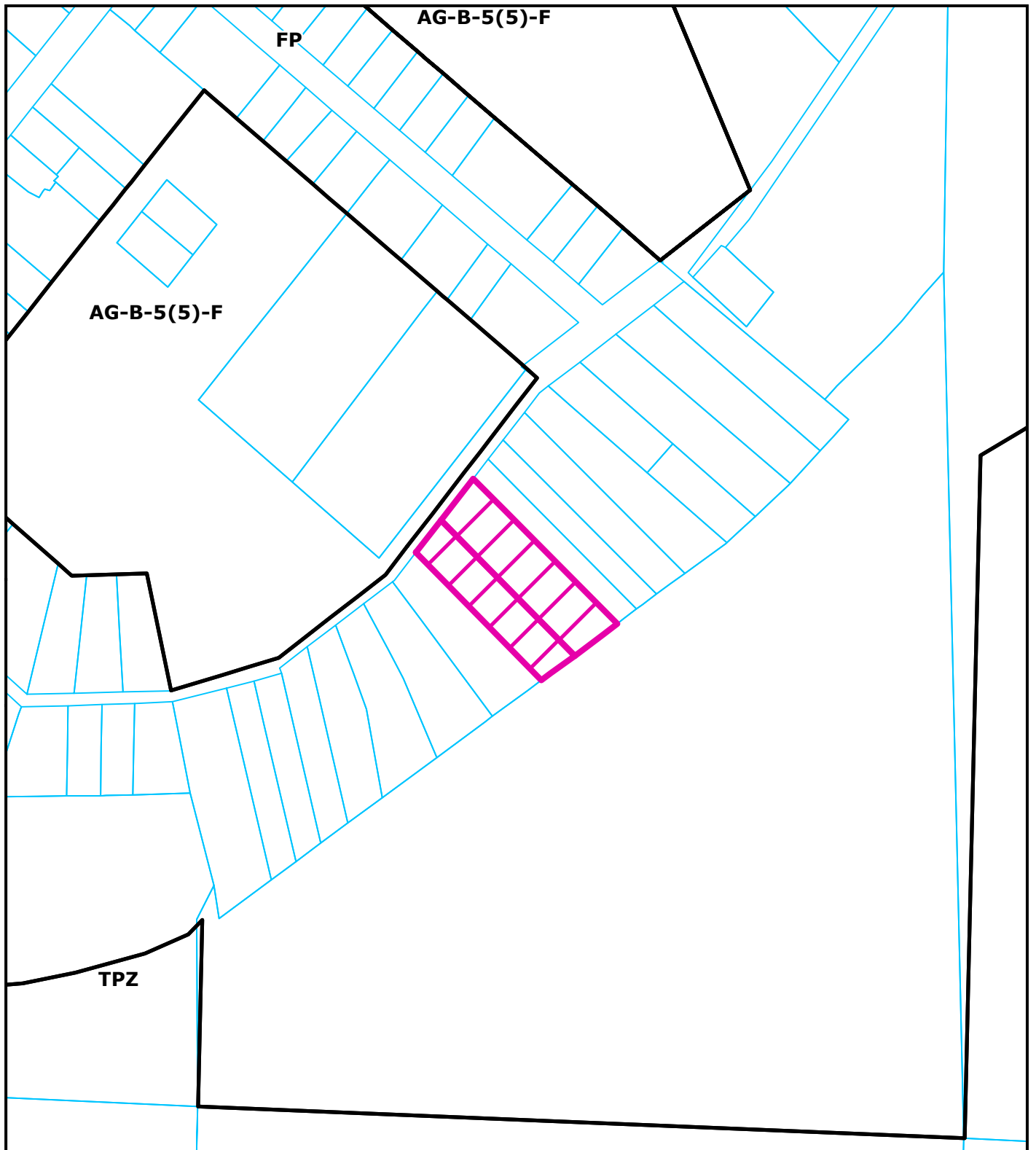
Project Area = 

TOPO MAP
PROPOSED HUMBOLDT'S DANKEST
MYERS FLAT AREA
PLN-11878-CUP
APN: 081-091-009; ET AL.
T02S R03E S29 HB&M (MYERS FLAT)



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

0 310 620 Feet




Project Area = 

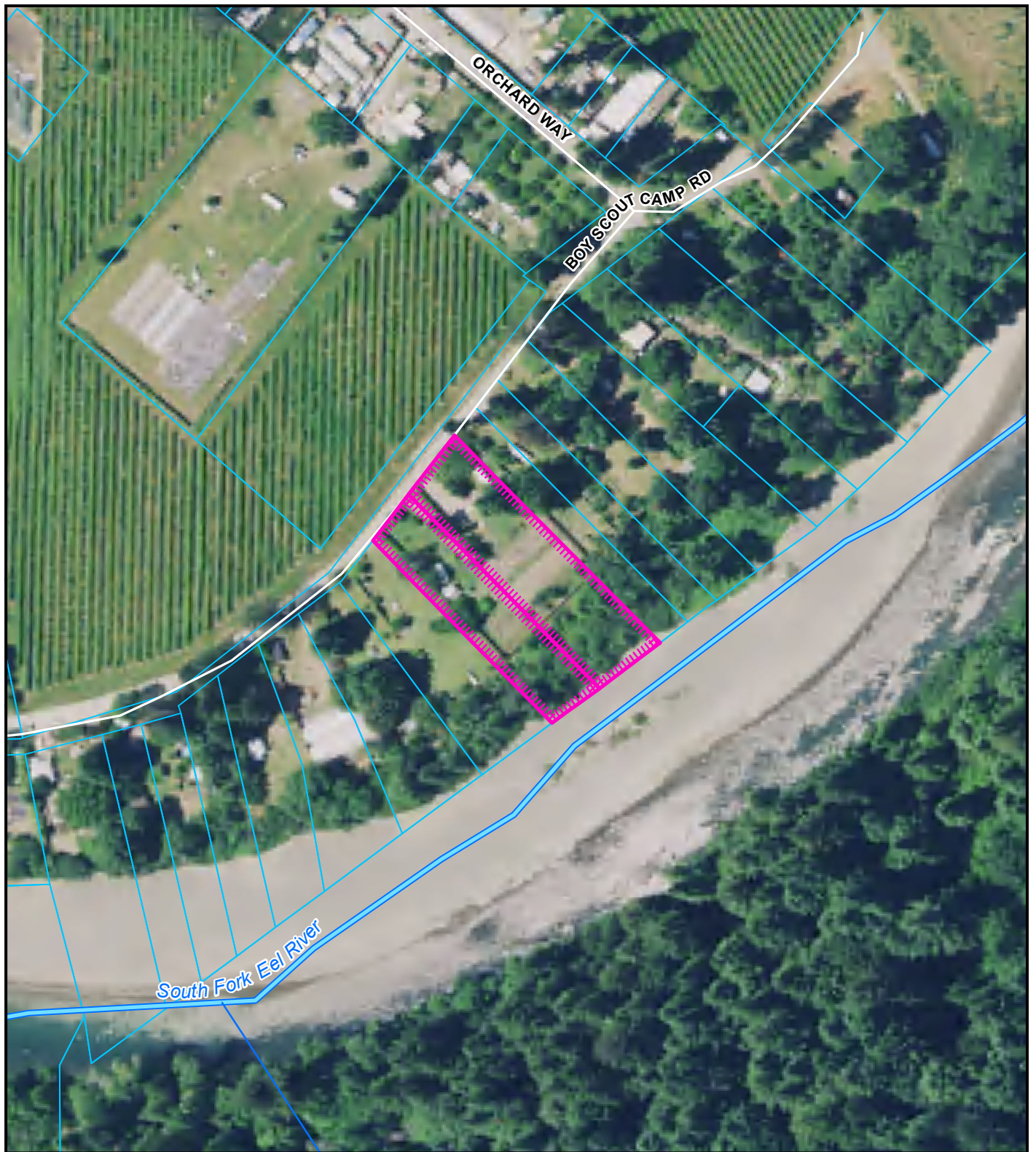
ZONING MAP
PROPOSED HUMBOLDT'S DANKEST
MYERS FLAT AREA
PLN-11878-CUP
APN: 081-091-009; ET AL.
T02S R03E S29 HB&M (MYERS FLAT)



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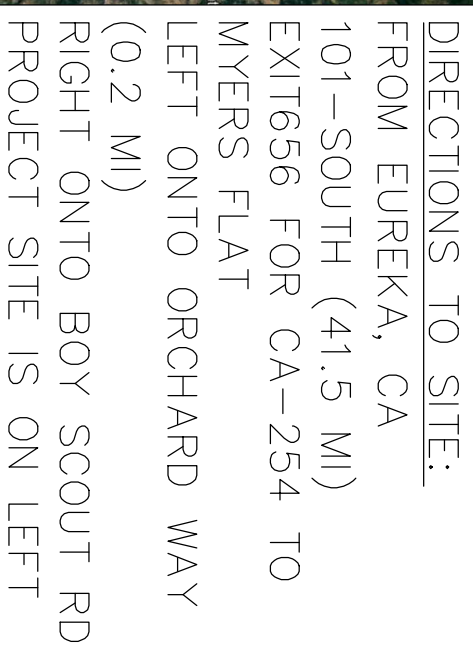
Project Area = 

**AERIAL MAP
PROPOSED HUMBOLDT'S DANKEST
MYERS FLAT AREA
PLN-11878-CUP
APN: 081-091-009; ET AL.
T02S R03E S29 HB&M (MYERS FLAT)**



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0 215 430 Feet



(NOT TO SCALE)

HUMBOLDT DANKEST IS PROPOSING TO MERGE TWO PARCELS (APN. 081-091-008 & 081-091-009) AND PERMIT EXISTING AND PROPOSED MEDICAL CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT COMMERCIAL MEDICAL MARIJUANA (LAND USE ORDINANCE (CMUUL)), ORDINANCE NO. 2554. THE EXISTING OPERATION INCLUDES 1,500 SQUARE FEET (SF) OF OUTDOOR MEDICAL CANNABIS CULTIVATION AREA. THE PROPOSED OPERATION INCLUDES APPROXIMATELY 3,500 SF OF NEW MIXED LIGHT MEDICAL CANNABIS CULTIVATION AREA FOR A TOTAL OF 5,000 SF OF CULTIVATION. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES (TEMPORARY STRUCTURES) APPURTENANT TO CULTIVATION, INCLUDING GREENHOUSES AND TEMPORARY FACILITIES FOR DRYING, CURING AND PROCESSING (TRIMMING) OF MEDICAL CANNABIS.

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SUPERCEDE SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DERIVED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. OUREVOLUTION ENGINEERING, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO PERMANENT RESIDENCES ON ADJOINING PARCELS WITHIN 300-FEET OF ANY CULTIVATION OPERATIONS. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP OR TRIBAL RESOURCES WITHIN 600- FEET OF THE PROPOSED CULTIVATION AREA.
5. A SPECIAL PERMIT WILL BE SOUGHT FOR OPERATION WITHIN THE 600-FOOT SETBACK FROM PUBLIC LANDS (HUMBOLDT REDWOODS STATE PARK) LOCATED ACROSS THE SOUTH FORK EEL RIVER.
6. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE CONDITIONAL USE PERMIT.
7. CLASSIFICATION OF WATERCOURSES AS IDENTIFIED IN THE SITE MANAGEMENT PLAN (WATER RESOURCES PROTECTION PLAN).
8. TEMPORARY R.V. LIVING FACILITIES TO BE MOVED AT 6-MONTH INTERVALS.

WATER FOR DOMESTIC USE AND IRRIGATION USE IS SOURCED FROM THE MYERS FLAT MUTUAL WATER SYSTEM.

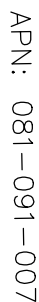
HUMBOLDT'S BANKEST WAS ENROLLED WITH THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD (NCRWQB) IN MAY 2017 FOR COVERAGE UNDER TIER 2 OF ORDER NO. 2015-0023-R1. WDDID: 1B171086CHUM

HUMBOLDT'S DANKEST WAS ENROLLED WITH THE STATE WATER RESOURCES CONTROL BOARD (SWRCB) IN JULY, 2019. WDD: 1-12C416962. A SITE MANAGEMENT PLAN WAS PRODUCED BY NORTHPOINT CONSULTING GROUP.

HUMBOLDT'S DAKEST HAS RECEIVED A NOTICE FOR NO-NOTIFICATION REQUIRED. THERE ARE NO STREAM CROSSINGS, WATER DIVERSIONS, OR OTHER ENCROACHMENTS PER CDFW EXISTING OR PROPOSED ON THE PROJECT SITE.

NOTIFICATION NO: 1600-2018--0641-R1

HUMBOLDT'S DANKEST - CONDITIONAL USE PERMIT
APN: 081-091-008 & 081-091-009 (PARCELS TO BE MERGED)



APN: 081-091-013

HUMBOLDT'S DANKEST
P.O. BOX 22 MYERS FLAT, CA, 95554

VIVIAN MOU
P.O. BOX 22 MYERS FLAT, CA, 95554

GREYSON ADAMS
COREVOLUTION ENGINEERING, INC.
1821 BUTTERMILK LANE, ARCATA CA, 95521
707-616-5852

± 0.75 ACRES (ASSESSED) PER HUMCO WEBGIS
081-091-009
± 0.52 ACRES (ASSESSED) PER HUMCO WEBGIS
MERGED PARCEL SIZE ± 1.27 ACRES

719 BOY SCOUT CAMP ROAD
MYERS FLAT, CA

719 BOY SCOUT CAMP ROAD
MYERS FLAT, CA

TREES TO BE REMOVED: NONE

EXISTING OUTDOOR CULTIVATION AREA: 1,500 SF

PROPOSED CULTIVATION AREA: 5,000 SF

PRIME AGRICULTURAL AREA: 44,000 SF

20% OF PRIME AGRICULTURAL AREA: 8,800 SF

WATER: PRIVATE

SEWER: PRIVATE

MERGED PARCEL SIZE: ± 1.24 ACRES

ZONING: FP (FLOOD PLAIN)

GENERAL PLAN: CF (CONSERVATION FLOODWAY)

RE (RESIDENTIAL ESTATES)

	FP	SRA
FRONT	20 Ft	30 Ft
SIDE	10 Ft	30 Ft
REAR	20 Ft	30 Ft

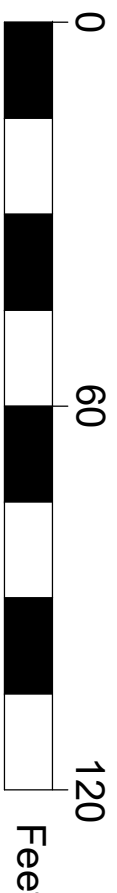
MAX BUILDING HEIGHT (NONE SPECIFIED)

SRA AREA: YES

IN COASTAL ZONE: NO

IN 100-YR FLOOD ZONE: YES

- * C0 - SITE PLAN,
- VICINITY MAP & PROJECT NOTES
- * CI - 300-FT & 600-FT SETBACK MAP



OUREVOLUTION
ENGINEERING, INC.
1821 BUTTERMILK LANE
ARCATA, CA 95521
707.633.4210
WWW.OUREVOLUTION.COM



DRAWN	GSA
CHECK	GSA
APPROVED	
DATE	3/09/21
JOB NO.	21-031
SHEET	

HUMBOLDT’S DANKEST – CONDITIONAL USE PERMIT
APN: 081–091–008 & 081–091–009 (PARCELS TO BE MERGED)



SHEET INDEX:

- * C0 - SITE PLAN, VICINITY MAP & PROJECT NOTES
- * C1 - 300-FT & 600-FT SETBACK MAP

HUMBOLDT’S DANKEST
APN: 081–091–008 & 081–091–009
MYERS FLAT, CA, 95554

SITE PLAN

NO.	HISTORY / REVISION	BY	CHK.	DATE

OUREVOLUTION
ENGINEERING, INC.
1821 BUTTERMILK LANE
ARCATA, CA 95521
707.633.4210
WWW.OUREVOLUTION.COM



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. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date, the applicant shall submit a complete Notice of Merger application for APNs 081-091-008 and 081-091-009. To complete the condition, a Notice of Merger shall be recorded at the Humboldt County Recorder's Office. A sign-off from the Planning Department will satisfy this condition.
6. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The applicant shall secure permits and install an on-site sewage disposal systems and restroom facilities prior to processing on-site. Portable toilet and handwashing facilities may not be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent

septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.

8. The applicant shall improve the intersection of Boy Scout Road and Orchid Way as follows:
 - a. If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road; OR
 - b. If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road. 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.
9. Within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of Boy Scout Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. A sign-off from the Planning Department will satisfy this condition.
10. The applicant shall implement all corrective actions detailed in the Site Management Plan developed for the parcel, prepared pursuant to Tier 1 enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.
11. 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.
12. 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.
13. 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.
14. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.

15. 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.
16. 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.
17. 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.
18. 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.

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. As required by the Humboldt County Department of Public Works (PW), for 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.
 - a. If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back

at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

25. 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."
26. 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).
27. 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.

28. 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.
29. 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
30. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. 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.

32. 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.
33. 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.
34. 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.
35. 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. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.

ATTACHMENT 2

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

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

APN 081-091-008 and 081-091-009; 719 Boy Scout Road, Myers Flat, County of Humboldt

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

March 2021

Background

Modified Project Description and Project History –

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

The modified project involves a Conditional Use Permit (CUP-16-132) for 1,500 square feet of existing outdoor cannabis cultivation and 3,500 square feet of new mixed light cannabis cultivation activities. Irrigation water is provided by Meyers Flat Mutual Water System, Inc. The applicant uses on-demand water purchased from Myers Flat Mutual Water System, Inc. therefore no water storage is necessary for cultivation use. Water storage onsite consists solely of one 2,500-gallon hard water tank allocated for fire suppression. Estimated annual water usage for domestic and cultivation use is 80,000 gallons (16 gal/SF). Processing activities including drying, curing, and trimming are proposed onsite within proposed temporary structures. No additional employees are required (other than applicant and the applicant's family). Power is provided by PG&E. The applicant is also seeking a Notice of Merger between APNs 081-091-009 and 081-091-008.

The project included relocation and restoration of previously used cultivation site that was located within the Streamside Management Area (SMA). No further activity associated with cannabis cultivation occurs within the SMA and all areas previously cultivated have been fully remediated to pre-cultivation site conditions. All approved cannabis cultivation activities would occur outside of the required stream setbacks and on slopes less than 30%. The Nearest Northern Spotted Owl (NSO) activity center is more than 2 miles from the cultivation areas. Artificial lighting would be used to support mixed light operations and nursery activities, therefore, conditions of approval require the applicant to adhere to Dark Sky Association standards and require noise to be at or below 50 decibels at 100 feet or edge of habitat to ensure the project has a Less than Significant Impact on NSO. 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. Additionally, all development currently meets, or will meet as a condition of approval, appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors.

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 30,000 square feet of cultivation with ancillary drying 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 documents):

- Site plan prepared by Northpoint Consulting Group dated November 9, 2018;
- Cultivation and Operations Plan prepared by Northpoint Consulting Group dated June 14, 2017 and revised November 9, 2018;
- Addendum to the Cultivation Operations Plan prepared by Northpoint Consulting Group received January 16, 2021;
- CNDDB biological resources search conducted by AECOM on December 8, 2020;
- Myers Flat Mutual Water System, Inc. Water Account Letter received November 14, 2019;
- Site Management Plan (WDID- 1B171088CHUM) prepared by Northpoint Consulting Group dated July 2019 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); and
- Road Evaluation Report prepared by Northpoint Consulting Group dated 10/09/2018

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 Northpoint Consulting Group dated November 9, 2018)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Manhard Consulting and revised by NorthPoint Consulting Group dated June 14, 2017 and revised November 9, 2018 – Attached and the Addendum to the Cultivation Operations Plan prepared by NorthPoint Consulting Group and received January 16, 2021).
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached - Included in Cultivation Operations Plan (Item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (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. (Attached - Site Management Plan prepared by Northpoint Consulting Group dated July 2019 and Notice of Applicability)
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 - Notification No. 1600-2018-0641-R1- Not Applicable. Re: Letter from the California Department of Fish and Wildlife, the project does not need a Lake or Streambed Alteration Agreement)

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. (Not applicable)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. *Road Evaluation Report* for Boy Scout Road, including photographic evidence, prepared by Northpoint Consulting Group dated 10/09/2018. (Attached)
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)

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HUMBOLDT'S DANKEST CULTIVATION AND OPERATIONS MANUAL HUMBOLDT COUNTY, CA

PROPOSED MEDICAL CANNABIS CULTIVATION FACILITIES

PREPARED FOR:



June 14, 2017

Revised November 9, 2018

**Cultivation and Operations Manual
For
Humboldt's Dankest
APN's: 081-091-009 & 081-091-008**

Proposed Medical Cannabis Cultivation Facilities

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June 14, 2017

Revised November 9, 2018



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1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

Humboldt's Dankest is proposing to permit new medical cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The project requires a Conditional Use Permit for 1,500 square feet (sf) of existing outdoor and 3,500 sf of new mixed light medical cannabis cultivation. The project includes merging two parcels (APN: 081-091-009 and 081-091-008) and the permitting of existing and proposed facilities appurtenant to the cultivation, including three temporary greenhouses, and three temporary cultivation facilities for drying and curing medical cannabis. The applicant aims to become fully compliant with State and Local cultivation regulations.

1.2. SITE DESCRIPTION

The Site is located in the South Fork Eel River watershed in Southern Humboldt County in the town of Myers Flat. To reach the site from Eureka take US-101 south for 49.7 miles to exit 656 and turn right on CA 254. Follow CA 254 for approximately 130 feet and turn left onto Myers Avenue then the first left onto Orchard Way. Follow Orchard way and turn right onto Boy Scout Road, the project site will be on the left at 719 Boy Scout Road (approximate Latitude 40.2614 and Longitude -123.8728). The subject parcels are approximately 0.52 acres (APN: 081-091-008) and 0.72 acres (APN: 081-091-009) in size (per Humboldt County WebGIS) for a combined total of 1.24 acres.

The property is located on a flood plain adjacent to the South Fork Eel River, which has been listed as an impaired waterbody for excessive sediment and temperature under Section 303(d) of the Clean Water Act. The Eel River provides habitat for five endangered salmonid species and has been identified as an important population of Coho salmon for the region. The climate is characterized by a pattern of high-intensity rainfall in winter and warm, dry summers.

The property is located at an approximate elevation of 150 ft. above mean sea level, is relatively flat with slopes of less than 5%, and mostly covered in grass with a concrete pad towards the front of the parcel. There are a number of small unpermitted temporary structures, a septic system, two travel trailers, and a greenhouse with 1,500 square feet of cultivation area currently on the property. An additional greenhouse with approximately 1,800 square feet of growing space is utilized for fruits and vegetables. See Plot Plan sheet C1 for details.

1.3. LAND USE

The Site has a Land Use Designation of Conservation Flood Plain Recreation (CFR (AVES)) as described in the Humboldt County General Plan – Volume 1, Framework Plan (FWRK). The parcel is zoned Flood Plain (FP). The majority of the surrounding parcels are zoned Flood Plain (FP) or Agriculture General (AG).

1.4. STATE AND LOCAL COMPLIANCE

1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Humboldt's Dankest has applied for a Commercial Cannabis Activity license from the State of California.

1.4.2. STATE WATER RESOURCES CONTROL BOARD

The property owner currently uses water purchased from retail supplier Myers Flat Mutual Water System. The property has a riparian right for water from the South Fork Eel River but is not currently exercising that right. If it becomes necessary, the property owner will install diversion works and file an initial statement of water diversion for cannabis and domestic use.

1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Effective May 26th, 2017, Humboldt's Dankest enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region*. A Water Resources Protection Plan has been developed for the project by NorthPoint Consulting Group.

1.4.4. HUMBOLDT COUNTY BUILDING DEPARTMENT

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

1.4.5. CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. The current greenhouse structure is unpermitted. The owner intends to permit all structures, both existing and proposed (if required), at which time owner will complete any improvements required to meet SRA requirements such as designating a fire turn-around and pull-out area for emergency vehicles, management of trees and vegetation around existing structures to maintain the required 100-foot defensible space, and installation of a 2,500-gallon water tank with a riser to SRA specifications. All proposed structures on the property meet the 30-foot SRA setback requirement from property lines, though some existing structures will have to be relocated or demolished.

1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

In-stream work is not required as part of this project. Water is sourced from the Myers Flat Mutual Water System and delivered to the site as part of the municipal water works. There are no stream crossings on the project site. The South Fork Eel River's floodplain touches the southern portion of the property but is not impacted as part of operations on the Project Site. Therefore, a Lake and Streambed Alteration Agreement (LSAA) from the Department of Fish and Wildlife (DFW) is not required. If the applicant seeks to create a new point of diversion involving an encroachment to surface waters, then CDFW will be contacted.

2. CULTIVATION AND PROCESSING

2.1. LEGACY CULTIVATION AND RELOCATION

The pre-2016 cultivation footprint was located entirely within the Streamside Management Area (SMA) and within CalFire SRA setbacks, so efforts were made in 2016 and 2017 to reconfigure the cultivation area footprint to a location outside the SMA. See the plot plan sheet C1 for details.

2.2. NURSERY PROPAGATION AND INITIAL TRANSPLANT

All starts will be propagated on site within the two proposed 320 square foot nursery buildings. Starts will be cloned from mother plants, grown from seed. Clones will be put into 3" pots and then transferred to 1-gallon, 5-gallon, and 10-gallon pots over 60 days. Once ready, the plants will be moved to geo-fabric "smart pots" located within the greenhouses.

2.3. OUTDOOR CULTIVATION PLAN AND SCHEDULE

The outdoor cultivation will occur in smart pots in one existing greenhouse for a total cultivation area of 1,500 square feet. The Greenhouse will be constructed of steel tube frames with flexible greenhouse

plastic covering. The greenhouse will be ventilated by intake and exhaust fans. The greenhouses will utilize natural light and light deprivation to produce 2 flowering cycles per year. The monthly cultivation schedule in Appendix C details the cultivation activities associated with the outdoor cultivation operation for a typical 2 cycle year. Irrigation will be conducted using timed drip emitters to minimize the potential for overwatering. Fertilization will occur with controlled hand watering techniques allowing the cultivator the opportunity to assess the nutrient needs on a per plant basis, making overfertilization unlikely.

2.4. MIXED LIGHT CULTIVATION PLAN AND SCHEDULE

The mixed light cultivation will occur in smart pots in two greenhouses for a total cultivation area of approximately 3,500 square feet (See table below). The greenhouse will be constructed of steel tube frames with flexible greenhouse plastic covering. The greenhouse will be ventilated by intake and exhaust fans. The greenhouses will utilize a combination of artificial light, natural light and light deprivation to produce 3 flowering cycles per year. The monthly Cultivation Schedule in Appendix C details the cultivation activities associated with the mixed light cultivation operation for a typical three cycle year. Irrigation will be conducted using timed drip emitters to minimize the potential for overwatering. Fertilization will occur with controlled hand watering techniques allowing the cultivator the opportunity to assess the nutrient needs on a per plant basis, making overfertilization unlikely.

Table 1: Cultivation Areas and Types

Existing or Proposed (E or P)	Type: <i>OUT- Outdoor</i> <i>ML- Mixed Light</i>	Dimensions <i>ft</i>	Pot or Bed Type	# of Cycles per year
1- P	OUT in GH	20 x 90	Smart Pots	2
2- P	ML in GH	20 x 90	Smart Pots	3
3- E	ML in GH	20 x 60	Smart Pots	3

2.5. IRRIGATION PLAN AND SCHEDULE

Juvenile and adult plants will be irrigated by drip irrigation system for all greenhouses and for the nursery. Plants will be irrigated at agronomic rates, with adjustments made depending on weather, soil, and plant characteristics. The monthly Cultivation Schedule in Appendix C details the irrigation activities associated with all cultivation.

2.6. HARVESTING, DRYING AND PROCESSING

Plants that are ready for harvest have their flowering branches removed and suspended in a two existing 320 sq. ft. temporary ag building drying room which will be equipped with ventilation fans. Electrical power is provided via PG&E. The drying process takes approximately 5-10 days, after which time the dried plants will be moved to a covered carport / tented area for onsite trimming. Trimming will consist of hand cutting buds from sticks and utilizing an electronic automatic trimming machine.

A proposed temporary structure will house the trimming machine and provide shelter and equipment storage during trimming operations.

2.7. STAFFING PLAN

2.7.1. SUMMARY OF DUTIES

Humboldt's Dankest is a family operated business, and all cultivation duties on site will be fulfilled by the applicant and the applicant's family. No outside employees are required for the proposed cultivation operations. The applicant and family currently manage the cultivation and drying on their own, and plan to continue operations in this manner. Processing will be conducted onsite with family members only. Processing will take place in proposed temporary structures to be utilized for processing.

The operator, or *Agent in Charge*, is responsible for business oversight and management of Humboldt's Dankest. Responsibilities may include, but are not limited to: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. These duties require part-time to full-time, seasonal attention by the operator. Family members help provide oversight and management of the day to day cultivation of medical cannabis. Responsibilities may include but are not limited to: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. These duties require part-time to full-time, seasonal attention by the family members. During the peak of the harvest season, a maximum number of four (4) family members will be on site.

2.7.2. TRAINING AND SAFETY

On site cultivation, harvesting, drying and processing is performed by family members trained on each aspect of the procedure including cultivation and harvesting techniques, use of pruning tools, and proper application and storage of pesticides and fertilizers. Everyone is provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation, drying and processing facilities are limited to authorized and trained staff.

All family members are trained on proper safety procedure including fire safety; use of rubber gloves and respirators; proper hand washing guidelines; and protocol in the event of an emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control as well as the Agent in Charge will be posted at the restroom, as well as emergency procedures. The material safety data sheets (MSDS) are kept on site and accessible if needed.

2.7.3. TOILET AND HANDWASHING FACILITIES

The two (2) existing bathrooms located near the center and property line of the property include a working flush toilet and with hot and cold running water for a sink and a shower. Anti-bacterial Liquid Soap and paper hand towels will be made available. The existing restroom is served by a septic system, which will be serviced and fully permitted as part of the application. Family members will work no further than 200 feet from the restroom facility.

2.7.4. ON SITE HOUSING

One family member currently lives on site temporarily in a travel trailer, which contains a full kitchen, shower, and self-contained bathroom. Use of the travel trailer meets local zoning requirements for temporary dwellings within the Floodplain zoned area. All other family members live off site in Myers Flat or the nearby community of Redway, and commute to the site daily.

2.8. SECURITY PLAN AND HOURS OF OPERATION

2.8.1. FACILITY SECURITY

Access to the facility is currently restricted by means of an 8-foot tall wooden fence around the entire property, and a locked gate. Surveillance will be provided by motion activated security, and a family member will be living on site to act as a deterrent to unauthorized access outside of operational hours and to contact emergency services should the need arise.

2.8.2. HOURS OF OPERATION

The hours and days of operation are as shown in the table below. Additional details may be found in Appendix C in the cultivation and activities schedule.

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
			8-5	8-5	8-5	8-9	8-9	8-9	8-9		

Weekly Days of Operation

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	7	7	7	7	7	7	7	7	0	0

3. ENVIRONMENT

3.1. WATER SOURCE AND PROJECTED WATER USE

Water for cultivation uses is provided by Meyers Flat Mutual Water System Inc. Humboldt's Dankest will utilize water management strategies to conserve onsite water and applies water at agronomic rates to achieve net zero discharge. Refer to section 2.3 for a summary of irrigation practices, and Appendix C for the monthly irrigation schedule.

Expected domestic uses account for one full time residential user and up to three (3) part-time seasonal family members living offsite. The table below outlines the total estimated water usage for cultivation and domestic use during a typical year. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use.

Table 3.1: Estimated Annual Water Use (Gallons)											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
1,700	1,700	6,400	12,000	12,900	14,800	16,700	16,700	15,800	12,900	1,700	1,700

3.2. WATER STORAGE

The property owner currently uses on-demand water purchased from retail supplier Myers Flat Mutual Water System. Therefore, no water storage is necessary for domestic use or cannabis cultivation. A 2,500 gallon water tank will be installed in order to comply with SRA fire protection requirements.

3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Humboldt's Dankest enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) as a Tier 2 operation as of May 26th, 2017, and a Water Resources Protection Plan (WRPP) is being developed and implemented utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations.

3.3.1. SITE DRAINAGE AND RUNOFF

The site is mostly flat but drains slightly south-east toward the South Fork Eel River. Surface water accumulated in peak rain events generally infiltrates before concentrating into surface flow. The property is relatively flat and has no roads. As such, there is little to no runoff on site. Soil, refuse, and spoils will be properly stored in a covered area, out of the Streamside Management Area. The applicant will use efficient irrigation techniques and secondary containment for nutrients, fertilizers, and pesticides. The applicant's cultivation, irrigation and storage practices will be sufficient to prevent irrigation related run-off including any run-off containing nutrients, pesticides, or fuels. These measures include, but are not limited to, proper removal of garbage from the site and proper containment or disposal of spoils and pesticides.

3.3.2. EROSION CONTROL

All operations will follow erosion and sediment control BMP's covered in Appendix B of North Coast Regional Water Quality Control Board Order No. R1-2015-0023. The BMP's are designed to prevent, contain, and reduce sources of sediment. The WRPP also includes corrective actions to reduce sediment delivery, including applying straw to bare ground, and appropriate storage of mulch piles and spoils in a designated location away from watercourse. BMP specifications follow the NCRWQCB *Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities* for installation and maintenance specifications.

3.4. WATERSHED AND HABITAT PROTECTION

Adherence to the proposed site plan, operations plan, and the BMP's covered in Appendix B of the NCRWQCB Order will ensure that the watershed and surrounding habitat are protected. Copies of all these documents will be kept on site for reference. The proposed cultivation activities and associated structures will be at least 150 feet from the nearest class I watercourse providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities will utilize BMP's in accordance with the NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits although no grading is currently planned.

3.5. MONITORING AND REPORTING

Monitoring will be conducted to determine if the site meets all Standard Conditions in the Monitoring and Reporting Program (MRP). Inspections will include photographic documentation of any controllable sediment discharge sites. Visual inspection will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the WRPP.

Onsite monitoring shall occur:

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

A Monitoring and Reporting Form (Order No. 2015-0023 Appendix C) has been submitted along with initial enrollment in the Order (NOI), and updates will be submitted annually by March 31 to the Regional Water Board. The annual report includes data from the monitoring reports, and evaluates the effectiveness of prescribed recommendations.

3.6. ENERGY USE

The site is located in an area served by Pacific Gas & Electric for electrical power. There is one current residence on site with associated domestic load. Electricity for mixed light cultivation, ventilation and lighting for work in low-light conditions will be also be provided by PG&E.

3.7. USE AND STORAGE OF REGULATED PRODUCTS

3.7.1. BEST MANAGEMENT PRACTICES

Best Management Practices (BMP's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are located in a metal work shed, and contained within water tight, labeled containers in accordance with manufacturer's instruction. Application will be at agronomic rates and will be tracked and reported with the with the annual monitoring and reporting form submitted to the NCRWQCB. Working family members responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye, body and respiratory protection in accordance with the manufacturer's recommendations.

3.7.2. FERTILIZERS

Nutrients and biological inoculants used for cultivation include:

- Cutting Edge Solutions "Micro" (6-0-0) (N-P-K)
- Cutting Edge Solutions "Grow" (0-6-5)
- Cutting Edge Solutions "Bloom" (2-1-6)
- Cutting Edge Solutions "Plant Amp" (N/A)
- Cutting Edge Solutions "Mag Amped" (N/A)
- Sea Pal Liquid Fish (5-1-1)
- Oyster Shells (N/A)
- Limes (N/A)

See Appendix B - *Regulated Products Resource List* for product details.

3.7.3. PESTICIDES AND FUNGICIDES

The Registrant uses several products to control pests with an emphasis on organic products. All products used to control pests and mildew are stored in the proposed processing building with secondary containment. All products will conform to the California Department of Pesticide Regulation registration and use requirements for pesticide use on marijuana.

Products used to control insects and mildew include:

- Food Grade Hydrogen Peroxide
- Diatomaceous Earth
- Marigolds
- Chrysanthemum
- Dr. Bronner's soap
- Vinegar

See Appendix B - *Regulated Products Resource List* for product details.

3.8. WASTE MANAGEMENT PLAN

3.8.1. SOLID WASTE MANAGEMENT

Garbage on site will be collected in lidded trash containers to prevent leachate from entering or percolating to receiving waters until it is disposed at an appropriate waste disposal location. Garbage will be transported to the nearest waste transfer station on a weekly basis by truck.

3.8.2. CULTIVATION WASTE AND SOIL MANAGEMENT

Cannabis waste vegetative matter such as branches and leaves will be securely stored for removal at the designated location as shown on the site plan. Spent potting soil will be stored in a covered location until it can be reamended and reused in successive runs. Any needed sediment control BMPs will be installed or implemented to prevent transport of nutrients to the riparian areas via overland flow. All packaging from soil amendments and fertilizers will be collected and disposed of at an appropriate facility.

3.8.3. WASTEWATER MANAGEMENT

The applicant has one family member who will be living on site in addition to seasonal family workers. The applicant will have field testing performed and will apply for a permit for the existing septic systems. If the existing systems are proven to be insufficient for expected uses, the applicant will apply for a permit to construct a new septic system which will handle the combined commercial and residential loads. Before permitting and installation of such a system, if additional wastewater management is required, it will be provided by regularly serviced portable toilets in a number appropriate to accommodate the load.

Irrigation wastewater will be managed through Best Management Practices and water management to achieve an entirely closed-cycle irrigation and nutrient system, fully eliminating cultivation wastewater. The use of drip irrigation minimizes water use, and hand watering for fertigation minimizes subsequent runoff.

4. PRODUCT MANAGEMENT

4.1. PRODUCT TESTING AND LABELING

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

4.2. PRODUCT INVENTORY AND TRACKING

The applicant will be enrolled in the Humboldt County cannabis product and inventory tracking system (Track and Trace), an internally-developed system of inventory and tracking utilized by the County of Humboldt. The Agent in Charge and Lead Cultivator ensure all medical cannabis from clone to

packaged product is tracked, accounted for and inventoried. Records are kept at each phase of the harvest and processing operation for reporting and compliance with State and Local regulations. The information recorded for each harvest includes:

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

Tracked products are required for legal entry into the State marketplace. Currently, the State marketplace does not have a tracking program online. At the time that the first annual licenses are distributed, a State sanctioned tracking program (MetrC) will come online. All state-issued annual licensees are required to use the California Cannabis Track and Track (CCTT)-MetrC system to record, track and maintain information about their cannabis, cannabis product inventories and activities. Cultivators pursuing State Licensure must complete the state-provided training before using the CCTT-MetrC system.

4.3. TRANSPORTATION AND DISTRIBUTION

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

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

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

Appendix A: Site Plan

Appendix B: Regulated Products Resource List

Cleaning Agents:

Dr. Bronner's soap - <https://shop.drbronner.com/>

Vinegar

Pesticides and fungicides:

Diatomaceous Earth

Limes

Marigolds

Chrysanthemums

Fertilizers and biological inoculants:

Cutting Edge Solutions "Micro" (6-0-0) (N-P-K) - <https://nhs-hydroponics.com/ces-micro-6-0-0-1-gal/>

Cutting Edge Solutions "Grow" (0-6-5) - <https://nhs-hydroponics.com/ces-grow-2-1-6-1-gallon/>

Cutting Edge Solutions "Bloom" (2-1-6) - <https://nhs-hydroponics.com/ces-bloom-0-6-5-1-gal/>

Cutting Edge Solutions "Plant Amp" - <https://nhs-hydroponics.com/ces-plant-amp-1-gallon/>

Cutting Edge Solutions "Mag Amped" - <https://nhs-hydroponics.com/ces-mag-amped-6-gallons/>

Sea-Pal Fish Emulsion 5-1-1 - <https://estore.sparetimesupply.com/products/sea-pal-fish-fertilizer-plus-kelp-5-1-1---br-gl-765.html>

Oyster Shells - <https://nhs-hydroponics.com/pacific-pearl-oyster-shell-flour-50lbs/>

Appendix C: Cultivation Activities Schedule

Item	Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Drainage, Runoff, and Erosion Control	Winterization (storage of pots/greenhouse covers)												
	Temporary Erosion Control BMP's (straw, seeding, fiber rolls, etc)												
	Cultivation waste hauled off site												
	Cover soil beds and seed/straw with cover crop												
Irrigation Activities	Irrigation of juvenile plants /clones												
	Irrigation of flowering plants												
Pre-cultivation Activities	Propagate cuttings from 'mother plant' stock												
	Transplant cuttings into pots												
	Transplant clones into smart pots												
	Amend soil in greenhouses and/or indoor cultivation building												
Outdoor /Mixed Light/Light Dep Cultivation and Harvest Schedule	Outdoor Cycle												
	Proposed Mixed Light Cycle 1												
	Proposed Mixed Light Cycle 2												
	Proposed Mixed Light Cycle 3												
Family worker Presence	Harvest activities (proposed mixed and current outdoor)												
	Drying activities												
	Agent in Charge/Lead Cultivator												
	Temporary Family workers												

Appendix D: References

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

State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. August 2008.
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APNs 081-091-009 & 081-091-008

Humboldt's Dankest Projected Water Use

**** Cultivation Rates based on 5,000 SF footprint, 3,500-SF mixed light (3 runs), 1,500 SF outdoor (2 runs)**

SITE MANAGEMENT PLAN

In fulfillment of
Order WQ 2017-0023-DWQ

General Waste Discharge Requirements and Waiver of Waste Discharge
Requirements for Discharges of Waste Associated with Cannabis Cultivation
Activities

Prepared for:

Humboldt's Dankest

and

State Water Resources Control Board



Tier 1, Low Risk Discharger
WDID: 1B171088CHUM, Tier 1

Prepared by:



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707-798-6438

July 2019

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INTRODUCTION

This Site Management Plan (SMP)/Water Resource Protection Plan (WRPP) has been developed to satisfy conditions of the Tier 1 enrollment requirements in the State Water Resource Control Board (SWRCB) Order No. WQ 2017-0023-DWQ (Order), and Tier 2 enrollment under Order No. 2015-0023 for the North Coast Regional Water Quality Control Board (NCRWQCB). The purpose of the Order is to implement the Cannabis Policy requirements for waste discharges associated with cannabis cultivation. The Policy provides a structure for managing water quality and instream flow impacts associated with cannabis cultivation. It also establishes criteria for personal use and site conditional exemptions and includes a tiered approach for permitting discharges of waste. All eligible dischargers developing land for cannabis cultivation activities are required to enroll in the program under the Order. Dischargers must implement Best Practical Treatment or Control (BPTC) measures and submit technical and monitoring reports to assure compliance with the Order. The SMP describes how the discharger is complying with the applicable BPTC measures listed in the Policy and how they are being implemented property-wide.

SITE INFORMATION

Registrant: Humboldt's Dankest
4787 Patricia Drive
Eureka, CA 95503

Site

Address: 719 & 733 Boy Scout Camp Road, Myers Flat, CA, 95554

Parcel: Assessor Parcel Number: 081-091-008 & 081-091-009
Lat/Long: 40.2614° N, -123.8728° W

Zoning: General Plan: CF;REI1-5 (as per Humboldt Co Webgis)
Zone: FP

Acres: 081-091-008 approx. 0.52 acres as assessed (Humboldt County WebGIS)
081-091-009 approx. 0.75 acres as assessed (Humboldt County WebGIS)
Disturbed Area: 3,596 sq. ft ~ Approximately 0.082 acres

Location: The Site is located in the South Fork Eel River watershed in Southern Humboldt County in the town of Myers Flat. To reach the site from Eureka take US-101 south for 49.7 miles to exit 656 and turn right on CA 254. Follow CA 254 for approximately 130 feet and turn left onto Myers Avenue then the first left onto Orchard Way. Follow Orchard way and turn right onto Boy Scout Road, the project site will be on the left at 719 Boy Scout Road (approximate Latitude 40.2614 and Longitude -123.8728). The subject parcels are approximately 0.52 acres (APN: 081-091-008) and 0.72

acres (APN: 081-091-009) in size (per Humboldt County WebGIS) for a combined total of 1.27 acres.

Site Description: The site is located within the South Fork Eel River watershed. The South Fork Eel River, which has been listed as an impaired waterbody for excessive sediment and temperature under Section 303(d) of the Clean Water Act. The Eel River provides habitat for five endangered salmonid species and has been identified as an important population of Coho salmon for the region. The climate is characterized by a pattern of high-intensity rainfall in winter and warm, dry summers. The property (Project Site) is split between two adjacent parcels (081-091-008 and 081-091-009), upon which site infrastructure is shared. The two parcels are currently in the process of merging which will result in a single parcel being occupied and utilized as part of operations.

Cultivation operations on the project site consist of light dep and full sun outdoor cultivation in above ground smart pots. Cultivation of commercial cannabis occurs in greenhouses which utilize light deprivation tarps. Rainfall for the region averages 55-inches per year. Water storage volumes for the site currently total 18,000 gallons in rigid plastic storage tanks. Water is sourced from Myers Flat Mutual Water System.

The property is located at an approximate elevation of 185 ft. above mean sea level, is relatively flat with slopes of less than 5%, and mostly covered in grass with a concrete pad towards the front of the parcel. There are a handful of small unpermitted structures, two travel trailers, and two greenhouses. One greenhouse totaling 1,500 square feet is used for cultivation of “outdoor” cannabis on the property. The additional greenhouse is utilized for the cultivation of immature plants. See Appendix A for details.

TIER AND RISK DESIGNATION

The Cannabis Policy provides criteria for evaluating threats to water quality for cannabis cultivation sites based on three site characteristics: proximity to water body, total disturbed area, and slope of the disturbed area. Based on the criteria and site characteristics the subject property is designated as a **Tier 1 Discharger**. The total disturbed area is 0.082 acres (Table 1).

Table 1: Disturbed Area Size, Slopes, and Setbacks

Disturbed Area Type	Area (ft ²)	Disturbed Area Slope	Distance to Water Body (ft.)	Water Body Type
Cultivation Area	1,500	4%	120	Class I
Immature Plant Area	600	4%	180	Class I
Road portions needing upgrades / remediation	-	-	-	-
Structures (storage & residence)	1150	4%	150	Class I
Water Storage Tanks	32	4%	108	Class I
Soil Pile	314	4%	110	Class I
Total Disturbed Area	3,596	4%	-	-

The main access road used to access the cultivation site on the parcel is Boy Scout Camp Road, constructed prior to cultivation activities on the project site commenced. The community of Myers flat was originally developed as a vacation rental style subdivision, with multiple narrow parcels providing individual river access points to the South Fork Eel River.

All cultivation on the Project Site occurs on the alluvial floodplain which makes up Myers flat. Due to the gentle sloping topography of this depositional setting, no grading or earthwork was conducted as part of cultivation related infrastructure or development on the Project Site. Disturbance areas calculated as part of the impacts on the project site have been taken to include active cultivation sites and ancillary structure which are used in conjunction with cultivation operations. The only road portion of the Project Site consists of a simple flat driveway, which is hydrologically disconnected from surface waters and meets the design standards provided by the *Handbook for Forest, Ranch, and Rural Roads* ("Road Handbook") by Pacific Watershed Associates.

See the disturbed area map in Appendix B for specific areas included in the disturbed area.

In addition, a risk designation is assigned based on the slope of the disturbed areas and proximity to a waterbody. Based on these parameters, the subject property is designated as a **Low Risk**. The total disturbed area of 0.082 acres remains outside of the riparian setback requirements and on slopes less than 30 percent. All cultivation and cultivation related operations make use of the naturally flat terrace adjacent to the floodplain of the South Fork Eel River.

BEST PRACTICAL TREATMENT OR CONTROL (BPTC) MEASURES

BPTC measures are being utilized as part of the road maintenance program to protect water quality. The *Solid Waste Management, Construction Site Best Management Practices Manual* by the CA Department of Transportation (Caltrans) is referenced for the correct installation, maintenance, and monitoring of all applicable erosion control and sediment capture BPTC measures.

All straw mulch must be free of noxious weeds and all seed/plants must be non-invasive. A list of prohibited species can be found in the CA Invasive Plant Council's database. Erosion control measures shall not include synthetic monofilament netting, including photo- and biodegradable plastic netting. All netting shall be made of jute, coir fiber, hemp, or another product without welded weaves.

A schedule of BPTC measures to be implemented and maintained throughout the site is shown in Appendix C, and Appendix D includes specifications for BPTCs.

1. SEDIMENT DISCHARGE BPTC MEASURES

1.1. SITE CHARACTERISTICS

1.1.1. SITE MAP

The site map shows all relevant site features: streams, stream crossings, storage areas, roads, buildings, domestic wastewater treatment system, cultivation areas, and other disturbed areas related to cultivation activities. Erosion prevention and sediment control BPTC measures are identified on the site map (see Appendix A).

1.1.2. ROAD CONDITIONS

The Project Site consists of two contiguous properties, both of which are access by a driveway connected to Boy Scout Camp Rd, the main circuitous avenue which connects many of the riverside properties. Boy Scout Camp Road consist of a gravel and native material road and is approximately flat. From Boy Scout Camp Road, the main access driveway is straight and flat, and is of gravel fill material.

1.1.3. WATER BODIES, STREAM CROSSINGS, RIPARIAN SETBACKS

There are no surface water courses no surface water crossings on the Project Site. The Project Site occupies some of the South Fork Eel River Flood plain primarily in the form of a gravel bar.

Enrolled in the North Coast Regional Water Quality Control Board's Waiver of Waste Discharge Order 2015-0023-R1 (The Order) the Project Site is subject to riparian setbacks which include 100-foot setbacks from Class I Watercourses.

The Project Site is currently in compliance with the setbacks of The Order.

1.1.4. SOIL DISTURBANCE

The site has no areas of active soil disturbance. All historic graded areas are stable and vegetated, and there are no active slides or earth movement on site. The site should be continually monitored during wet weather to ensure that sediment mobilization does not pose a risk of delivery to surface waters.

1.2. SEDIMENT EROSION PREVENTION AND SEDIMENT CAPTURE

1.2.1. EROSION PREVENTION BPTC MEASURES

1.2.1.1. ROADS

Roads on the Project Site consist of a simple gravel driveway leading from Boy Scout Camp Road. The road is not hydrologically connected to surface waters and does not represent a threat to water quality.

1.2.1.2. DISTURBED AREAS

All cultivation activities are occurring on alluvial terrace deposits adjacent to the Floodplain of the South Fork Eel River. The topography of this setting is flat with a very mild gradient (less than 5%). As such, cultivation consists of simply placing outdoor grow pots and green house frames on the ground. No grading or earthmoving activities were required as part of development of cultivation operations on the Project Site. All areas appear stable and settled, with no obvious indicators of failure (scarping, cracking, slumping) on exposed surfaces. On the property surface used for the cultivation area, grasses and weeds are maintained (mowed) to facilitate ease of human mobility about the garden site. All existing live mulch will be maintained as feasible. Any areas for planned disturbance/development will be surveyed for sensitive species, wildlife, and communities, and CDFW shall be consulted with to designate a no-disturbance buffer if necessary.

1.2.1.3. STREAMS AND STREAM CROSSINGS

There are no stream crossings on the Project Site. The southern end of the property consists of the break in slope leading down to the flood plain of the South Fork Eel River. Cultivation Operations on the Project Site remain outside the setback requirements as per The Order and are located on a broad flat and grassy terrace. As such, no threats of irrigation runoff are present on the Project Site. A large wooden fence borders the Project Site separating the land from the gravel bar and river below. There are no impacts to the South Fork Eel River as a result of cultivation or residential developments on the Project Site.

1.2.1.4. WINTERIZATION

Winterization measures will be implemented annually by November 1st and interim erosion prevention BPTC measures will be utilized as needed throughout the year. To prevent erosion and sediment transport to streams, numerous measures for soil stabilization, runoff management, erosion and sediment prevention/retention are utilized throughout the seasonally dry period and prior to the onset of winter. Section 5 “Winterization BPTC Measures” has more information on proposed actions to protect water quality in the winter season.

1.2.2. SEDIMENT CAPTURE BPTC MEASURES

1.2.2.1. ROADS, STREAM CROSSINGS, AND SOIL DISTURBANCE

One soil pile observed on the Project Site is located approximately 110-feet from the banks of the South Fork Eel River. The pile consisted of used potting soil slated to be reamended and reincorporated in cultivation activities in the following seasons. The pile will be relocated to a covered area where it poses no threat of leachate to groundwater. The soil pile, while uncovered, did not appear to pose any threat of delivery to surface waters due to the wide vegetative buffer and gently sloped topography between the pile and the nearest surface waters (South Fork Eel River). Though the pile currently lacks appropriate BPTCs as per The Order, it does not appear to represent a significant threat to water quality and will be covered to comply with The Order. To properly winterize any soil piles on the Project Site, soil will be cover cropped or tarped and encircled with a straw wattle berm or similar BPTC to prevent precipitation and runoff from mobilizing sediment and the constituent components therein. Should winter conditions preclude the use of cover cropping throughout the wet weather season, tarps or a constructed roof covering will be utilized to prevent piles from washing away and prevent remaining nutrients from leaching into groundwater.

Should stockpiled materials for construction be stored on the Project Site, they will be so in stable locations and contained using appropriate BPTC measures. Other sediment control measures may be installed as needed to prevent discharges from entering waters of the state. See Appendix C for the schedule of all sediment control BPTC measures being employed on site.

1.2.3. MAINTENANCE ACTIVITIES – EROSION PREVENTION AND SEDIMENT CAPTURE

1.2.3.1. MONITORING

All soil piles and cultivation related items potentially containing entrained nutrients or fertilizers will be appropriately winterized before the onset of wet weather season. Soil piles will be tarped

and sited such that not precipitation or weather will mobilize or otherwise disturb the soil. Winterization measures that are implemented will be monitored for effectiveness (inspected during the first major winter storm event) before the site is closed for the winter. See Appendix H for a log of monthly BPTC monitoring and maintenance records.

Table 1.2.3.1. BPTC Effectiveness Monitoring

Observations	Description	Monitoring Frequency
Erosion Prevention and Sediment Capture Maintenance	Report activities for maintaining the effectiveness of erosion prevention and sediment retention/capture measures	Monthly
Active Erosion	Report any indications of soil erosion	Monthly
Surface Water Runoff Maintenance	Report the conditions of any surface water (stormwater, irrigation) and include the location, source of runoff, duration	Monthly
Materials Storage Erosion/Spills Prevention	Report materials delivered or stored on site that have the potential to degrade water quality if discharged	Monthly
Septic, Holding Tank, or Chemical Toilet Servicing	Report the name of the servicing company, dates, and activity	Monthly

1.2.3.2. MAINTENANCE

See Appendix H for a log of monthly BPTC monitoring and maintenance records.

2. FERTILIZER, PESTICIDE, HERBICIDE, AND RODENTICIDE BPTC MEASURES

2.1. CULTIVATION PRODUCT STORAGE, USE, AND DISPOSAL

2.1.1. STORAGE

Fertilizers and insecticides are stored in the “storage shed” located adjacent to the cultivation area and are stored in secondary containment to prevent contact with groundwater. Fertilizers and pesticides are being stored in a separate location from petroleum products. No rodenticides are currently being used on site. At the end of the season, any unused liquid products are stored in secondary and applied the following year (see Site Map in Appendix A for storage locations). Soil and fertilizers may temporarily be stored in or near the greenhouses prior to being applied.

Appropriate BPTC measures are being utilized when storing, handling, mixing, applying, and disposing of all fertilizers, pesticides, herbicides, and rodenticides. Each year an inventory is conducted prior to the beginning of the grow season and necessary products are delivered to the site as needed. See Appendix G for a list of fertilizers and pesticides/herbicides used on site.

2.1.2. APPLICATION

Mixing of fertilizers in small storage tanks is conducted in a designated area where the mix will not enter surface waters. For all plants, the mix is applied via controlled hand watering. Spent soil is amended and reused as needed. The application of any agricultural chemical products will be conducted according to the manufacturer's recommendation.

2.1.3. DISPOSAL AND SPILL PREVENTION/CLEANUP

Trash and recycling containers are located near the existing residential trailers and are contained to prevent surface water contamination and wildlife intrusion. Excess soil is sequestered to be amended and reused in following growing cycles. As such, the soil pile will be covered over winter and will be contained if necessary with straw wattling to prevent soil runoff. Interim measures of containment will include tarping to prevent runoff. Spent product containers are rinsed and then recycled onsite (reused and repurposed as various containers). A spill kit with plenty of sorbent pads is kept on site in the event of a spill. All trash, empty product containers, and other recyclables are hauled off-site as needed to the Redway transfer station.

3. PETROLEUM PRODUCT BPTC MEASURES

3.1. PETROLEUM STORAGE, USE, AND DISPOSAL

Table 3.1. Petroleum Product List, Storage, and Use

Petroleum Product	Delivery Period	Storage Method	Use Type
Gasoline	As needed throughout the year	5-gallon plastic can	Small garden equipment and emergency backup generator
Lubricants	As needed throughout the year	In storage shed within secondary containment	Equipment maintenance and use

3.1.1 STORAGE

The discharger has approximately 17.5-gallons of gasoline storage in the form of 2.5 and 5-gallon plastic gasoline storage transfer cans, used to provide fuel for one small (2 kW) backup emergency generator (domestic uses) and various gasoline-powered light gardening

equipment tools for domestic needs. The parcel is grid-tied, as such all power needs are derived from a PG&E power drop. Lubricants utilized for generator and equipment maintenance are being stored in secondary containment when not in use and under cover in the tool and fuel storage shed. Vehicles and machines are regularly monitored for leakage and when not in use are being stored in a location outside of designated riparian setbacks.

3.1.2. APPLICATION

Fueling and maintenance of the light garden equipment and small backup generator is being conducted in a designated area that prohibits discharge to waters of the state. Cars are not refueled onsite.

3.1.3. DISPOSAL AND SPILL PREVENTION/CLEANUP

Special care is taken when transporting and handling all petroleum products. Spill prevention/cleanup BPTC measures are being utilized; a spill kit with plenty of sorbent pads is kept on site in the event of a spill. Spent petroleum products and related trash are kept in secondary containment, specifically for hazardous waste, before being transferred to the waste management facility.

4. **TRASH/REFUSE AND DOMESTIC WASTEWATER BPTC MEASURES**

4.1. HOUSEHOLD TRASH AND CULTIVATION-RELATED WASTE

All trash / refuse generated on site is currently stored adjacent to the living facility in lidded cans. Moving forward all trash / refuse will be stored within a designated and enclosed area to prevent contact with wildlife. Expected trash/refuse generated on site will be comprised of domestic wastes including food and sanitation items as well as cultivation related wastes (empty nutrient containers, associated packaging and consumable items). All trash items will be kept in a designated area near the residence (see site map in Appendix A) where it will not migrate or leach into waters of the state. Cultivation-related organic wastes are disposed of at a licensed waste disposal center in a designated area and stabilized with the appropriate BPTC measures (see appendix A, Site Plan for location). Spent potting soil is stored in a secure, covered location and stabilized using appropriate sediment control BPTC measures. Household and other cultivation-related waste and recycling will be stored in wildlife-detering enclosure. All refuse and cultivation related wastes are transported to the nearest waste transfer facility on a weekly basis.

4.2. RESIDENTS, EMPLOYEES, AND VISITORS

Approximately 2 residents are on site during the growing season. Operations on the Project Site are exclusively staffed by family, including the landowner. There are typically no visitors on the Project Site. There are no residents or employees on site in the winter season.

4.2.1 DOMESTIC WASTEWATER – GENERATION

A recreational vehicle trailer serves as a kitchen facility from which there is a greywater discharge into the septic system. Two (2) bathroom facilities on the Project Site discharge blackwater into the residential septic system.

4.2.2 DOMESTIC WASTEWATER – DISPOSAL

Household greywater and wastewater from the kitchen sink and toilet drains to a septic system, adjacent to the domicile. The permit status of the system is unknown but was reportedly built to code. The system will be inspected by a septic professional and will be improved if necessary for permitting through the Department of Health and Human Services. In the interim, a portable toilet will be delivered to the site and will be serviced bi-weekly by a licensed company. See the site map in Appendix A for locations of wastewater treatment locations. The cultivator shall make sure that no substances that are hazardous to fish and wildlife (e.g. trash, paint, concrete washings, treated wood) are used, located, or disposed of where they can contaminate waters of the state. Human and animal waste shall also be disposed of properly.

5. WINTERIZATION BPTC MEASURES

5.1. ACTIVITIES AND MAINTENANCE

5.1.1 ROADS AND STREAM CROSSINGS

All cultivation will occur in greenhouses, as such little only appropriate erosion prevention and sediment control measures will be installed around any stockpiled soil or legacy raised beds on the Project Site. No road work is required to bring the Project Site into compliance with the design standards set forth in The Order.

All winterization BPTC measures will be monitored and maintained prior to site closure for the winter. There are no stream crossings on the Project Site.

5.1.2. DISTURBED AREAS

Development on site consists of above ground pots and greenhouse frames placed upon the native soil. No “disturbed ground” is present on the Project Site. There are no areas that have exposed soil due to development or earthwork. The wide vegetative buffer and gently sloped topography effectively mitigate the threat of delivery to the South Fork Eel River watershed. For all areas of concern, if any BPTC measures cannot be installed prior to winter, the Regional Water Board must be contacted to establish a compliance schedule to protect water quality. Roads on the Project Site consist of a single gravel surfaced driveway which meets the standard of the “*Handbook for Forest, Ranch and Rural Roads*” (Weaver et al, 2015).

5.1.3. STORAGE AND STOCKPILED MATERIALS

5.1.3.1. CULTIVATION-RELATED PRODUCTS AND WASTE

All fertilizers, pesticides, herbicides, and rodenticides need to be stored where they will not enter surface waters or pose a threat to wildlife. The cultivator will have all liquid products stored in secondary containment and stored along with all other cultivation-related products, protected from the elements. Waste associated with cultivation will be removed from the site and taken to the nearest waste transfer facility prior to closing the site for winter.

5.1.3.2. VEHICLES, MACHINES, AND PETROLEUM PRODUCTS/WASTE

Prior to winter, any remaining vehicles or light gardening equipment on-site will be stored out of the elements where any potential leaks will not enter surface waters or pose a threat to wildlife. Petroleum products will be kept in compatible secondary containment within their own storage container. Any spent petroleum containers and related trash will be removed and appropriately disposed of at the nearest waste management facility.

5.1.3.3. STOCKPILED MATERIALS

Appropriate BPTC measures shall be used for all stockpiled materials that have the potential to migrate to surface waters or that may be hazardous to wildlife. Stockpiled materials include bark, sawdust, potting soil, amendments, rock, compost, treated wood, polytube and other irrigation equipment, greenhouse plastic sheeting, and any other materials used for cultivation and site development, improvement, and management. They shall be stabilized in an upland area, covered, and/or stored in a storage shed/container.

Appendix A: Site Map

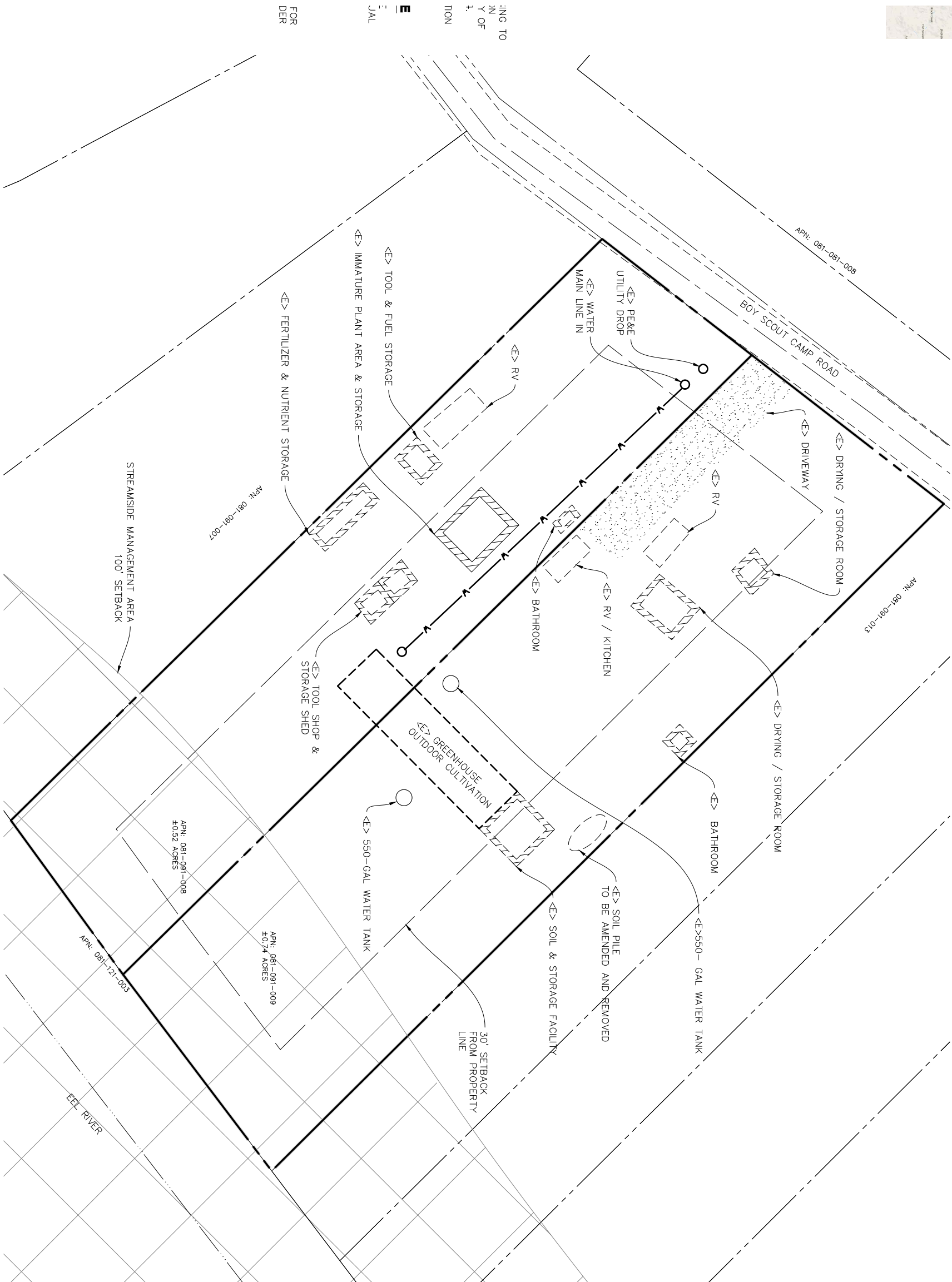
HUMBOLDT'S DANKEST, LLC

SITE MANAGEMENT PLAN

APN: 081-091-008 & 081-091-009

HUMBOLDT'S DANKEST, LLC

- TAKE 101 SOUTH (41.5 MILES)
- TAKE EXIT 656 FOR CA-254 FOR METERS AVE (0.2 MILES)
- TURN LEFT ONTO ORCHARD WAY (0.2 MILES)
- TURN RIGHT ONTO BOY SCOUT RD
- DESTINATION IS ON LEFT (719 & 733 BOY SCOUT CAMP ROAD)

[illegible]

NORTHPOINT
CONSULTING GROUP, INC.
317 3rd Street, Ste. 15 Eureka, CA 95501

HUMBOLDT'S DANKEST, LLC
MYERS FLAT / APN: 081-091-008 & 081-091-009
SITE MANAGEMENT PLAN

PROJ. NO.: RJ
DRAWN BY: CJC
DATE: 7/30/2019
SCALE: AS SHOWN

SHEET

SMP0

18-057

Appendix B: Disturbed Area Map

HUMBOLDT'S DANKEST, LLC

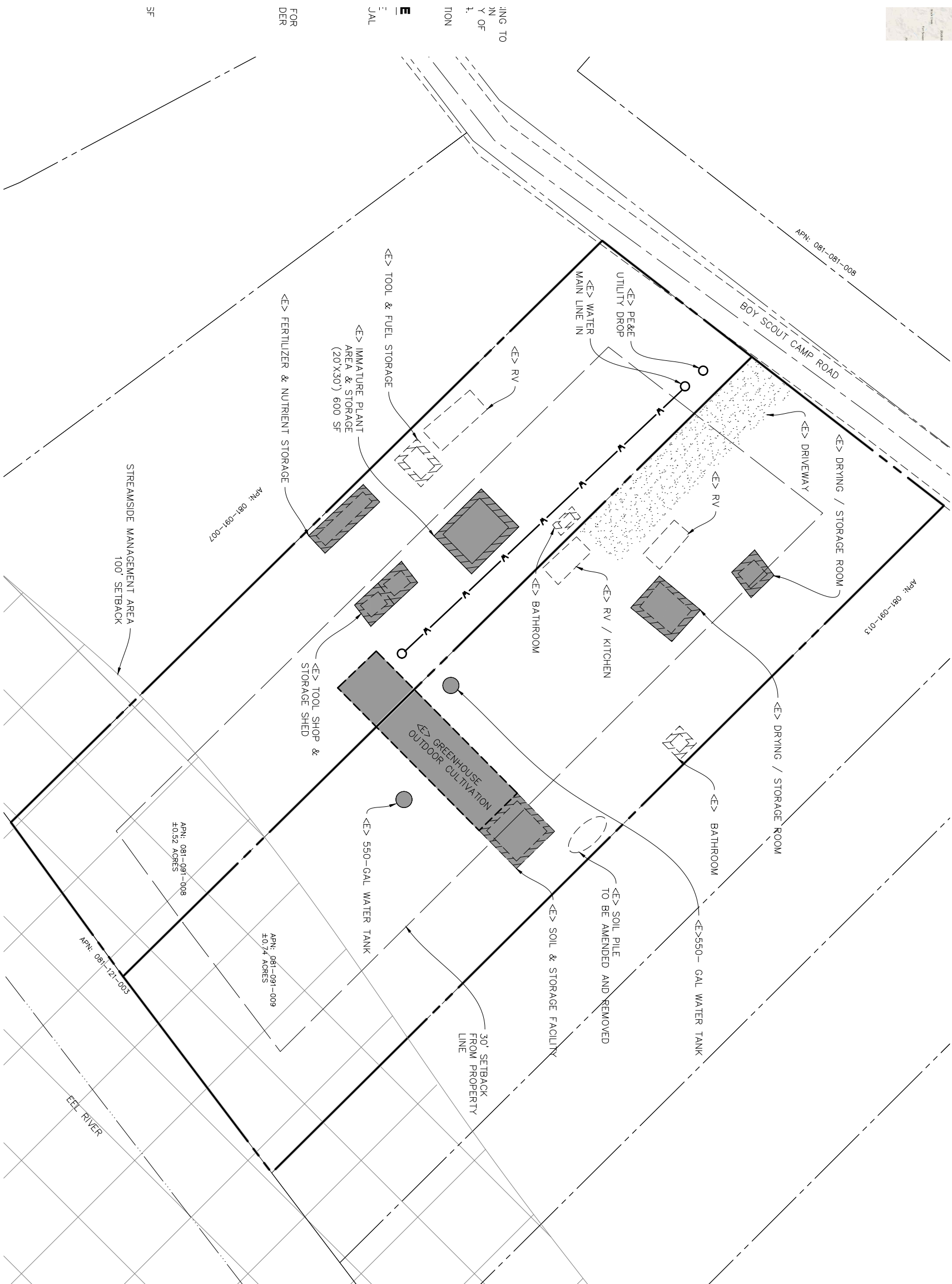
DISTURBANCE AREA MAP

APN: 081-091-008 & 081-091-009

HUMBOLDT'S DANKEST, LLC

FROM EUREKA, CA

- TAKE 10 SOUTH (41.5 MILES)
- TAKE EXIT 656 FOR CA-254 FOR MYERS AVE (0.2 MILES)
- TURN LEFT ONTO ORCHARD WAY (0.2 MILES)
- TURN RIGHT ONTO BOY SCOUT RD
- DESTINATION IS ON LEFT (719 & 733 BOY SCOUT CAMP ROAD)

[illegible]

NORTHPOINT
CONSULTING GROUP, INC.
317 3rd Street, Ste. 15 Eureka, CA 95501

HUMBOLDT'S DANKEST, LLC
MYERS FLAT / APN: 081-091-008 & 081-091-009
DISTURBANCE AREA MAP

PROJ. NO.: RJ
DRAWN BY: CJC
DATE: 7/30/2019
SCALE: AS SHOWN

SHEET

DAMO

18-057

Appendix C: BPTC Implementation and Maintenance Schedule

CULTIVATION ACTIVITIES SCHEDULE

Highlight or check off the months when the following activities will take place.

BPTC IMPLEMENTATION & MAINTENANCE SCHEDULE

Type			Measures			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec					
EROSION PREVENTION	Physical	Runoff Mgmt.	Silt Fences, Straw Wattles, Rolled Erosion Control Products (RECP), Rolling Dips.																			
	Biological	Soil Stabilization	Temporary/Permanent Seeding, Live Mulching, Vegetation Preservation/Replacement																			
		Biotechnical	Biotechnical - Watling																			
	INTERIM EROSION & SEDIMENT CONTROL MEASURES			Installed and Maintained as Needed																		

Appendix D: BPTC Measure Specification

Table of Contents

RD1.1 Modified Low Water Rock Ford

RD1.2 Fords

RD1.3 Outsloped Roads w/ Inboard Swale

RD1.4 Outsloped Road

RD1.5 Inslope Road

RD1.6 Thru Cut Road

RD1.7 Critical Dips

RD1.8 Rolling Dip

RD1.9 Grading Unpaved Road Surfaces

RD1.10 Water Bars

RD1.11 Ditch Relief Culverts (DRC)

RD1.12 Stream Crossing Installation

RD1.13 Drainage for Unpaved Roads

RD1.14 Road Surface Upgrade

RD1.15 Routing and Location

RD1.16 Understanding Road Removal

RD1.17 Road Closure

EC1.1 Jute Mat Blanket

EC1.2 Culvert Outlet Energy Dissipater

EC1.3 Outlet Protection

EC1.4 Stockpile Management

SS-6 Straw and Mulch

SS-7 Geotextiles, Mats, Plastic Covers, and Erosion Control Blankets

SS-10 Outlet Protection

SS-11 Slope Drains

SC1.1 Check Dams

SC1.2 Sediment Basin

SC1.3 Fiber Rolls

Road BMP Resources

EC-1.4 STOCKPILE MANAGEMENT

DESCRIPTION

This activity involves the selection of sites in advance of the need for long-term and short-term stockpiling of materials for road maintenance activities and disposing of excess materials from excavations, grading and culvert basin cleaning. The general watershed criteria for selecting any disposal site is a site where the material will not erode into any part of the channel network, and where it will not initiate a formerly dormant landslide.

ENVIRONMENTAL CONCERNS

- Filling wetlands with spoil material.
- Discharge of sediment, debris, or organic material into the stream or storm water discharge system.
- Destruction or harm to aquatic, riparian or wetland habitat, or to endangered or threatened plant and animal species due to placement of fill material.
- Surface or groundwater impacts from leachate formed in organic material disposal sites.
- Damage to endangered or threatened plant species on site.
- Slope stability of both the disposal site and the spoil pile.

BEST MANAGEMENT PRACTICES

Site Selection

- Determine the location of existing disposal sites, potential disposal sites, and locations of significant spoil generation along roads.
 - Conduct site investigations of existing and potentially suitable disposal sites. Site investigations should include the disposal area size, distance to watercourses, potential slope instabilities, listed species habitat, archaeological sites, nearby residential areas, access, and other limiting factors.
 - Prepare a map and data set indicating sites (existing and potential) with acceptable site characteristics (see below). Prioritize acceptable sites.
 - Develop site plans for sites adjacent to or near riparian areas or streams to identify erosion and sediment control needs, and to ensure stability of the material.
- Follow these acceptable site characteristics in the site election & design process:
 - Seek a stable site where sediment cannot reach the stream during any high water event.
 - Avoid adjacent riparian corridors or any area within the 100-year floodplain.
 - Avoid all wetland sites as these sites are protected from disposal activities and permits will be required and may not be granted.
 - Avoid placing spoil on unstable slopes, where the added weight could trigger a land movement. Excessive loading of clay or silt soils could also trigger a failure.
 - Use wide, stable locations such as rock pits, ridges, and benches as places to dispose of fill. Avoid locations where ground water emerges or a thick organic layer is present. Do not leave loose soil piled in berms alongside the road or ditch.

- Avoid sites with endangered or threatened plant species. Search the California Natural Diversity Database (www.dfg.ca.gov/whdab/html/cnddb.html) for any known listed plant sites in the area. Seek site evaluations by qualified botanists during the appropriate season before selecting a new site.

Implementation

- Locate stockpiles a minimum of 50 ft away from concentrated flows of stormwater, drainage courses, and inlets.
- Protect all stockpiles from stormwater run-on using a temporary perimeter sediment barrier such as berms, dikes, fiber rolls, silt fences, gravel bags, or straw bale barriers.
- During the rainy season, soil stockpiles should be covered or protected with soil stabilization measures and a temporary perimeter sediment barrier at all times.
- During the non-rainy season, soil stockpiles should be covered or protected with a temporary perimeter sediment barrier prior to the onset of precipitation (Figure 1).
- Apply erosion and sediment control BMPs as needed.
- Place bagged materials on pallets and under cover.
- Implement wind erosion control practices as appropriate on all stockpiled material. For specific information.
- The performance of erosion control BMPs should be monitored routinely during construction, especially during and after storm events. BMPs should be maintained or upgraded as needed.
- Manage stockpiles of contaminated soil in accordance with State and Federal Regulations.
- Avoid sidecasting of soil in all cases where it could be delivered into a watercourse, riparian area, roadside ditch or storm drain. Do not sidecast outside of the landowner right-of-way without landowner's permission. In some instances, under the following guidelines (See Table 1), sidecasting is allowable given remote distances from spoils storage sites. In these cases, the setback distance required depends on slope and vegetation. The presence of vegetation helps to slow the travel of sediment downslope, so good judgment is needed to assess the situation. *Do not sidecast at all* if the slope is sparsely vegetated and it appears that sediment will travel with rain runoff into a stream or estuary system, even if setback distances are applied. On slopes of 5:1 (20% gradient) or less, sidecasting is allowed beyond 150 feet of a watercourse, stream crossing, riparian area, roadside ditch or storm drain. On 2:1 slopes (50%) or less, sidecasting is allowed beyond 300 feet of a watercourse, stream crossing, riparian area, roadside ditch or storm drain. On slopes greater than 2:1, typically sidecasting is *not recommended*, however there may be rare instances on slopes greater than 2:1 where sidecasting is acceptable given very long distances from waterbodies and good vegetative cover. Seek advice from local fisheries agency staff when in doubt. Avoid concentrating sidecasting repeatedly in the same place. Never sidecast large amounts of soil from major landslides.

SLOPE GRADIENT	DISTANCE FROM WATERCOURSE, STREAM CROSSING, RIPARIAN AREA, ROADSIDE DITCH, STORM DRAIN	SIDECASTING RULE
Any slope	Appears that sediment will travel with rainwater into watercourse.	Not allowed
5:1 (20%) or less	150 feet or more	Allowed using good judgment
2:1 (50%) or less	300 feet or more	Allowed using good judgment
Greater than 2:1 (50%)	Vegetated slope long distance from watercourse	Allowed
Greater than 2:1 (50%)	Sparsely vegetated slope and it appears that sediment will travel with rain into watercourse	Not allowed

Table 1. Sidecasting BMP. From FishNet 4C (2004).



Figure 1. Stock piles should be covered with erosion and sediment control BMPs employed to keep sediment on site. From Caltrans (2003).

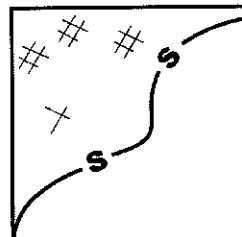
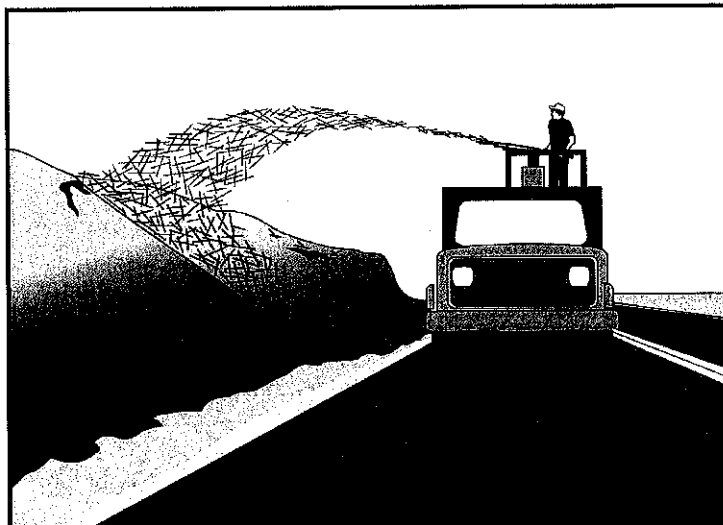
Source Material for Road BMP RD-2.16 Stockpile Management

2003. California Department of Transportation (CALTRANS). Storm Water Quality Handbooks – Construction Site Best Management Practices (BMPs) Manual.

2004. FishNet 4C. Guidelines for Protecting Aquatic Habitat and Salmon Fisheries for County Road Maintenance.

Straw Mulch

SS-6



Standard Symbol

BMP Objectives

- Soil Stabilization
- Sediment Control
- Tracking Control
- Wind Erosion Control
- Non-Storm Water Management
- Materials and Waste Management

Definition and Purpose

Straw mulch consists of placing a uniform layer of straw and incorporating it into the soil with a studded roller or anchoring it with a stabilizing emulsion. This is one of five temporary soil stabilization alternatives to consider.

Appropriate Applications

- Straw mulch is typically used for soil stabilization as a temporary surface cover on disturbed areas until soils can be prepared for revegetation and permanent vegetation is established.
- Also typically used in combination with temporary and/or permanent seeding strategies to enhance plant establishment.

Limitations

- Availability of erosion control contractors and straw may be limited prior to the rainy season due to high demand.
- There is a potential for introduction of weed-seed and unwanted plant material.
- When straw blowers are used to apply straw mulch, the treatment areas must be within 45 m (150 ft) of a road or surface capable of supporting trucks.
- Straw mulch applied by hand is more time intensive and potentially costly.
- May have to be removed prior to permanent seeding or soil stabilization.
- “Punching” of straw does not work in sandy soils.

Straw Mulch

SS-6

Standards and Specifications

- Straw shall be derived from wheat, rice, or barley.
- All materials shall conform to Standard Specifications Sections 20-2.06, 20-2.07 and 20-2.11.
- A tackifier is the preferred method for anchoring straw mulch to the soil on slopes.
- Crimping, punch roller-type rollers, or track-walking may also be used to incorporate straw mulch into the soil on slopes. Track walking shall only be used where other methods are impractical.
- Avoid placing straw onto the traveled way, sidewalks, lined drainage channels, sound walls, and existing vegetation.
- Straw mulch with tackifier shall not be applied during or immediately before rainfall.

Application Procedures

- Apply loose straw at a minimum rate of 3,570 kg/ha (4,000 lb/ac), or as indicated in the project's special provisions, either by machine or by hand distribution.
- If stabilizing emulsion will be used to anchor the straw mulch in lieu of incorporation, roughen embankment or fill areas by rolling with a crimping or punching-type roller or by track walking before placing the straw mulch. Track walking should only be used where rolling is impractical.
- The straw mulch must be evenly distributed on the soil surface.
- Anchor the mulch in place by using a tackifier or by "punching" it into the soil mechanically (incorporating).
- A tackifier acts to glue the straw fibers together and to the soil surface. The tackifier shall be selected based on longevity and ability to hold the fibers in place.
- A tackifier is typically applied at a rate of 140 kg/ha (125 lb/ac). In windy conditions, the rates are typically 200 kg/ha (178 lb/ac).
- Methods for holding the straw mulch in place depend upon the slope steepness, accessibility, soil conditions and longevity. If the selected method is incorporation of straw mulch into the soil, then do as follows:
 - Applying and incorporating straw shall follow the requirements in Standard Specifications Section 20-3.03.
 - On small areas, a spade or shovel can be used.

Best Management Practices for Construction

Straw Mulch

SS-6

- On slopes with soils, which are stable enough and of sufficient gradient to safely support construction equipment without contributing to compaction and instability problems, straw can be “punched” into the ground using a knife-blade roller or a straight bladed coultter, known commercially as a “crimper.”
- On small areas and/or steep slopes, straw can also be held in place using plastic netting or jute. The netting shall be held in place using 11 gauge wire staples, geotextile pins or wooden stakes. Refer to BMP SS-7, “Geotextiles, Plastic Covers and Erosion Control Blankets/Mats.”

Maintenance and Inspections

- The key consideration in Maintenance and Inspection is that the straw needs to last long enough to achieve erosion control objectives.
- Maintain an unbroken, temporary mulched ground cover while DSAs are non-active. Repair any damaged ground cover and re-mulch exposed areas.
- Reapplication of straw mulch and tackifier may be required by the Resident Engineer (RE) to maintain effective soil stabilization over disturbed areas and slopes.
- After any rainfall event, the Contractor is responsible for maintaining all slopes to prevent erosion.

Source Material for Construction BMP SS-6

2003. State of California Department of Transportation. Caltrans Storm Water Quality Handbook Construction Site BMP Manual.

Appendix E: References

Appendix E: References

1. Humboldt County Web GIS. (2018, May). Humboldt County Planning and Building Department. Retrieved from <http://webgis.co.humboldt.ca.us/HCEGIS2.o/>
2. State of California, Department of Forestry and Fire Protection. (2018, January). *California Forest Practice Rules: Title 14, California code of regulations, chapters 4, 4.5 and 10 with the Z'Berg Nejedley Forest Practice Act, the Professional Foresters law, and the Registration of Professional Foresters Rules*. Sacramento, CA: The California Department of Forestry and Fire Protection.
3. State of California, North Coast Regional Water Quality Control Board. (2015, August). *Order No. R1-2015-0023: Waiver of Waste Discharge Requirements and General Water Quality Certification*. Retrieved from https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2015/15_0023_Cannabis_Order.pdf
4. State of California, State Water Resources Control Board. (2017, October). *Cannabis Cultivation Policy: Principles and Guidelines for Cannabis Cultivation*. Retrieved from https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/final_cannabis_policy_with_att_a.pdf
5. State of California, State Water Resources Control Board. (2017, October). *Order No. WQ 2017-0023-DWQ: General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*. Retrieved from https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/finaladoptedcango101717.pdf
6. State of California, California Department of Transportation, Division of Environmental Analysis, Stormwater Program. (2017, May). CTSW-RT-17-314.18.1: *Construction Site Best Management Practices (BMP) Manual*. Retrieved from <http://www.dot.ca.gov/hq/construc/stormwater/CSBMP-May-2017-Final.pdf>
7. Weaver, W.E., Weppner, E.M. and Hagans, D.K. (2015, April). *Handbook for Forest, Ranch and Rural Roads: A Guide for Planning, Designing, Constructing, Reconstructing, Upgrading, Maintaining and Closing Wildland Roads*. Ukiah, California: Mendocino County Conservation Resource Dist. 2018
8. Northwest Alliance for Computational Science & Engineering (NACSE), based at Oregon State University. Annual rainfall data retrieved from <http://prism.oregonstate.edu/explorer/>

Appendix F: Water Use Records

Appendix F: Water Diversion, Storage, and Use

SWRCB Cannabis Cultivation Waste Discharge Regulatory Program Site Management Plan Water Diversion, Storage, and Use
--

Name: Humboldt's Dankest APNs: 081-091-008 & 081-091-009 Year: 2018
--

Total surface water diversion by source and month (gallons)

Source	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Water is sourced from Myers Flat Mutual Water System (Municipal)	0	0	0	0	0	0	0	0	0	0	0	0	0
													-

Water input to storage by source and month (gallons)

Source	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Water from Myers Flat Mutual Water System	0	0	0	1100	1100	1100	1100	1100	1100	1100	0	0	7700
													7,700

Water use by source and month (gallons)

Use-Source	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Water from Myers Flat Mutual Water System - Cannabis	0	500	800	6,500	10,500	11,500	11,600	10,200	8,000	4,000	300	0	63600
Water from Myers Flat Mutual Water System - Domestic	0	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	0	30,000
													93,600

*Note: data is an approximation and is subject to change upon further analysis.
NorthPoint Consulting

Site Management Plan for General Waste Discharge Requirements
Order No. WQ-2017-0023-DWQ

Appendix G: Fertilizer, Pesticide, Herbicide, and Rodenticide Product List and Records

Appendix G: FERTILIZER, PESTICIDE, HERBICIDE, AND RODENTICIDE PRODUCT LIST AND RECORDS

Type	Brand	N-P-K	Total Nitrogen (lbs) Applied	Total Phosphorous (lbs) Applied
Growing Medium/Soil	Black Gold "Coffee Mix"	N/A	N/A	N/A
Fertilizer, Amendment, Additive	Cutting Edge Solutions Micro	6-0-0	14	0
	Cutting Edge Solutions Grow	2-1-6	8	1.5
	Cutting Edge Solutions Bloom	0-6-5	0	19.5
	Cutting Edge Solutions Plant Amp	-	0	0
	Cutting Edge Solutions Mag Amped	0	0	0
	Sea Pal Liquid Fish	5-1-1	1.25	0.25
Pesticide/Herbicide	Hydrogen Peroxide	-	-	-
Pesticide	Dr. Bronners Soap	-	-	-
Total Fertilizer applied in 2018 growing season			23.25 lbs *	21.25 lbs *

**Applied during 2017*

Appendix H: Monthly BPTC Monitoring and Maintenance Records

Appendix H: Monthly BPTC Monitoring and Maintenance Records

Monitoring Data Sheet for SWRCB Cannabis Regulatory Program (BPTC Effectiveness Monitoring)

Inspector(s): _____

Date: _____

Owner: Vivian Mou

APN: _____

Inspection Period (Circle) < Oct 15, < Dec 15, 0.5 in/day or 1 in/7 days

Other: _____

Map Point	BPTC	*Condition: G/M/R	Comment

* **G** - Good Condition (working as designed), **M** - Maintenance (needs maintenance to work properly), **R** - Replacement (needs to be reconstructed)

[illegible]

North Coast Regional Water Quality Control Board

September 6, 2019

WDID:1_12CC416962

HUMBOLDT'S DANKEST
ATTN: VIVIAN MOU
1632 BROADWAY STREET #317
EUREKA, CA 95501

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

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

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

Sincerely,

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

190906_1L_1_12CC416962_1B171088CHUM_Humboldt_s_Dankest__NOA_TW

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

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



NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, HUMBOLDT'S DANKEST, HUMBOLDT COUNTY APN(s) 081-091-008 081-091-009

Humboldt's Dankest (hereafter "Discharger") submitted information through the State Water Resources Control Board's (State Water Board's) online portal on June 07, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC416962**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B171088CHUM.

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

1. FACILITY AND DISCHARGE DESCRIPTION

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

The information submitted by the Discharger states the disturbed area is equal to or greater than 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

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

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

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

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

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

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

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

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

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

- 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 September 04, 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.

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.

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 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 so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board,
dwq.cannabis@waterboards.ca.gov
Cheri Sanville, California Department of Fish and Wildlife,
cheri.sanville@wildlife.ca.gov
Cliff Johnson, Humboldt County Planning and Building,
cjohnson@co.humboldt.ca.us



California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
619 Second Street
Eureka, California 95501
www.wildlife.ca.gov

081-091-009 11878
GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 6, 2019

Vivian Mou, Humboldt's Dankest
4787 Patricia Drive
Eureka, CA 95503

Subject: Refund for Notification of Lake or Streambed Alteration
Notification No. 1600-2018-0641-R1

Dear Vivian Mou:

This letter is to inform you that the Department of Fish and Wildlife (Department) will be issuing you a refund for the reason indicated below.

- ☐ Overpayment of notification fee.
- ☐ The Department denied your request for "long-term" agreement. The fee amount for a "regular" agreement would apply to your project.
- ☒ Notification was not required because your project is not subject to the notification requirement in Fish and Game Code section 1602.

Pursuant to Fish and Game Code (FGC) section 1602, the Applicant, Vivian Mou, initially notified the California Department of Fish and Wildlife (CDFW) on October 19, 2018, that the Permittee intends to irrigate cannabis solely from water purchased from Meyers Flat Mutual Water System in Meyers Flat as described within the notification. The notification pertains to a project site located between two adjacent properties, 719 and 733 Boy Scout Camp Road, Meyers Flat, Humboldt County, California on Assessor's parcel numbers 081-091-008 and 081-091-009. CDFW has determined that, as notified, the project does not need a Lake or Streambed Alteration Agreement. If any activities subject to FGC section 1602 are proposed in the future, a new notification shall be submitted to CDFW.

Your refund check, in the amount of 577.25 will take from four to six weeks to process and will be sent to the applicant address provided in your notification.

Conserving California's Wildlife Since 1870

If you have any questions regarding your refund, please contact me at
cheri.sanville@wildlife.ca.gov

Sincerely,



Cheri Sanville
Senior Environmental Scientist Supervisor

cc: North Coast Regional Water Quality Control Board
NorthCoast.Cannabis@Waterboards.ca.gov

County of Humboldt, Department of Planning and Building
Cliff Johnson
CJohnson@co.humboldt.ca.us

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

RECEIVED
NOV 14 2018
Humboldt County
Planning Division

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

Applicant Name: Humboldt's Dankest, LLC APN: 081-091-008 & 081-091-009

Planning & Building Department Case/File No.: Apps# 11878

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

From Road (Cross street): Orchard Way

To Road (Cross street): Driveway

Length of road segment: 0.27 miles Date Inspected 9/2018

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

Check one of the following:

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

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

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

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

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

Signature



Greyson Adams

Name Printed

10/9/2018

Date

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

Road Name: _____ Date Inspected: _____ APN: _____
From Road: _____ (PM _____) Planning & Building
To Road: _____ (PM _____) Department Case/File No.: _____

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

ADT: _____ Date(s) measured: _____

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

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

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

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

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

A. Pattern of curve related crashes.

Check one: ☐ No. ☐ Yes, see attached sheet for PM locations.

B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles

Check one: ☐ No. ☐ Yes, see attached sheet for PM locations.

C. Substantial edge rutting or encroachment.

Check one: ☐ No. ☐ Yes, see attached sheet for PM locations.

D. History of complaints from residents or law enforcement.

Check one: ☐ No. ☐ Yes ☐ check if written documentation is attached

E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)

Check one: ☐ No. ☐ Yes.

F. Need for turn-outs.

Check one: ☐ No. ☐ Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:

- ☐ The roadway can accommodate increased traffic from the proposed use.
☐ The roadway can accommodate increased traffic from the proposed use if the recommendations on the attached report are done. ☐ check if a *Neighborhood Traffic Management Plan* is also required and is attached.)
☐ The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

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

(SEAL)

Signature of Civil Engineer

Date



October 9, 2018

Humboldt County Department of Public Works
1106 Second Street
Eureka, CA 95501

Subject: Humboldt's Dankest – Humboldt County APNs: 081-091-008 & 081-091-009
Road Evaluation Report photos



Figure 1: RP1. Intersection of private drive and Boy Scout Road.



Figure 2: RP2 on Boy Scout Rd.



Figure 3: RP3 on Boy Scout Rd.

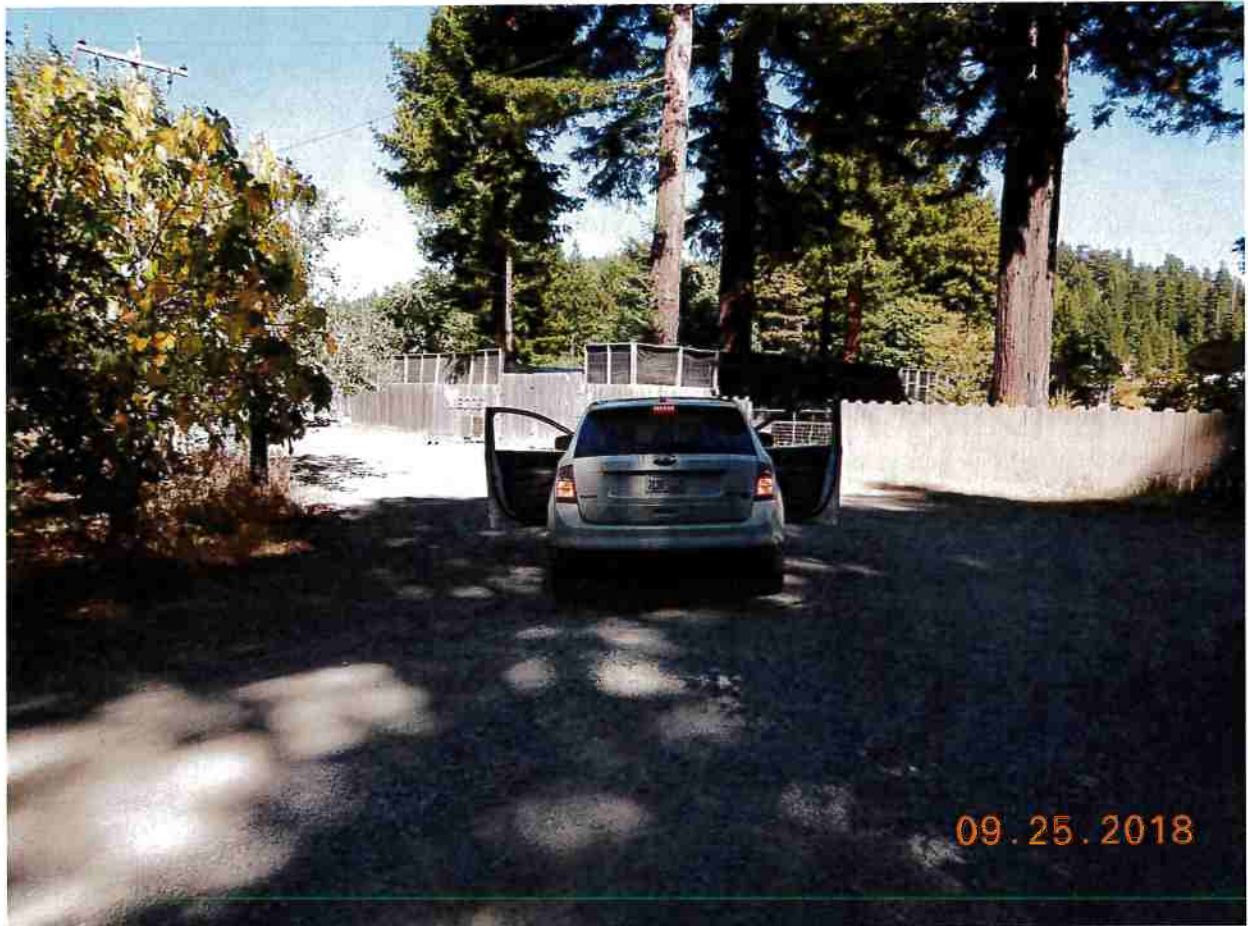


Figure 4: RP4 on Boy Scout Rd turning onto Orchard way (Humboldt County maintained).



Figure 5: RP5 on Orchard Way (County Maintained)



Figure 6: RP6 on Orchard Way and Myers Ave.

Humboldt's Dankest Road Evaluation Report

APNs: 091-081-008 & 081-09-009
CMMLUO Apps: 11878

Legend

-  Project Site
-  Road Path
-  Road Point



Google Earth

© 2018 Google

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	Attached
Division Environmental Health	✓	Conditional approval	Attached
Public Works, Land Use Division	✓	Conditional approval	Attached
CAL FIRE	✓	No comments	Attached
California Department of Fish & Wildlife		No response	Attached- Planning staff second request for a response to comments
California Department of Parks and Recreation	✓	No concerns	Attached – Planning staff request for comments and State Parks response
Myers Flat Fire Protection District		No response	
Northwest Information Center	✓	Further study recommended	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
Southern Humboldt Joint Unified School District		No response	
Humboldt County Sheriff	✓	Comments	On file with Planning
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
North Coast Regional Water Quality Control Board	✓	Comments	Attached
State Water Resources Control Board – Division of Water Rights		No response	
Myers Flat Mutual Water System Inc.	✓	Approval	Attached



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

4/19/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, Myers Flat Mutual Water System Inc.:CSD, Myers Flat.FPD, RWQCB, NCUAQMD, Southern Humboldt JUSD:School District, Cal Fish & Wildlife, CalFire, CA State Parks, CA Division of Water Rights, Bear River Band, Intertribal Sinkiyone Wilderness Council, NWIC

Applicant Name Humboldt's Dankest **Key Parcel Number** 081-091-008-000

Application (APPS#) PLN-11878-CUP Historic Planning **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: 5/4/2019

Planning Commission 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: _____

DATE: 4/23/19 PRINT NAME: Dean Beck

Planning Referral

4/23/19

db

- revise and resubmit plot plan showing the correct sizes of the greenhouses
- revise and resubmit plot plan showing the SMA provided by the Humboldt County Web GIS
- green houses currently under construction are located in the SMA.
- green houses currently under construction are located in the 100 year flood zone and will require a flood elevation certificate
- Note: existing structures used in the cannabis operation shall not be used/occupied until all required permits have been obtained.
- No wet areas within 100 feet of cannabis
- appears to be wet areas Yes. South Fork Eel River
- Recommend approval after plot plan has been revised and resubmitted based on the condition that all grading, building, plumbing electrical and mechanical permits and/or Agricultural Exemption are obtained

▼ Pre-Site Inspection

Status:

[History](#)

PRE-SITE

Project Started

☐ Yes ☐ No

AOB Inspection

☐ Yes ☐ No

Soil Required Due to

Project is in flood zone A

☒ Yes ☐ No

2nd Flood Certificate Required

☐ Yes ☐ No

SRA requirements apply

☐ Yes ☐ No

SRA water storage requirements apply

☐ Yes ☐ No

Grading permit required

☐ Yes ☐ No

Erosion and sediment control measures required

Lot created prior to 1992

☐ Yes ☐ No

Incomplete Submittal Construction Plan

☐ Yes ☐ No

 Standard Comment

Plans Stamped by Licensed Prof Required

☐ Yes ☐ No

Soil Report Required

☐ Yes ☐ No

FIRM panel number

(Text)

Flood elevation certificate required

☐ Yes ☐ No

Project appears to be within wet area

Appr.SRA req. need to be shown on plot plan

☐ Yes ☐ No

Driveway slope appears to be

Submit engineered foundation for

Applicant must locate property lines

☐ Yes ☐ No

Plot plan incomplete, must be revised

☒ Yes ☐ No


Other concerns exist

☐ Yes ☐ No


Planning Referral
4/23/19
db


- revise and resubmit plot plan showing the correct sizes of the greenhouses
- revise and resubmit plot plan showing the SMA provided by the Humboldt County Web GIS
- green houses currently under construction are located in the SMA.
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check spelling


Attachment  [Photos](#)


(s) :


[Photos](#)


[Photos](#)


[Photos](#)


[Photos](#)


[Photos](#)


[Photos](#)

[Photos](#)

[Photos](#)

[Photos](#)

[Photos](#)

[Photos](#)

PLN-11878-CUP

STATUS

Humboldt's Dankest - CUP for new medical ...

> In Referrals

LOCATION

> 733 Boy Scout Camp Rd
Myers Flat, CA

CONTACT

> Greyson Adams
Myers Flat, CA

WORKFLOW

> 15 total Task

A Conditional Use Permit for 1,500 square f...

04/08/2019 by Chelsey Van Scyoc

6 completed 3 active

Cancel

Help

Summary

Project Description

Task
Environmental Health

Due Date
05/10/2019

Assigned Date
04/11/2019

Workflow

Assigned to Department
Environmental Health

Assigned to
LandUse1 DEH

Status
Approved with Conditions

1 Referral Assignments

Action by Department
Environmental Health

Action By
Ben Dolf

Status Date
04/30/2019

2 Planning Information

Billable
No

Overtime
No

Comments
Onsite processing must be supported by a permanent means of sewage disposal. Operator shall install a permitted onsite wastewater treatment system, associated with a permitted structure, to support the needs of the project.

3 GP / Zoning Information

Time Tracking Start Date

Est. Completion Date

In Possession Time (hrs)

4 CEQA

Display E-mail Address in ACA ☒ Display Comment in ACA ☒ Comment Display in ACA ☒ All ACA Users

5 Cannabis

☒ Record Creator

☒ Licensed Professional

Project Tracking

☒ Contact

☒ Owner

6 Referral Task Log (2)

Estimated Hours
0.0

Action
Updated

Workflow Calendar

Fee (2)

Payment

Workflow History (19)

Comments (7)



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

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

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

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

445-7491
445-7852
445-7377
445-7493

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

445-7741
267-9540
445-7651
445-7421

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

LAND USE

445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Rodney Yandell, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 04/08/2019

RE:

Applicant Name	HUMBOLDT'S DANKEST
APN	081-091-008, -009
APPS#	PLN-11878

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:

The proposed Notice of Merger does not affect any facilities maintained by the Department.

Applicant has submitted a road evaluation report, dated 10/09/2018, with Part A – Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

The applicant did not provide separate road evaluation reports for the County maintained road Orchard Way and the privately maintained Boy Scout Camp road. The County maintains 1.9 miles of Orchard Way.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11878

☐ **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: (AT END OF COUNTY MAINTAINED RD)**

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 //

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:

Myers Flat Mutual Water System, Inc.
P.O. Box 54
Myers Flat, CA 95554
Phone: (707) 943-1865



Dear Humboldt County Planning Department,

Myers Flat Mutual Water System Inc. has an account with the parcels # AP 081-091-08 and 081-091-09 and will continue to supply water after a permit for commercial cultivation is issued so long as the account holder complies with the conditions under our Commercial Agriculture Account.

Mary Whitmore

Mary Whitmore

Business Manager

From: [Meghan Ryan](#)
To: shannon.dempsey@parks.ca.gov
Cc: wes.smith@parks.ca.gov
Subject: FW: APPS #11878, Humboldt's Dankest, APNs 081-091-008 and -009, Myers Flat Area
Date: Monday, March 1, 2021 2:40:02 PM
Attachments: [11878 CultivationOperations-11-14-2018.pdf](#)
[11878 SiteMaps.pdf](#)

Good afternoon, Shannon – I hope you're doing well. I wanted to forward you the email I sent to Wes Smith regarding the Humboldt's Dankest project. LACO Associates is contracted with Humboldt County Planning to assist with processing cannabis permits. Please let me know if you have any questions or concerns regarding this project.

Thanks!
Meghan



Meghan Ryan
Planning Director
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
Advancing the quality of life for generations to come
707 443-5054
<http://www.lacoassociates.com>

From: Meghan Ryan <ryanm@lacoassociates.com>
Date: Tuesday, February 23, 2021 at 9:27 PM
To: "wes.smith@parks.ca.gov" <wes.smith@parks.ca.gov>
Subject: APPS #11878, Humboldt's Dankest, APNs 081-091-008 and -009, Myers Flat Area

Good evening, Wes – I hope this emails find you well. The Humboldt's Dankest project is located in the Myers Flat area and requires a Special Permit because the proposed cultivation area is located within 600-feet of lands owned by the State Parks (other side of Eel River). I am reaching out to ask if the State Parks has any objections to the reduction of the 600-foot buffer. The project description is the following:

A Conditional Use Permit for 1,500 square feet of existing outdoor cannabis cultivation and 3,500 square feet of new mixed light cannabis cultivation activities totaling 5,000 square feet of cultivation area. Propagation would occur on-site in a proposed 320-square-foot structure. Irrigation water is provided by Myers Flat Mutual Water System, Inc. Water storage onsite consists of one 2,500-gallon hard water tank allocated for fire suppression. Estimated annual water usage is 115,000 gallons. Trimming would occur in a proposed 320-square-foot structure while drying and storage occurs in existing structures. No additional employees are required (other than applicant and the applicant's family). Power is provided by P. G. & E. The proposed project includes a Special Permit to reduce the required 600-foot setback from the public lands as the subject parcels are located adjacent to a parcel owned by the California State Parks.

The use of artificial lighting is required to meet Dark Sky standards demonstrating no light escapes

from the greenhouses from one hour before sunset to one hour after sunrise. The applicant is required to adhere to State water quality standards for cannabis cultivation as required by the State Water Resources Control Board.

I attached the operations plan and site plan for your reference.

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

Best,
Meghan



Meghan Ryan
Planning Director
LACO Associates
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From: [Litzky, Rosalind@Parks](mailto:Litzky.Rosalind@Parks)
To: [Meghan Ryan](#)
Cc: [Johnson, Cliff](#)
Subject: RE: APPS #11934 - Humboldt Bud Company and APPS #11878 - Humboldt's Dankest
Date: Monday, March 29, 2021 9:00:32 PM

Hi Meghan- After review State Parks does not have concerns regarding these cannabis projects. Let me know if there are any other questions.

Regards,

Roz

Rosalind Litzky, District Planner
California State Parks
North Coast Redwoods District
Cell: 707-683-5062
Rosalind.Litzky@Parks.ca.gov

From: Meghan Ryan <ryanm@lacoassociates.com>
Sent: Tuesday, March 23, 2021 3:32 PM
To: Litzky, Rosalind@Parks <Rosalind.Litzky@parks.ca.gov>
Cc: Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: APPS #11934 - Humboldt Bud Company and APPS #11878 - Humboldt's Dankest

Good afternoon, Roz – Thank you for speaking with me today regarding County and State Parks coordination and the two most recent projects that I recently requested comments. I attached the draft executive summary for each project for your review. These are in draft form and can be updated. I also attached the revised map for APPS #11878 that we discussed showing correct setbacks.

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

Thanks again!
Meghan



Meghan Ryan
Planning Director
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