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

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


Hearing Date: July 7, 2022

To: Humboldt County Planning Commission

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

Subject: **Dyerville Farms, LLC Conditional Use Permit and Special Permit**
Record Number PLN-12424-CUP
Assessor's Parcel Number (APN) 216-144-017
28525 Dyerville Loop Road, Garberville, CA 95542

**Table of Contents** **Page**


| | |
|---|---|
| Agenda Item Transmittal | 2 |
| Recommended Action and Executive Summary | 3 |
| Draft Resolution | 7 |
| Maps | |
| Topographic Map | 13 |
| Zoning Map | 14 |
| Aerial Map | 15 |
| Site Plans | 16 |
| Attachments | |
| Attachment 1: Recommended Conditions of Approval | 17 |
| Attachment 2: CEQA Addendum | 25 |
| Attachment 3: Applicant's Evidence in Support of the Required Findings | 31 |
| Attachment 4: Referral Agency Comments and Recommendations | 93 |
| Attachment 5: Public Comments | |


Please contact Alec Barton, Planner (Harris & Associates) at 435-851-4003 or by email at alec.barton@weareharris.com, if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

| Hearing Date | Subject | Contact |
|---|---|---|
| July 7, 2022 | Conditional Use Permit and Special Permit | Alec Barton |

**Project Description:** Dyerville Farms, LLC seeks a Conditional Use Permit (PLN-12424-CUP) for an existing 24,634 square feet (SF) of cannabis cultivation, consisting of 22,380 SF outdoor cultivation and 2,254 SF mixed light cultivation; and a Special Permit for work within the Streamside Management Area (SMA) involving work on culverts, as recommended by the Water Resources Protection Plan. Plants are propagated in a 2,830-SF ancillary propagation area.

Irrigation water is sourced from one (1) groundwater well (Permit No. 19/20-0813) that is likely hydrologically disconnected from surface water according to a licensed professional geologist. Estimated annual water use is 313,600 gallons (12.7 gal/SF). Water is stored onsite in three (3) 5,000-gallon tanks, two (2) 2,800-gallon tanks, and one (1) 500-gallon tank. Total water storage is 21,100 gallons.

Drying and trimming occur onsite in a 1,160-SF barn. Further processing occurs offsite at a licensed third party facility. Five (5) employees are required for project operations. The primary source of electrical power is a solar array with battery storage. An Isuzu BV-4LE1 26.3 kW diesel generator is used for backup.

**Project Location:** The project is located on the east side of Dyerville Loop Road, approximately 0.42 miles north from the intersection of Ross Road and Dyerville Loop Road, in the Garberville area of southern Humboldt County.

**Present Plan Land Use Designations**: Agricultural Grazing (AG), 2017 General Plan; Density: 20-160 acres per unit; Slope Stability: High Instability (3)

**Present Zoning**: Agriculture Exclusive (AE), Special Building Site (B-5(160))

**Record Number:** PLN-12424-CUP

**Assessor's Parcel Number:** 216-144-017

| Applicant | Owner | Agents |
|---|---|---|
| Dyerville Farms, LLC<br>28525 Dyerville Loop Road<br>Garberville, CA 95542 | Jameson and LaRose Kelly<br>1271 Evergreen Road #2<br>Redway, CA 95560 | NA |

**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:** No major issues/concerns were identified for this project.

**Dyerville Farms, LLC**
Record Number: PLN-12424-CUP
Assessor's Parcel Number: 216-144-017

**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:

*Adopt the Resolution to:*

1. *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;*
2. *Make the required findings for approval of the Conditional Use Permit; and*
3. *Approve the Dyerville Farms, LLC Conditional Use Permit and Special Permit as recommended by staff subject to the recommended conditions.*

**Executive Summary** Dyerville Farms, LLC seeks a Conditional Use Permit (PLN-12424-CUP) for an existing 24,634 square feet (SF) of cannabis cultivation, consisting of 22,380 SF outdoor cultivation and 2,254 SF mixed light cultivation; and a Special Permit for work within the Streamside Management Area (SMA) involving work on culverts, as recommended by the Water Resources Protection Plan. Plants are propagated in a 2,830-SF ancillary propagation area. The applicant is conditioned to reduce the size of the ancillary propagation area to 2,465 SF, or 10 percent of the total cultivation area (**Condition 9**).

Irrigation water is sourced from one (1) groundwater well (Permit No. 19/20-0813) that is hydrologically disconnected from surface water (per evaluation by David N. Lindberg, Certified Engineering Geologist). Estimated annual water use is 313,600 gallons (12.7 gal/SF). Water is stored onsite in three (3) 5,000-gallon tanks, two (2) 2,800-gallon tanks, and one (1) 500-gallon tank. Total water storage is 21,100 gallons.

The project area is located on mountainous slopes with high instability. The present land use designation is Agricultural Grazing (AG), as defined in the Humboldt County 2017 General Plan Update, and the 183-acre parcel is zoned as Agriculture Exclusive (AE) and Special Building Site [B-5(160)]. Five (5) employees are required for project operations. The primary source of electrical power is a solar array with battery storage. An Isuzu BV-4LE1 26.3 kW diesel generator is used for backup.

**Water Resources**
Irrigation water is sourced from one (1) groundwater well (Permit No. 19/20-0813) that is capable of pumping 40 gallons per minute (gpm). The well was evaluated by David N. Lindberg, Certified Engineering Geologist (CEG, License No. 1895), of Lindberg Geologic Consulting (May 3, 2022). The evaluation determined that the well has a low likelihood of being hydrologically connected to nearby surface waters in any manner that could affect adjacent wetlands or surface waters in the vicinity. This conclusion was reached because the well is located 1,500 feet away from the nearest surface waters, and the elevation of the well is 270 feet above the nearest surface waters. The applicant is conditioned to install monitoring devices on the well to measure use (**Condition 10**).

A search of the California Department of Water Resources (DWR) database revealed only one (1) well within 1,000 feet of the subject well. This well (WCR2018-010387) is located on the subject parcel and is, according to the applicant, not in use due to chemical constituents in the water that make it unsuitable for irrigation. The applicant is conditioned to cap this well (WCR2018-010387) to ensure that no water is withdrawn for irrigation purposes (**Condition 11**). All other wells in the vicinity of the project site are located more than 2,000 feet away.

Estimated annual water use is 313,600 gallons (12.7 gal/SF). Water is stored onsite in three (3) 5,000-gallon tanks, two (2) 2,800-gallon tanks, and one (1) 500-gallon tank. Total water storage is 21,100 gallons. The project area is located within the Steelhead Creek watershed.

A Water Resources Protection Plan (WRPP) was prepared in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ. The document was prepared to meet the North Coast Regional Water Quality Control Board (NCRWQCB) requirements for Tier 2 discharges of waste resulting from cannabis cultivation (WDID No. 1_12CC417547). Except for one (1) natural seasonal spring, the project area does not include perennial surface waters or wetlands. The spring is isolated, does not have a well-defined channel visible down gradient, and is not hydrologically connected to other surface waters. There is one (1) stream crossing onsite (Crossing 1). The property is primarily a forested woodland with sloping hillsides, a ridgetop oak woodland, some flat plateaus, and sparse open grasslands. The applicant seeks a Special Permit for work within the Streamside Management Area (SMA) involving work on culverts, as recommended by the WRPP.

The WRPP identifies recommendations designed to decrease erosion and sedimentation of waterways. These recommendations include installing four (4) rocked rolling dips on a road segment experiencing surface rilling and installing rock armoring to fortify two (2) existing culverts (**Conditions 12 and 13**).

A Lake and Streambed Alteration Agreement (LSAA) has been filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (Notification No. 1600-2017-0147-R1). The LSAA addresses three (3) project encroachments, including two (2) points of diversion from Steelhead Creek (POD-1 and POD-2) and a stream crossing (Crossing 1). The applicant is required to armor the inlet/outlet and banks at Crossing 1 to minimize erosion (**Condition 14**).

An onstream pond is on or adjacent to the project area and will require land survey validation to determine the remediation party. The applicant shall submit appropriate land survey validation to Humboldt County within two (2) months of project approval documenting ownership of the pond. If the pond is not under the ownership of the property owner or applicant associated with this project, no further action is required. If the pond is under the ownership of the property owner or applicant associated with this project, the applicant shall coordinate with CDFW to determine appropriate actions to remediate the pond (**Condition 15**).

The LSAA establishes specific recommendations that the applicant must apply to offset potential impacts to waterways within the area (**Condition 16**). The recommendations are summarized as follows:

- All activities that occur within waterways in the project area shall be documented.
- All work shall be confined to the dry weather period, from June 15 through October 1 of each year.
- Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life.
- Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities.
- Project work shall be completed by no later than August 2, 2022. If work cannot be completed by this date, the applicant shall complete a revised LSAA signed by CDFW certifying an extension of the deadline.

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in the Middle Main Eel Planning Watershed would be 97 permits and the total approved acres would be 42.63 acres of cultivation.

**Biological Resources**

A list of potential special status species near the project area was generated in May 2022 using the

following information systems: California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), Northern Spotted Owl Viewer (CDFW 2021), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). There is a known occurrence of one (1) special status species within two (2) miles of the project area: the foothill yellow-legged frog (approximately 6,000 feet to the northeast). Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, potential project impacts to biological resources are considered low and unlikely, with implementation of the mitigation measures identified in the CMMLUO Mitigated Negative Declaration (MND) adopted on January 26, 2016.

**Tribal Cultural Resource Coordination**
An archaeological survey report was prepared by Nick Angeloff of Archaeological Research and Supply Company (August 2019). A field survey conducted by Mr. Angeloff in August 2019 identified no historic resources within or adjacent to the project area. Therefore, the project is not anticipated to have an adverse effect on significant cultural resources. However, the report recommends establishing protocols to protect cultural resources and/or human remains which may be discovered inadvertently during project work. Therefore, the standard Inadvertent Discovery Protocol will be used to protect artifacts or remains that may be discovered during project work (**Condition 17**).

Consultation letters were sent to Native American groups associated with the project area. The Native American Heritage Commission (NAHC) indicated that no known cultural resources are present in the area. The Bear River Band of the Rohnerville Rancheria requested a field visit and a copy of the final report. The Sinkyone Intertribal Wildness Council did not respond to requests for information.

**Access**
The project is located on the east side of Dyerville Loop Road, approximately 0.42 miles north from the intersection of Ross Road and Dyerville Loop Road, in the Garberville area of southern Humboldt County. Using forms provided by Humboldt County Department of Public Works (DPW), the applicant evaluated Dyerville Loop Road and found it to be developed to a road category 4 standard. DPW recommended standard conditions relating to fences/encroachments and driveway and private road intersection visibility be applied to the project (**Conditions 18 and 19**). The project is located in a Federal Aviation Administration (FAA) zone and requires an avigation easement (**Condition 20**).

**Timberland Conversion**
Aerial imagery shows that unauthorized conversion of approximately 0.90 acre of timberland to cultivation area occurred prior to 2018 at three (3) sites: Cultivation Site 1 (0.09 acre), Cultivation Site 2 (0.78 acre), and Drying Shed (0.03 acre). A Timberland Conversion Evaluation Report (TCER) was prepared by Timberland Resource Consultants (December 21, 2018) to address unpermitted conversion areas. The report recommends that the applicant treat all slash piles and woody debris near Cultivation Site 2 using one of the following methods: burying, chipping and spreading, piling and burning, or removing from the site (**Condition 21**).

**California Environmental Quality Act (CEQA)**
Environmental review for this project was conducted in May 2022 by the County. Based on the results of that analysis, staff finds that all aspects of the project have been considered in the Mitigated Negative Declaration (MND) adopted for the Commercial Medical Marijuana Land Use Ordinance on January 26, 2016. Accordingly, staff has prepared an addendum to this document for consideration by the Planning Commission. See **Attachment 2** for more information.

**RECOMMENDATION:** Based on a review of Planning and Building Department 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) and Special Permit (SP).

**ALTERNATIVES:** The Planning Commission could elect to 1) not approve the project, or 2) 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 which case, the Commission should continue the item to a future date at least two months later to provide staff adequate time to complete further environmental review.

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

**Resolution Number 22-**

**Record Number PLN-12424-CUP**
**Assessor's Parcel Number: 216-144-017**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Dyerville Farms, LLC Conditional Use Permit and Special Permit.**

**WHEREAS**, **Dyerville Farms LLC** applied for Conditional Use Permit PLN-12424-CUP for an existing 24,634 square feet (SF) of cannabis cultivation (consisting of 22,380 SF outdoor cultivation and 2,254 SF mixed light cultivation), and a 2,830-SF ancillary propagation area, with appurtenant drying and processing activities; and a Special Permit for work within the Streamside Management Area (SMA);

**WHEREAS,** the County, as lead agency, prepared an Addendum to the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana 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 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 **July 7, 2022**, and reviewed, considered, and discussed the application for the requested 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 (PLN-12424-CUP) for 24,634 SF of cannabis cultivation (consisting of 22,380 SF outdoor cultivation and 2,254 SF mixed light cultivation) and a 2,830-SF ancillary propagation area, with appurtenant drying and processing activities; and a Special Permit for work within the Streamside Management Area (SMA) involving work on culverts, as recommended by the Water Resources Protection Plan (WRPP). The primary source of electrical power is a solar array with battery storage. An Isuzu BV-4LE1 26.3 kW diesel generator is used for backup. Irrigation water is sourced from one (1) groundwater well (Permit No. 19/20-0813) that is hydrologically disconnected from surface water.

   **EVIDENCE:** a) Project File: PLN-12424-CUP

2. **FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been met. 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 to the MND prepared for the proposed project in compliance with CEQA.

   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 list of potential special status species near the project area was generated in May 2022 using the following information systems: California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), Northern Spotted Owl Viewer (CDFW 2021), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). There is a known occurrence of one (1) special status species within 1.5 miles of the project area: the foothill yellow-legged frog (approximately 6,000 feet to the northeast). Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, potential project impacts to biological resources are considered low and unlikely, with implementation of the mitigation measures identified in the CMMLUO Mitigated Negative Declaration (MND) adopted on January 26, 2016.

d) A Water Resources Protection Plan (WRPP) was prepared in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ. The document was prepared to meet the North Coast Regional Water Quality Control Board (NCRWQCB) requirements for Tier 2 discharges of waste resulting from cannabis cultivation (WDID No. 1_12CC417547). Except for one (1) natural seasonal spring, the project area does not include perennial surface waters or wetlands. The spring is isolated, does not have a well-defined channel visible down gradient, and is not hydrologically connected to other surface waters. There is one (1) stream crossing onsite (Crossing 1). The WRPP identifies recommendations designed to decrease erosion and sedimentation of waterways. These recommendations include installing four (4) rocked rolling dips on a road segment experiencing surface rilling and installing rock armoring to fortify two (2) existing culverts (**Conditions 12 and 13**).

e) An archaeological survey report was prepared by Nick Angeloff of Archaeological Research and Supply Company (August 2019). A field survey conducted by Mr. Angeloff in August 2019 identified no historic resources within or adjacent to the project area. Therefore, the project is not anticipated to have an adverse effect on significant cultural resources. However, the report recommends establishing protocols to protect unknown resources and/or human remains by implementing the standard Inadvertent Discovery Protocol (**Condition 17**). Additionally, consultation letters were sent to Native American groups associated with the project area. The Native American Heritage Commission (NAHC) indicated that no known cultural resources are present in the area. The Bear River Band of the Rohnerville Rancheria requested a field visit and a copy of the final report. The Sinkyone Intertribal Wildness Council did not respond to requests for information.

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

b) Cultivation areas are not located within any riparian setbacks or streamside management areas. A Special Permit is sought for work within the SMA, including work on culverts.

**4. FINDING** The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE) and Special Building Site (B-5(160)) zoning designations in which the site is located.

**EVIDENCE:** a) The AE zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare. Special Building Site (B-5(160)) areas are subzones that are intended to be combined with any principal zone, consistent with cultivation activities within the project area.

b) Humboldt County Code section 313-106.6 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed-light cannabis on a parcel over 1 acre, subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for a total of 24,634 SF of cannabis cultivation consisting of 22,380 SF outdoor cultivation and 2,254 SF mixed light cultivation and a 2,830-SF ancillary propagation area on a 183-acre parcel is consistent with the Humboldt County Code and with the Cultivation Area Verification prepared by the County.

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

**EVIDENCE:** a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned Agriculture Exclusive (AE) and Special Building Site (B-5(160)), (HCC 314-55.4.8.2.2).

b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was recorded via grant deed with Humboldt County on March 30, 2006.

c) Irrigation water is sourced from one (1) groundwater well (Permit No. 19/20-0813) that is hydrologically disconnected from surface water. Estimated annual water use is 313,600 gallons (12.7 gal/SF).

d) The slope of the land where cannabis will be cultivated is greater than 15%. Because this is an existing cultivation site, the CMMLUO does not require cultivation to occur on slopes of 15% or less.

e) The cultivation of cannabis will not result in additional conversion of timberland. Approximately 0.90 acre of timberland was converted to

cultivation area prior to 2018. A Timberland Conversion Evaluation Report (TCER) was prepared by Timberland Resource Consultants to address unpermitted conversion. The report recommends treating a pile of slash and woody debris onsite (**Condition 21**).

f) 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 offsite residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

**6. FINDING** The cultivation of 24,634 SF of cannabis 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) All access roads on the property shall be maintained in compliance with the State Water Resources Control Board Order WQ 2019-0001-DWQ, which states that all access roads are to be hydrologically disconnected to receiving waters. To ensure that roads meet this condition, the applicant shall implement the erosion control measures outlined in the WRPP that address the adverse effects of degraded road quality on adjacent water features. Erosion control measures include installing four (4) rocked rolling dips on a road segment experiencing surface rilling and installing rock armoring to fortify two (2) existing culverts (**Condition 11**).

b) The site is in a rural part of the County where the typical parcel size is over 40 acres, and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.

c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.

d) Irrigation water is sourced from one (1) groundwater well (Permit No. 19/20-0813) that is hydrologically disconnected from surface water, as determined by an evaluation performed by David N. Lindberg, Certified Engineering Geologist (CEG, License No. 1895).

e) Provisions have been made in the applicant's proposal to protect water quality through yearly site inspection, monitoring, and reporting to the NCRWQCB. The site shall be inspected and monitoring reports prepared for the following activities: 1) before and after any alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site; 2) prior to the start of the water year (October 15) to evaluate site preparedness for storm events and associated storm water runoff; 3) site inspection no later than December 15 of each year; and 4) following any rainfall event with an intensity of 3 inches of precipitation within any 24 hour period. Annual reporting shall be submitted to the NCRWQCB by March 31 of each year (**Condition 13**). Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely affected.

**7. FINDING** The proposed development does not reduce the residential density for any

parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

**EVIDENCE:** The parcel contains one (1) existing residential unit. The approval of cannabis cultivation on this parcel will not conflict with the operation or use of the existing residential units onsite.

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

**EVIDENCE:** The project site is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 97 permits and the total approved acres would be 42.63 acres of cultivation.

## DECISION

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

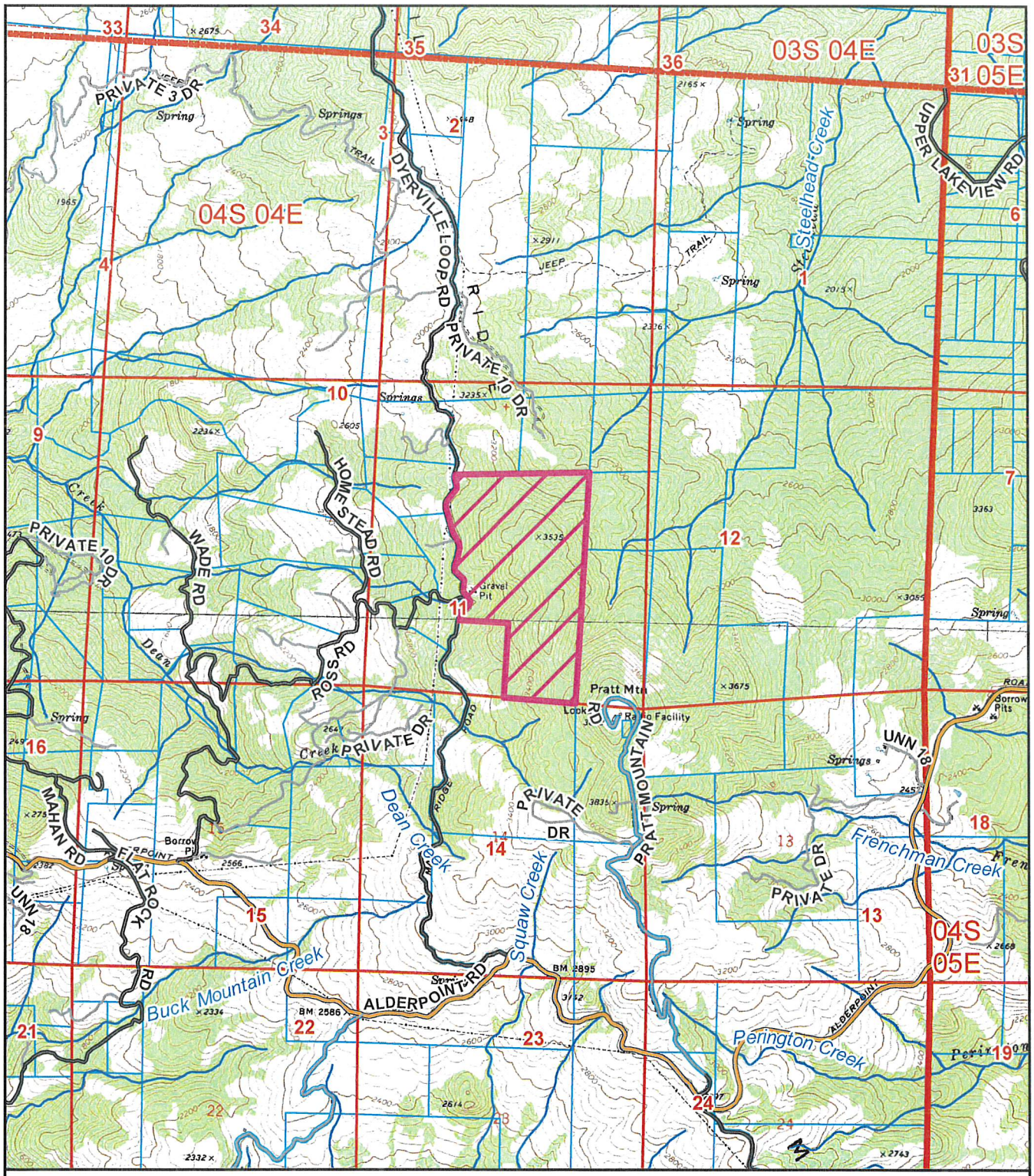
- Adopt the findings set forth in this resolution; and
- Conditionally approve the Conditional Use Permit (PLN-12424-CUP) and Special Permit for Dyerville Farms, LLC based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and
- Adopted after review and consideration of all the evidence on **July 7, 2022.**

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

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

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

_____
John Ford, Director
Planning and Building Department



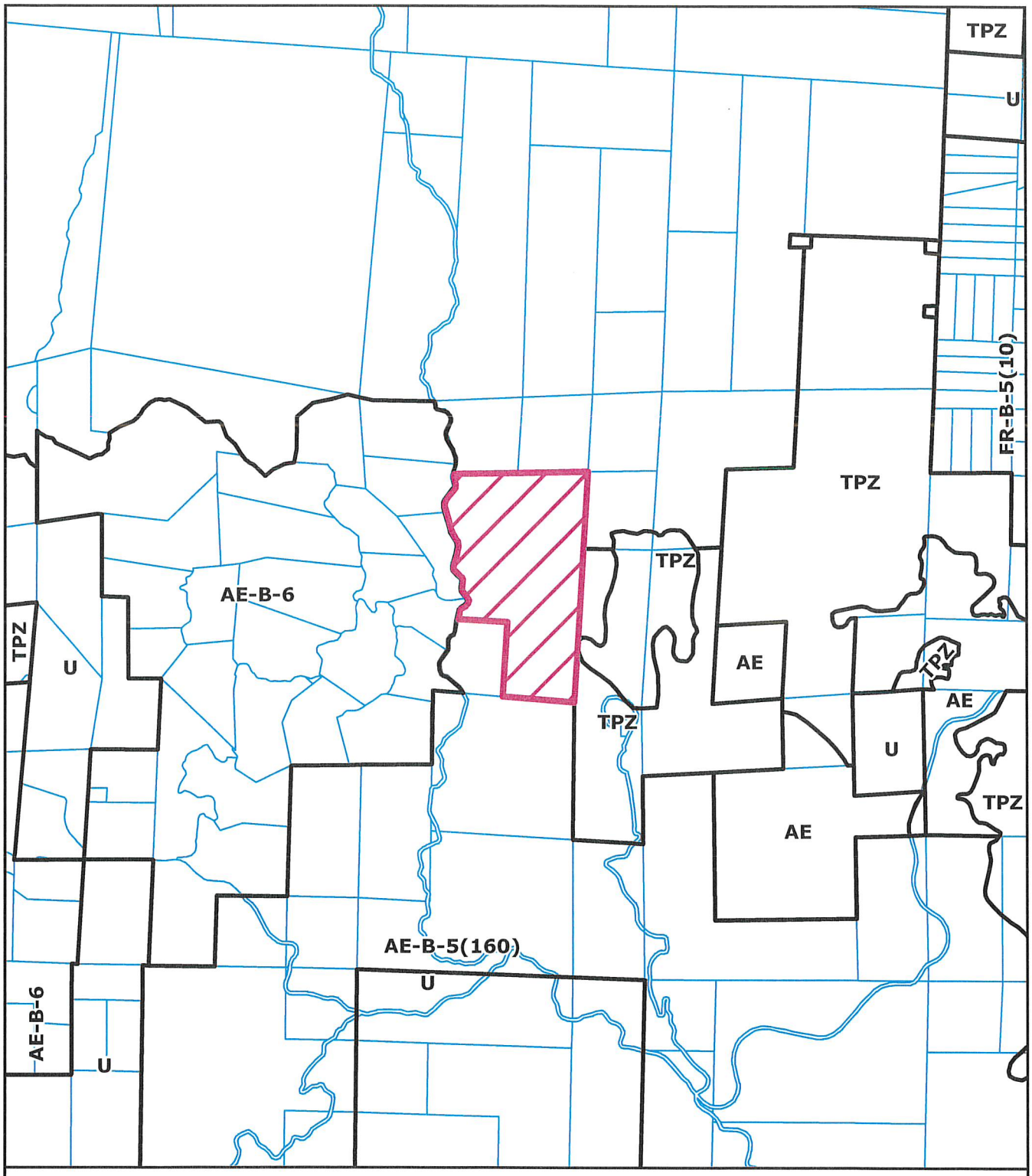

**TOPO MAP**
**PROPOSED DYERVILLE FARMS, LLC**
**GARBERVILLE AREA**
**PLN-12424-CUP**
**APN: 216-144-017-000**
**T04S R04E S11 HB&M (FORT SEWARD)**

**Project Area =**

N

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 0.275 0.55 1.1 Miles



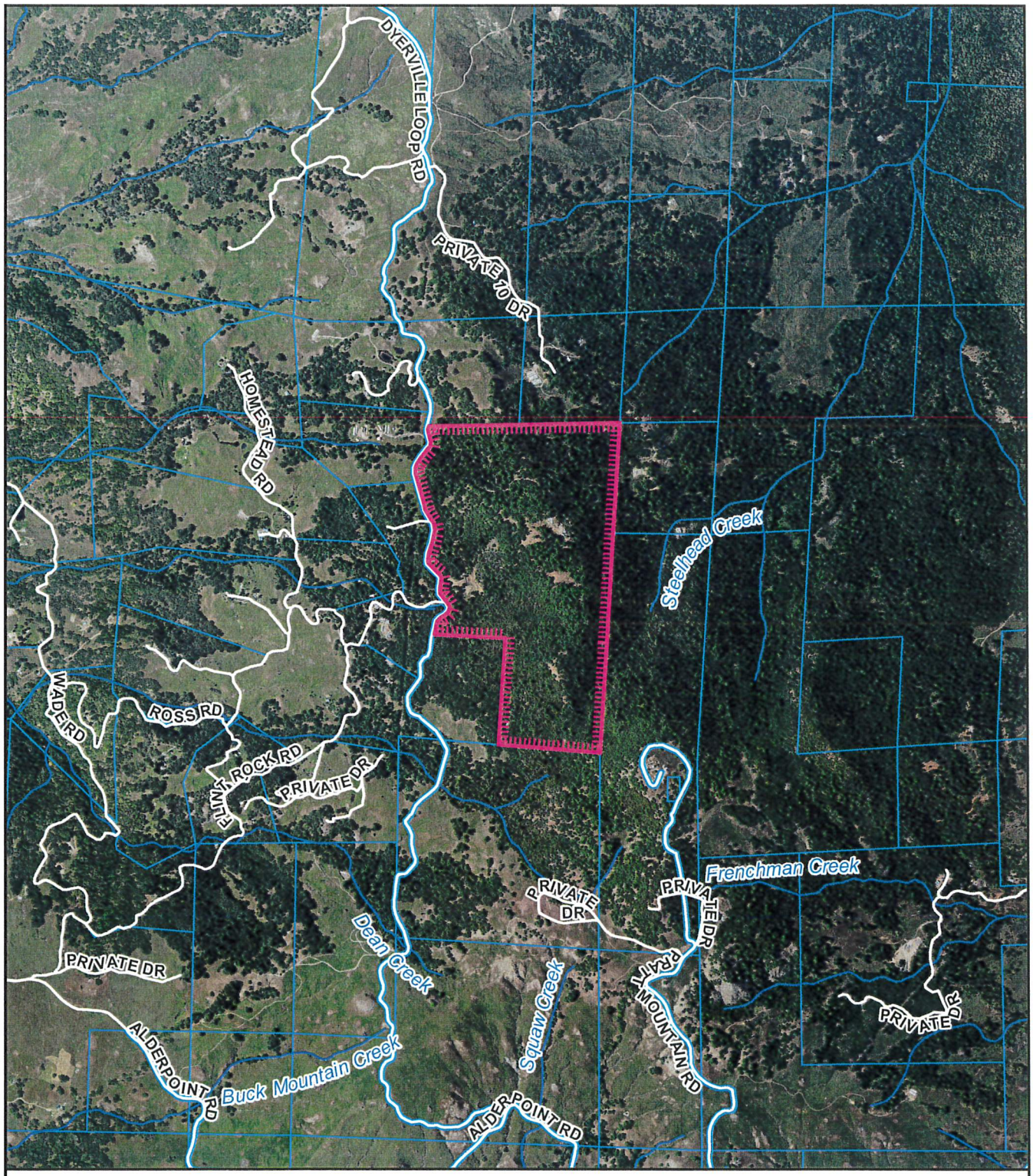

**ZONING MAP**
**PROPOSED DYERVILLE FARMS, LLC**
**GARBERVILLE AREA**
**PLN-12424-CUP**
**APN: 216-144-017-000**
**T04S R04E S11 HB&M (FORT SEWARD)**

Project Area =

N

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 0.275 0.55 1.1 Miles



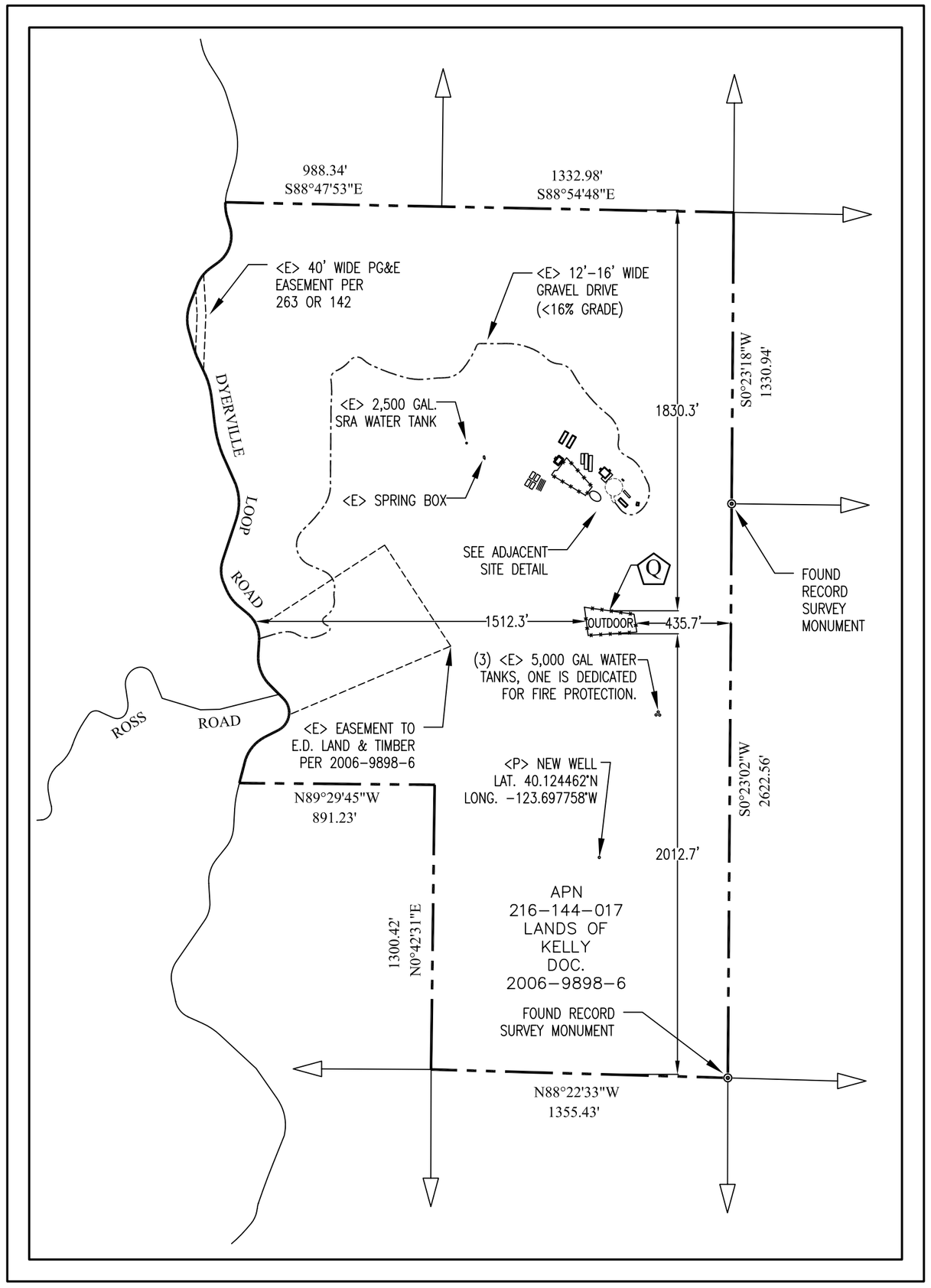

**AERIAL MAP**
**PROPOSED DYERVILLE FARMS, LLC**
**GARBERVILLE AREA**
**PLN-12424-CUP**
**APN: 216-144-017-000**
**T04S R04E S11 HB&M (FORT SEWARD)**

**Project Area =**

N

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 1,000 2,000 4,000 Feet




## ENTIRE PARCEL

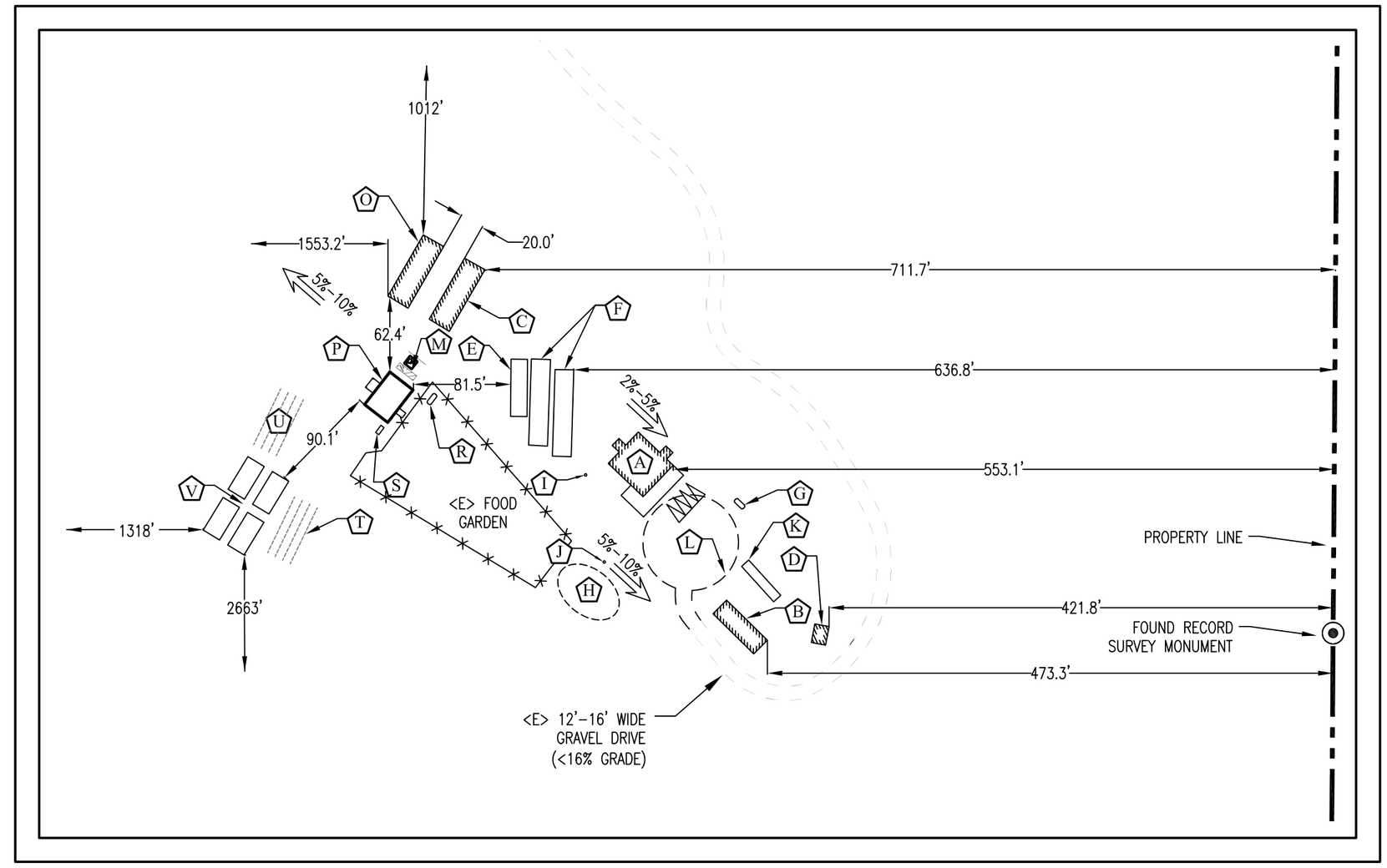
SCALE: 1"=500'

N

### PROJECT DATA

| | |
|---|---|
| Owner / Applicant: | DYERVILLE FARMS (Jameson and Larose Kelly) |
| APN: | 216-144-017 |
| Mailing Address: | 1271 Evergreen Rd. unit 621 Redway, CA 95560 |
| General Plan: | AL (Agricultural Lands – Framework Plan) |
| Prinicipal Zoning: | AE-B5 (160) – (Agriculture Exclusive with 160 acre minimum parcel size) |
| Building Setbacks: | 30' |

No trees to be removed, No streams, No wetlands, No grading or fill.




## SITE DETAIL

SCALE: 1"=100'

### SURVEY NOTES:

1. This Plot Plan is based on field surveys performed by Points West Surveying Company in July, August and September of 2016 and represents existing conditions at those times.

2. Bearings and distances are CCS83 Grid in U.S. Survey Feet based on GPS tie to NGS Station identified as "LU2347". Epoch 2007.0 was held on this Station. Bearings and distances shown hereon are based on ties to monuments shown on the Record of Survey for Johannesen, by Ronald D. Hunt recorded in Book 63 of Surveys, Page 118. Rotate record bearings shown on said Record of Survey clockwise 1 degree 2 minutes 40 seconds to match this survey. Scale distances on said Record of Survey by 0.99980632 to obtain grid distances shown on this survey.

3. Easements shown hereon are based on Schedule B of Fidelity Title Policy No. FFHO-FT0160799H-KP.

4. No portion of the property is shown to be in a mapped Flood Zone per Firm Commuity Panel No. 060060 1750.

5. Utilities are all provided onsite. Electricity is provided by photovoltaic solar with generator backup. Gas is provided by onsite LPG tank.

6. Septic and leachfield locations shown hereon are approximate based on information provided by the owner..

### CULTIVATION NOTES:

1. There are (2) 1,152 sqft. mixed light cultivation hoophouses. 2,304 sqft. TOTAL MIXED LIGHT CULTIVATION.

2. There is a 22,380 sqft. OUTDOOR CULTIVATION area.

3. Grand total @ 24,684 sqft. of cultivation.

### SITE DETAIL LEGEND

- (A) <E> 3 BDRM. SINGLE FAMILY RESIDENCE, 1,504 sqft. IN FIRST STORY WITH 116 sqft. COVERED PORCH, 508 sqft. IN SECOND STORY, 740 sqft. DECK IN SECOND STORY, (25' TALL, 24" O.H.)
- (B) <E> FARM STORAGE SHED, 768 sqft. (15.5' TALL, 6" O.H.)
- (C) <E> DRYING BARN, 1,260 sqft. (20.5' TALL, 24" O.H.)
- (D) <E> GENERATOR SHED, 192 sqft. (14.5' TALL, 12" O.H.)
- (E) <E> NURSERY @ 576 sqft. (12' TALL, 12" O.H. GREENHOUSE)
- (F) <E> MIXED LIGHT CULTIVATION @1,152 sqft. (6.5' TALL HOOPHOUSE)
- (G) <E> PROPANE TANK
- (H) <E> LEACH FIELD & SEPTIC TANK (3-60' LINES)
- (I) <E> FIRE HOSE HOOK UP
- (J) <E> ADDITIONAL FIRE HOSE HOOK UP @ 50' FROM HOUSE
- (K) <E> 320 sqft. SHIPPING CONTAINER-REFUSE STORAGE (8' TALL)
- (L) <E> 40' RADIUS SRA TURNAROUND
- (M) <P> LOCATION OF ADA PARKING SPOT.
- (O) <P> 1,260 sqft. AG. EXEMPT DRYING BARN (21' TALL, 24" O.H.)
- (P) <P> 875 sqft. CANNABIS PROCESSING FACILITY (14.5' TALL, 24" O.H.)
- (Q) <E> OUTDOOR CULTIVATION @ 22,380 sqft.
- (R) <P> PROPANE TANK
- (S) <P> SEPTIC TANK
- (T) <P> LEACH FIELD
- (U) <P> RESERVE FIELD
- (V) <P> RESEARCH AND DEVELOPMENT AREA FOR SEED PRODUCTION & CLONES-(4) 16'x32' HOOP HOUSES, 2,048 sqft. TOTAL AREA

| BY |
|---|
| |
| |
| |
| |

THE MAN WITH THE PLAN
DRAFTING & DESIGN (707) 498-1527
(sonofabeachumbold@yahoo.com)
Son Of a Beach Enterprises

Project: RESEARCH & DEVELOPMENT OF SEED PRODUCTION AND CLONES TO TAKE PLACE IN 4 HOOP HOUSES

Sheet: <E> SITE PLAN

Owner: DYERVILLE FARMS (J. & L. KELLY)
27870 DYERVILLE LOOP RD.
Garberville, Ca.
APN: 216-144-017

DATE : August 2, 2021
SCALE : AS NOTED
DRAWN BY : Alex Escudero
AP# : 216-144-017

SHEET NUMBER
1

## 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 the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the 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 of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #24. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity including, but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan.

7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.

8. The Humboldt County Department of Environmental Health (DEH) has on file an incomplete septic system permit application. The applicant must complete the septic system permit application

associated with a building permit referral. Applicant must complete the septic system permit application and install an approved system within three (3) months of project approval.

9. Within thirty (30) days of project approval, the applicant shall revise the site plan to clearly show the total nursery area onsite used for propagation will not exceed the standard 10% threshold recommended by Humboldt County. To comply with the 10% threshold, the applicant shall be limited to 2,465 SF of nursery/propagation area in total.

10. The applicant shall install a water monitoring device on the water source (permitted groundwater well) and each water storage tank. Water monitoring information shall be reported to the Humboldt County Department of Planning and Building as part of the annual inspection.

11. To ensure that no water is drawn from Well WCR2018-010387, as identified in the report prepared by David N. Lindberg, CEG (May 3, 2022), the applicant shall cap this well within three (3) weeks of project approval.

12. The applicant shall comply with the recommendations, corrective actions, and timelines outlined in the Water Resources Protection Plan (WRPP).
    a. Install four (4) rocked rolling dips on a road segment experiencing surface rilling.
    b. Install rock armoring to fortify two (2) existing culverts.

13. The applicant shall comply with monitoring and reporting measures outlined in the WRPP.
    a. The site shall be inspected and monitoring reports prepared for any of the following activities:
        i. Before and after any alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site.
        ii. Prior to the start of the water year (October 15) to evaluate site preparedness for storm events and associated storm water runoff.
        iii. Site inspection no later than December 15 of each year.
        iv. Following any rainfall event with an intensity of three (3) inches of precipitation within any 24-hour period.
    b. Annual reporting shall be submitted to the North Coast Regional Water Quality Control Board (NCRWQCB) by March 31 of each year.

14. The applicant shall comply with the recommendations, corrective actions, and timelines outlined in the Lake and Streambed Alteration Agreement (LSAA Notification No. 1600-2017-0147-R1).
    a. Armor the inlet/outlet and banks at Crossing 1 to minimize erosion.

15. As specified by the LSAA, the applicant shall complete land survey validation to determine the remediation party responsible for the onstream pond on or adjacent to the project area. The applicant shall submit appropriate land survey validation to Humboldt County within two (2) months of project approval documenting ownership of the pond. If the pond is not under the ownership of the property owner or applicant associated with this project, no further action is required. If the pond is under the ownership of the property owner or applicant associated with this project, the applicant shall coordinate with CDFW to determine appropriate actions to remediate the pond.

16. The applicant shall comply with the following requirements outlined in the LSAA.
    a. Document all activities that occur within waterways at the project site.
    b. All work shall be confined to the dry weather period, from June 15 through October 1 of each year.
    c. Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life.
    d. Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities.
    e. Project work shall be completed by no later than August 2, 2022. If work cannot be completed by this date, the applicant shall complete a revised LSAA signed by CDFW

certifying an extension of the deadline.

17. The applicant shall implement the Inadvertent Discovery Protocol. In the event of the accidental discovery of historical artifacts or human remains, all work shall halt within 100 feet of the find and a qualified professional archaeologist and tribal representatives shall be contacted immediately to evaluate the find and clear the site for all further activities.

18. COUNTY ROADS – FENCES AND ENCROACHMENTS – All fences and gates shall be relocated out of the county right-of-way. All gates shall be set back 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 DPW prior to commencing operations, final sign-off for a building permit, or DPW approval for a business license.

19. COUNTY ROADS – DRIVEWAY AND 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 (DPW) prior to commencing operations, final sign-off for a building permit, or DPW approval for a business license.

20. Public Works – Airport – Part 1 (ALUCP) – The applicant shall cause to be dedicated to the County of Humboldt an avigation easement. The avigation easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

21. The applicant shall comply with the recommendations, corrective actions, and timelines outlined in the Timberland Conversion Evaluation Report (TCER). All slash piles and woody debris near Cultivation Site 2 shall be treated using one of the following methods: burying, chipping and spreading, piling and burning, or removing from the site.

22. The applicant shall contact the Garberville Fire Protection District and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning and Building Department. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.

23. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

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

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

1. The combined noise from background, generator, greenhouse fan, or other operational activities and equipment must not result in the harassment of Northern Spotted Owl (NSO) 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 NSO habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment and noise levels have been repaired, inspected, and corrected as necessary.

3. The use of synthetic netting for purposes of erosion control is prohibited. To minimize the risk of wildlife entrapment, the applicant shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

4. All refuse shall be contained in wildlife proof storage containers at all times, and disposed at an authorized waste management facility.

5. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.

6. The use of anticoagulant rodenticide is prohibited.

7. 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.

8. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Any changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. When offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

9. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.

10. 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.

11. The permittee shall have 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.

12. The permittee shall be in 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.

13. The permittee shall ensure 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).

14. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (NCRWQCB) 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.

15. The permittee shall 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).

16. The permittee shall 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.

17. The permittee shall 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).

18. The permittee shall pay all applicable fees for application review to ensure conformance with conditions and annual inspection fees.

19. 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.

20. Fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be properly stored, handled and used in accordance with applicable regulations.

21. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.

22. The permittee shall pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

<u>Performance Standards for Cultivation and Processing Operations</u>

23. Pursuant to the MAUCRSA, 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."

24. 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).

25. 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.

26. 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. Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

27. 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. Onsite housing, if any

28. <u>Term of Commercial Cannabis Activity Special Permit</u>. Any Commercial Cannabis Activity Permit 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.

29. 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 re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection 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.

30. 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.

31. 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.

32. 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.

33. 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 #B.11 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 #B.29 and B.30 of the Ongoing Requirements/Development Restrictions, above.

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

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

4. 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 MEDICIAL MARIJUANA LAND USE ORDINANCE

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

**APN 216-144-017; 28525 Dyerville Loop Road, Garberville, CA 95542**
**County of Humboldt**

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

**May 2022**

## BACKGROUND

### Purpose of Addendum

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.

### Project History

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. The CMMLUO was considered a "project" under CEQA and thus required analysis for potential environmental impacts. Therefore, the CMMLUO regulations were developed and adopted in concert with the environmental analysis and MND that was adopted for the ordinance in 2016.

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 and 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. 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." As applications are filed for new or differing cultivation activities, the "modification" to the CMMLUO is evaluated for consistency and compliance with the CMMLUO MND.

**Modified Project Description**

The modified project involves a Conditional Use Permit (PLN-CUP-12424) an existing 24,634 square feet (SF) on cannabis cultivation, consisting of 22,380 SF outdoor cultivation and 2,254 SF mixed light cultivation. Plants are propagated in a 2,830-SF ancillary propagation area. The applicant is conditioned to reduce the size of the ancillary propagation area to 2,465 SF, or 10 percent of the total cultivation area (**Condition 9**). Drying and trimming occur onsite in a 1,160-SF barn. Further processing occurs offsite at a licensed third party facility. The applicant proposes to construct an additional barn for drying (1,260 SF) and an 875-SF processing facility. Five (5) employees are required for project operations. The primary source of electrical power is a solar array with battery storage. An Isuzu BV-4LE1 26.3 kW diesel generator is used for backup.

Irrigation water is sourced from one (1) groundwater well (Permit No. 19/20-0813) that is capable of pumping 40 gallons per minute (gpm). The well was evaluated by David N. Lindberg, Certified Engineering Geologist (CEG, License No. 1895), of Lindberg Geologic Consulting (May 3, 2022). The evaluation determined that the well has a low likelihood of being hydrologically connected to nearby surface waters in any manner that could affect adjacent wetlands or surface waters in the vicinity. This conclusion was reached because the well is located 1,500 feet away from the nearest surface waters, and the elevation of the well is 270 feet above the nearest surface waters. The applicant is conditioned to install monitoring devices on the well to measure use (**Condition 10**).

A search of the California Department of Water Resources (DWR) database revealed only one (1) well within 1,000 feet of the subject well. This well (WCR2018-010387) is located on the subject parcel and is, according to the applicant, not in use due to chemical constituents in the water that make it unsuitable for irrigation. The applicant is conditioned to cap this well (WCR2018-010387) to ensure that no water is withdrawn for irrigation purposes (**Condition 11**). All other wells in the vicinity of the project site are located more than 2,000 feet away.

Estimated annual water use is 313,600 gallons (12.7 gal/SF). Water is stored onsite in three (3) 5,000-gallon tanks, two (2) 2,800-gallon tanks, and one (1) 500-gallon tank. Total water storage is 21,100 gallons. The project area is located within the Steelhead Creek watershed.

A Water Resources Protection Plan (WRPP) was prepared in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ. The document was prepared to meet the North Coast Regional Water Quality Control Board (NCRWQCB) requirements for Tier 2 discharges of waste resulting from cannabis cultivation (WDID No. 1_12CC417547). Except for one (1) natural seasonal spring, the project area does not include perennial surface waters or wetlands. The spring is isolated, does not have a well-defined channel visible down gradient, and is not hydrologically connected to other surface waters. There is one (1) stream crossings onsite (Crossing 1). The property is primarily a forested woodland with sloping hillsides, a ridgetop oak woodland, some flat plateaus, and sparse open grasslands.

The WRPP identifies recommendations designed to decrease erosion and sedimentation of waterways. These recommendations include installing four (4) rocked rolling dips on a road segment experiencing surface rilling and installing rock armoring to fortify two (2) existing culverts (**Conditions 12 and 13**).

A Lake and Streambed Alteration Agreement (LSAA) has been filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (Notification No. 1600-2017-0147-R1). The LSAA addresses three (3) project encroachments, including two (2) points of diversion from Steelhead Creek (POD-1 and POD-2) and a stream crossing (Crossing 1). The applicant is required to armor the inlet/outlet and banks at Crossing 1 to minimize erosion (**Condition 14**).

An onstream pond is on or adjacent to the project area and will require land survey validation to determine the remediation party. The applicant shall submit appropriate land survey validation to Humboldt County within two (2) months of project approval documenting ownership of the pond. If the pond is not under the ownership of the property owner or applicant associated with this project, no

further action is required. If the pond is under the ownership of the property owner or applicant associated with this project, the applicant shall coordinate with CDFW to determine appropriate actions to remediate the pond (**Condition 15**).

The LSAA establishes specific recommendations that the applicant must apply to offset potential impacts to waterways within the area (**Condition 16**). The recommendations are summarized as follows:

- All activities that occur within waterways in the project area shall be documented.
- All work shall be confined to the dry weather period, from June 15 through October 1 of each year.
- Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life.
- Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities.
- Project work shall be completed by no later than August 2, 2022. If work cannot be completed by this date, the applicant shall complete a revised LSAA signed by CDFW certifying an extension of the deadline.

A list of potential special status species near the project area was generated in May 2022 using the following information systems: California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), Northern Spotted Owl Viewer (CDFW 2021), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). There is a known occurrence of one (1) special status species within two (2) miles of the project area: the foothill yellow-legged frog (approximately 6,000 feet to the northeast). Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, potential project impacts to biological resources are considered low and unlikely, with implementation of the mitigation measures identified in the CMMLUO Mitigated Negative Declaration (MND) adopted on January 26, 2016.

An archaeological survey report was prepared by Nick Angeloff of Archaeological Research and Supply Company (August 2019). A field survey conducted by Mr. Angeloff in August 2019 identified no historic resources within or adjacent to the project area. Therefore, the project is not anticipated to have an adverse effect on significant cultural resources. However, the report recommends establishing protocols to protect cultural resources and/or human remains which may be discovered inadvertently during project work. Therefore, the standard Inadvertent Discovery Protocol will be used to protect artifacts or remains that may be discovered during project work (**Condition 17**).

Consultation letters were sent to Native American groups associated with the project area. The Native American Heritage Commission (NAHC) indicated that no known cultural resources are present in the area. The Bear River Band of the Rohnerville Rancheria requested a field visit and a copy of the final report. The Sinkyone Intertribal Wildness Council did not respond to requests for information.

Aerial imagery shows that unauthorized conversion of approximately 0.90 acre of timberland to cultivation area occurred prior to 2018 at three (3) sites: Cultivation Site 1 (0.09 acre), Cultivation Site 2 (0.78 acre), and Drying Shed (0.03 acre). A Timberland Conversion Evaluation Report (TCER) was prepared by Timberland Resource Consultants (December 21, 2018) to address unpermitted conversion areas. The report recommends that the applicant treat all slash piles and woody debris near Cultivation Site 2 using one of the following methods: burying, chipping and spreading, piling and burning, or removing from the site (**Condition 21**).

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.

**Summary of Significant Project Effects and Required Mitigation**

No changes are proposed for the mitigation measures identified in the original MND. The proposal to authorize the continued operation of 24,634 square feet (SF) of existing cannabis cultivation, consisting of 22,380 SF outdoor cultivation and 2,254 SF mixed light cultivation, with ancillary propagation areas 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:

- Site Plan prepared by The Man with the Plan Drafting and Design, dated 8/2/2021
- Cultivation and Operations Plan prepared by GHD Inc., dated November 2018
- Lake and Streambed Alteration Agreement (Notification No. 1600-2017-0147-R1), received 8/1/2017
- Water Resources Protection Plan prepared by GHD Inc., dated November 2018 and received December 31, 2018
- Well Evaluation Report prepared by Lindberg Geologic Consulting, dated 5/3/2022
- Cultural Resources Report prepared by Archaeological Research and Supply Company, dated August 2019
- County Department of Public Works Road Evaluation Report, received 12/30/2018
- Timberland Conversion Evaluation Report prepared by Timberland Resource Consultants, dated 12/21/2018
- CAL FIRE application communication with Tim Meyers, dated 2/14/2019

**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.

For every environmental topic analyzed in this review, the potential environmental impacts of the current project proposal, Dyerville Farms, LLC would be the same or similar. There would be no new significant environmental impacts or a substantial increase in the severity of previously identified significant impact, than the initial CMMLUO 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, Dyerville Farms, LLC. 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

### Application Report of 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. (**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. (Site Plan prepared by The Man with the Plan Drafting and Design, dated 8/2/2021 – **Attached**)

4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; 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 GHD Inc., dated November 2018 – **Attached**)

5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (**On file**)

6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan, item 4 above - **Attached**)

7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (**On file**)

8. If any onsite or offsite 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 on June 22, 2020 (LSAA Notification No. 1600-2017-0147-R1). (**On file**)

9. If the source of water is a well, a copy of the County well permit, if available. (Well Permit No. 18/19-0285, dated 10/3/2018 – **Attached**)

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. (Timberland Conversion Evaluation Report prepared by Timberland Resource Consultants, dated 12/21/2018 - **Attached**)

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (**On file**)

12. Acknowledgment that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section, in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (**On file**)

13. Acknowledgment that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (**On file**)

14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (**On file**)

# Dyerville Farms, LLC

APN 216-144-17

## Cultivation and Operations Plan

November 2018
Revision 0

# Plan Summary

On behalf of the Dyerville Farms LLC (Applicant, Operator), GHD has prepared this Cultivation and Operations Plan submittal package, including accompanying appendices, in association with the Applicant's property (APN 216-144-17, project site). The project site is located in an unincorporated area of Humboldt County, California. This Cultivation and Operations Plan is being offered per the requirement of the County of Humboldt Commercial Medical Marijuana Land Use Ordinance.

### Project Site

APN 216-144-17
Dyerville Loop Road (site address not assigned)
Garberville, California 95542

### Applicant/Operator:

Dyerville Farms, LLC
1271 Evergreen Road, Unit 621
Redway, California 95560

### Consultant Contact:

GHD Inc.
718 3rd Street
Eureka, California 95501
Office: (707) 443-8326
Fax: (707) 444-8330
Attention: Kerry McNamee (Project Manager)

### Submitted to:

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

# Table of Contents


Plan Summary ..... i

Table of Contents ..... ii

Appendices ..... iii

Cultivation and Operations Plan ..... 1

1. Purpose ..... 1
   - 1.1 Project Location ..... 1
2. Scope of Report ..... 2
3. Methods ..... 2
4. General Project Site Description ..... 3
5. Water Source, Storage, Irrigation Plan, and Projected Water Use ..... 4
   - 5.1 Water Sources ..... 4
   - 5.2 Water Storage ..... 5
6. Site Drainage, Runoff and Erosion Control Measures ..... 6
   - 6.1 Site Drainage ..... 6
   - 6.2 Site Runoff ..... 6
   - 6.3 Erosion Control Measures ..... 7
7. Watershed and Habitat Protections ..... 7
   - 7.1 Road Maintenance ..... 7
   - 7.2 Planned Improvements ..... 7
   - 7.3 Existing Permits, Applications and Plans ..... 8
8. Storage of Fertilizers, Pesticides and Regulated Products ..... 8
   - 8.1 Soil Amendments Storage ..... 8
   - 8.2 Fuel Storage ..... 9
   - 8.3 Waste Management ..... 9
9. Cultivation Activities ..... 10
   - 9.1 Permitted Cultivation ..... 10
   - 9.2 Production Areas ..... 10
10. Processing Plan ..... 11
11. Schedule of Activities ..... 11
12. Security Plan ..... 14

# Appendices

Appendix A –Figures

Appendix B – Supplemental Documentation

Appendix C – Typical Road Details

Appendix D – Photographs

# Cultivation and Operations Plan

# 1. Purpose

This Cultivation and Operations Plan (the Plan) has been prepared on behalf of Dyerville Farms, LLC (Owner, Operator), by agreement and in response to the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) Cultivation Application. The purpose of the plan is to communicate a description of the Owner's agricultural operations to Humboldt County (the County) in support of the Owner's CMMLUO permit.

The Owner has an existing cannabis cultivation operation on the property and has filed and received an Interim Permit for Existing Cannabis Cultivation Humboldt County (see Appendix B). The project site and areas of cultivation are shown on Figure 2 Overview (Figure 2) and Figure 3 Insets A (Figure 3), and Figure 4 Insets B (Figure 4) located in Attachment A. All figures enclosed herein are in conceptual form. These figures are for general reference and may be refined based on data and project scoping information supplied during the ongoing permitting process.

The Owner previously submitted a CMMLUO Cultivation Application to Humboldt County California in December 2016 under the former business name Mountain High Club, LLC. The Owner has subsequently discontinued use of the name Mountain High Club, LLC and is moving forward with cultivation regulatory compliance under the current name Dyerville Farms, LLC. The Owner submitted the Cannabis Application/Permit Transfer Request Form to Humboldt County in July 2018 to process the business name change and permit transfer request (attached in Appendix B). Mountain High Club LLC included two APNs: 216-144-17 and 216-144-03 and a portion of a tributary to Steelhead Creek. The current project, Dyerville Farms, LLC includes one APN: 216-144-17 and does not include the tributary to Steelhead Creek.

According to the December 2016 CMMLUO application submission to Humboldt County, the Cultivation and Operations Plan had not yet been completed. This Cultivation and Operations Plan is proposed as a means to communicate cultivation and operations management practices to Humboldt County by the Owner (Dyerville Farms, LLC).

## 1.1 Project Location

This Plan has been completed in association with the Owner's property identified as Assessor's Parcel Number (APN) 216-144-17 (project site). The project site is located in an unincorporated area of Humboldt County, California, east of the town of Garberville. The project site is located approximately four miles north of the Dyerville Road intersection with Alderpoint Road. The project site and vicinity (aerial plan view) is depicted on Figure 1 Vicinity (Figure 1) located in Appendix A.

The project site is located at the following address:

Dyerville Loop Road (no street number assigned)

Garberville, California 95542

The following information further defines the project site:

1. APN 216-144-17 – According to the site visits taken by GHD in 2016, photographic documentation and communication with the Owner in 2018, the following uses exist onsite:

residential uses, existing greenhouses, existing outdoor cultivation, existing water storage, livestock and vegetable garden, primary access routes, seasonal spring, groundwater well.

# 2. Scope of Report

This document is being prepared in support of the Owner's compliance with the Humboldt County CMMLUO cultivation applications and permitting process. As noted in Section 1, the Owner submitted a CMMLUO Cultivation Application to Humboldt County California in December 2016 under the former business name Mountain High Club, LLC. This Plan is proposed to augment the application package submitted in December 2016 and satisfy the Cultivation and Operations Plan requirement.

# 3. Methods

The methods used to develop this Plan include both field and office components. The office component consisted of reviewing previous reports and plans prepared for the site, as well as the following agency databases and resources:

1. Soil maps from the Natural Resources Conservation Service (NRCS) Web Soil Survey
2. Department of Conservation and California Department of Forestry and Fire Protection (CAL FIRE) Watersheds Mapping (North Coast Watershed Mapping, DMG CD 99-002, 1999)
3. Wetlands inventory from the United States Fish and Wildlife Service (USFWS) National Wetlands Inventory Mapper) and Satellite Imagery.

In addition to the above, the office component of Plan preparation included utilizing geographic information system (GIS) software to generate base maps. The GIS maps generated for this Plan are used to depict the location of all roads, watercourses, wetlands, cultivation sites, structures, boundaries and other issues of concern in context with a watershed scale. The GIS maps for the project site are located in Appendix A and include the following layers:

1. Satellite, topography
2. Watercourses
3. NRCS soils
4. Buildings
5. Cultivation sites

The initial field component completed in association with this Plan took place in February and August of 2016 in association with cultivation permitting compliance undertaken by the Owner, including the NCRWQCB Order No. R1-2015-0023 and the County of Humboldt Commercial Medical Marijuana Land Use Ordinance (CMMLUO). Documentation that was produced in 2016 in support of the Owner's cultivation regulatory compliance for the Mountain High Club (which contains the Dyerville Farms LLC property) included the following:

- California Department of Fish and Wildlife Lake and Streambed Alteration Agreement
- County of Humboldt Commercial Medical Marijuana Land Use Cultivation Application
- Notice of Intent for Enrollment under SWRCB Order No. R1-2015-0023 (Tier 2)

GHD has worked with the Owner to verify the components of the above-listed documents that are relevant to the preparation and production of this Plan. Further field components included

investigating the presence of: surface waters and wetlands using visual analysis, and assessing road conditions, and production locations.

The property was assessed on the ground in 2016 by GHD and Owner, as well as remotely in 2018 via photographs, previous documentation from 2016 and communication with Owner for information relating to cultivation, operation, water usage, storage and site vulnerabilities.

Specifically, the following Cultivation and Operations Plan elements, as stated in the July 2016 CMMLUO Cultivation Application checklist, are addressed herein:

- Description of water source, storage, irrigation plan, and projected water use
- Description of site drainage, including runoff and erosion control measures
- Detail of measures taken to ensure protection of watershed and nearby habitat
- Protocols for proper storage and use of fertilizers, pesticides and other regulated products utilized
- Description of cultivation activities (e.g. outdoor, indoor, mixed light)
- Processing Plan
- Identification of number of cultivation cycles (if mixed light cultivation proposed)
- Schedule of activities during each month of the growing and harvesting season, including projected generator use
- Security plan

# 4. General Project Site Description

The project site consists of a rural parcel, approximately 200-acres in size (199.13 acres according to Humboldt County Web GIS), designated as APN 216-144-17. The project site is typified by forested woodland (mostly oak with fir sapling encroachment in some areas), sloping hillside, ridgetop oak woodland, some flat plateaus, and sparse open grasslands. The site includes an occupied single-family residential structure (residence), an approximately 100-square foot generator storage building (shed), and an 800-square foot nutrient storage building (garage). The area around the residence, including the above-named structures, is defined as the Hilltop Site. The Hilltop Site is situated on a hilltop plateau, with gradually westerly-sloped hillside which increasingly slope north and west into forested lands consisting of shrubs, oak woodlands and limited hydrophytic vegetation near the seasonal spring.

There are two production areas at the project site that were being used for agricultural cultivation at the time of the 2016 site visits, and are confirmed to be the same as current production areas per landowner communication. The Owner confirmed on November 14, 2018 that the location, area, configuration of the existing cultivation areas has not been modified since the 2016 GHD site visit, except as described below. The site observations made by GHD in 2016 are understood to represent current conditions, as confirmed by the Owner, with the exception of the reduction cultivation area as defined herein. As of the writing of this Plan, GHD has not independently verified the CMMLUO permit and related Owner-supplied information.

As of July 30, 2018, the site has an interim permit through Humboldt County for the following cultivation areas:

- 22,380 square feet (sf) of outdoor cultivation (existing)
- 3,270 sf of mixed light cultivation (existing)

The above-noted cultivation areas total 25,650 sf. At the time of the 2016 site visit and CMLLUO cultivation application submission, site existing and proposed cultivation totaled 26,768 sf (19,600 sf of outdoor garden cultivation, 6,050 sf of greenhouse cultivation with some mixed light use, and 1,120 of proposed mixed light greenhouse cultivation), calculated based on field measured area (not based on canopy estimates used by Humboldt County with the County conversion factor). The existing permitted cultivation area (25,650 sf) is a reduction from the 2016 measured cultivation area (26,768 sf).

Appendix A contains Figures showing the project site topography, parcel boundaries, buildings with use identified, storage locations of chemicals use, production area perimeter, cleared and developed areas, surface water conveyances, drainage pathways, roads (no stream crossings present), features scheduled for upgrade including unstable features, points of diversion of water sources (no surficial water diversions present), locations of water pumps and associated facilities, water storage tanks, and human waste facilities.

# 5. Water Source, Storage, Irrigation Plan, and Projected Water Use

## 5.1 Water Sources

Water for cultivation, livestock, fire suppression and residential use onsite is sourced from a single groundwater well located on the project site. The location of the well, noted as Well #1, is shown on Figure 4 (see Rocky Outcrop – Figure 4 located in Appendix A). Well #1 was installed in November 2018 and accesses groundwater beneath the project site.

Well #1 is not believed to be hydrologically connected to a subterranean waterway. The lithology of the well boring shows chert and shale beginning at a depth of 47 feet below ground surface to the final depth of 220 feet below ground surface, confirming the assertion that the well is not hydrologically connected to a subterranean waterway. Subterranean waterway are commonly associated with river run gravel, sand or clay, none of which were observed between 47 and 220 feet below ground surface . The Owners utilized surface waters in the past for residential and agriculture use and for fire suppression, but per landowner advisement, have ceased diverting since the well was installed.

The elevation of the well surface is approximately 3,650 feet and the nearest waterway (tributary to Steelhead Creek) is approximately 1,000 feet east at a maximum elevation of 3,200 feet; therefore the depth of the well is still at an elevation higher than the nearest waterway further demonstrating that it is not hydrologically connected. The well installation boring is attached in Appendix B. The well has a maximum flow rate of 30 gallons of water per minute, however the solar powered pump will produce approximately 20 gallons of water per minute.

Perennial surface waters or wetlands were not identified within the project site in 2016, with the exception of one natural seasonal spring (see Seasonal Spring - Figure 4). The seasonal spring is on the Hilltop Inset on Figure 3 Insets A and has been used for agricultural purposes on a seasonal basis until approximately May 15th when the seasonal spring becomes dry depending on the hydrologic year. The spring becomes visible above ground and is typically operable from fall to winter, once enough rain has accumulated to initiate groundwater flow and spring discharge. In 2016 GHD observed that the spring appears isolated and does not connect surficially hydrologically downgradient to apparent water course or water body.

In the past, surface water from the spring was diverted seasonally and stored in a 2,500-gallon water storage tank and utilized for agricultural uses including cultivation. However, as of approximately May 2018 it is no longer being used as a water source for the property and the Owner is in the process of relocating the 2,500 gallon tank to be located adjacent to Well #1 (See Rocky Outcrop - Figure 4). Well #1 is the sole source of water for the property.

## 5.2 Water Storage

Water from Well #1 is to be stored in two existing water storage tanks. The first water storage tank is a 5,000 gallon tank located immediately adjacent to Well #1. The second tank is a 2,500 gallon water tank which is in the process of being relocated from its location adjacent to the seasonal spring to its new location adjacent to Well #1 and the 5,000 gallon tank (see Figure 4 located in Appendix A). The 5,000 gallon tank is connected to the Outdoor Site, residence, and fire hydrants located approximately 300 feet east of the tank, near the residence. The 5,000 gallon tank is connected to the Outdoor Site, residence and fire hydrants via underground water conveyance piping. Both storage tanks contain float valves.

There are three greenhouses on the property. Greenhouse #1 is in use at varying degrees throughout the year. Greenhouses #2 and #3 are the mixed light cultivation greenhouses and are only in use for a portion of year. See Section 11 for a schedule of activities within the greenhouses and at the outdoor site. In regards to irrigation, the greenhouse plants are irrigated by hand watering through a hose wand and per the owner, each plant gets approximately a one minute of water. The drip irrigation is problematic and fails consistently so its use was abandon except for the vegetable garden and outdoor cultivation area. The outdoor cultivation area does successfully utilize drip irrigation, which is conducted by site operator daily by turning on the water and observing site conditions.

Weekly non-residential water use estimates are tabulated in Table 1 below.

**Table 1 Non-Residential Site Water Use Estimates**

| Usage Area | Total Square Feet | Diameter of Area per Plant | Square Feet (per plant) | Gallons per week |
|---|---|---|---|---|
| Outdoor Production Area | 22,380 | 6 | 28 | 44,760 |
| Hilltop Greenhouses Production Area | 3,270 | 5 | 20 | 2,943 |
| | | | Cannabis Subtotal: | 47,703 |
| | | | Livestock: | ~4,500 |
| | | | Fire: | ~5,000/year or 96/week |
| | | | Total non-residential site water use estimates per week: | 52,299 |

Notes:

- Outdoor = eight gallons per plant per day or 56 gallons per week per plant.
- Water is utilized outdoor from May through October.

- Greenhouse water use is assumed less than outdoor use based on methods of cultivation described by Owner and lower evapotranspiration. Estimated six gallons per plant, three times per week, for a total of 18 gallons per week per plant
- Minimum 2,500 gallons for fire suppression, per NFPA 1142, combined with the average domestic water usage equates to a standard allocation of 5,000 gallons
- The seasonal spring, which flows during wet winter months, is not being utilized as a water source for property uses.
- Water for all uses onsite including: cannabis cultivation, residential uses (not accounted for in this table), livestock and fire suppression is sourced from Well #1 located in the Rocky Outcrop inset (Figure 2 and Figure 4) which, according to its lithology, appears to be hydrologically distinct.

# 6. Site Drainage, Runoff and Erosion Control Measures

## 6.1 Site Drainage

The project site is typified by forested woodland (mostly oak with fir sapling encroachment in some areas), sloping hillside, ridgetop oak woodland, some flat plateaus, and sparse open grasslands. Due to its location along a terraced ridgeline, drainage within the project site generally radiates outwards towards the steepest contours. See Figure 5 – Drainage Patterns for an approximate depiction of site drainage.

## 6.2 Site Runoff

The Owner's management strategy focuses on soil health which positively contributes to water conservation through increased infiltration which mitigates for runoff issues. Owners utilize drip irrigation and the length of the watering period depends on seasonal plant conditions and weather. The water is manually turned off when appropriate amount of water is applied, which follows agronomic rate guidance to eliminate issue of overwatering plants which could damage the plants, as well as eliminates runoff concerns. Given the water application method and enhanced soil properties to support water infiltration and pore space, runoff does not occur from the garden beds or the outdoor cultivation area. Signs of runoff from either types of cultivation methods were not observed during February or August 2016 site visits. The slope of the seedling area is 1-2% slope and the outdoor area has on average slope of 10%. The Outdoor Site is over 1,000 linear feet west of the perennial tributary to Steelhead Creek and over 500 linear feet southeast of the isolated seasonal spring.

There are no fish bearing streams or perennial streams within the property. The property is located at the top of a hill and contains two culverts (C-1 and C-2) as shown in Figure 2 – Overview in Appendix A. C-1 drains spring water produced seasonally (typically November through April) in addition to stormwater flow and C-2 drains stormwater flow. Due to the upland nature of the property and its location on a ridgeline, cumulative flow is not a significant issue as culverts are predominantly draining stormwater flow sourced onsite. Continued maintenance and additional rock armouring is proposed at C-1 and C-2 outlets in order to limit potential erosion through dissipation of stormwater flow at the outlet of the culverts, per the project's Water Resource Protection Plan (prepared for the State Water Resources Control Board under Order No. 2015-0023, Tier 2 requirements). According to photographic evidence, including the lack of erosion at C-1 and minimal erosion at C-2, in addition to the proposed rock armouring and maintenance, the current culverts onsite appear to be sized adequately to manage stormwater flow.

### 6.3 Erosion Control Measures

Spoils piles were not documented as present during the February 2016 site visit other than a small amount of covered material at the quarry site. Soil and mushroom compost are mixed at a 50 percent of each component, covered and secured with tarps and stockpiled within the quarry where it remains throughout the winter. Depending on the year, sometimes the soil and mushroom compost is covered and secured by a tarp and stockpiled at the Outdoor Site, however it is not overwintered at this location as it is used up during the growing season. Any spoils generated through maintenance of roads or other property features will not be sidecast in any location, rather they will be brought to the quarry and covered and secured by a tarp. The quarry site is concave and sediment runoff from this area is unlikely.

# 7. Watershed and Habitat Protections

The Owners implement land management practices to limit adverse impacts on the watershed and nearby habitat through routine road maintenance in order to limit sediment transport offsite which is further discussed below, culvert maintenance and improvements (discussed above) and secured storage of all soil amendments and fuel which is further discussed in Section 8. Owners utilization of a hydrologically distinct water source (Well #1), water storage tanks, drip irrigation and straw and mulch as a means of water conservation also benefit the watershed and nearby habitat. Owners do not use chemicals onsite which has the potential to harm the nearby environment, rather owners utilize mushroom compost, liquid fish emulsion and a suite of organic proprietary additives mixed in as an amendment to onsite areas.

### 7.1 Road Maintenance

It is proposed that the majority of the roads be improved sequentially. It is proposed that such improvements include out sloping and energy dissipation to convey surface water off of the road and minimize erosion and potential for sediment transport. No roads are believed to be delivering sediment to creeks due to the upland nature of the site.

Per Owner's statement on November 16, 2018, eleven (11) rolling dips were installed approximately every 100 yards between the Hilltop Site and Dyerville Loop Road (see Photographs – Appendix D for an example of a rolling dip). Four (4) rocked rolling dips are proposed to be installed as a component of the Water Resource Protection Plan depicted as RS-1 through RS-4 on Figure 2 – Overview in Appendix A. See Appendix C – Typical Road Details for an example of a rocked rolling dip that the Owners will utilize during rocked rolling dip installation. Roads are maintained annually to promote crowned, smooth surfaces. Existing rolling dips are maintained annually to promote conveyance and diffusion of stormwater into appropriate areas of infiltration, and to reduce the potential instability of hillsides. The terraced surfaces throughout the property such as the Hilltop Site (see Inset A - Figure 2) which has an average 0-2% slope and 0-10% slope in the immediate vicinity, will be maintained to promote infiltration through promoting anti-erosion activities such as slow driving speeds, and planting grasses and other vegetation as is possible.

### 7.2 Planned Improvements

There are planned improvements including the installation of solar panels to eliminate use of any diesel powered generator onsite which will limit the use of fossil fuels and potential adverse impacts from spills, and reduce noise impacts to wildlife. Owners are in the preliminary stages of planning the

future installation of a processing facility within the Hilltop Site which will contain an American Disabilities Act compliant restroom and parking space. Owners plan to work with Humboldt County to secure the proper permitting in order to conduct percolation tests, leach field installation and building construction. Additionally, Owners plan to work with University of California (UC) Agriculture Extension, partners and stakeholders, to look into a viable solution for the Douglas fir encroachment into established oak woodlands particularly on the ridgetop. This is not in relation to specific agency permitting but provides an additional level of commitment to restore upland habitats at the site for long-term site management and ranch longevity.

### 7.3 Existing Permits, Applications and Plans

Finally, Owners are mitigating potential degradation of the local watershed and nearby habitat resultant from the cultivation operations through their compliance with organic cannabis cultivation operation standards and best management practices. The Owner's compliance is demonstrated by the operational adherence with the conditions, recommendations and management practices required in the following plans, collaborations, permit applications and permits:

- Humboldt County Commercial Medical Marijuana Land Use Cultivation Application
- Notice of Intent for Enrollment under SWRCB Order No. R1-2015-0023 (Tier 2)
- Water Resource Protection Plan, per SWRCB Tier 2 requirements
- California Department of Fish and Wildlife Lake and Streambed Alteration Agreement (processed under the Mountain High Club, LLC ownership and related to two surface diversions that are no longer taking place)
- Humboldt County Interim Permit for Existing Cannabis Cultivation (dated July 30, 2018)
- California Department of Food and Agriculture Cannabis Cultivation Licensing (in process)

## 8. Storage of Fertilizers, Pesticides and Regulated Products

### 8.1 Soil Amendments Storage

The site relies on use of mushroom compost, liquid fish emulsion, and a suite of organic proprietary additives mixed in as amendment to onsite areas. Upon reviewing the amendments utilized onsite, the amendments, pesticides, herbicides, or fungicides that GHD is aware of that contain NPK are G&B Organics - Bud & Bloom Fertilizer (NPK: 3-7-4), sea bird guano (NPK: 0-12-0), liquid bone meal (NPK: 0-12-0), bat guano (NPK: 9-1-1), fish emulsion (NPK: 3-1-1). The agricultural production has been Clean Green Certified from 2012-2017 (see Appendix B), which requires specific nutrient, herbicide, and pesticide management techniques that minimizes use of nutrient and chemicals that could negatively impact the environment. Owners are not Clean Green Certified currently because of the mandatory testing requirements upon selling cannabis, but still comply with Clean Green Certification. Application rates for fertilizer and soil amendments are per manufactures standards/recommendations. The nutrients, fertilizers, pesticide/fungicides (all organic) are stored at the Nutrient Storage Building at the Hilltop site southeast of the residence, as indicated on Figure 3 Inset in Appendix A, which prevents their spillage, discharge or leakage from reaching receiving waters. The fish emulsion is stored in covered containers as received by the distributor, and also stored in the Nutrient Storage Building.

The Owner is planning to utilize a climate controlled insulated and sealable cargo container for future nutrient storage which is proposed to be located within the Hilltop Site near the existing buildings, or at the Outdoor Site. The Owner will follow all County and State requirements when installing the cargo container.

Soil used for cultivation is prepared and stockpiled at the quarry site shown on the site plans on Figure 2 Overview and Figure 4 Insets B in Appendix A. Approximately 100 cubic yards of mushroom compost is delivered annually and mixed with onsite recycled soil, which is covered with a tarp and stockpiled within the quarry pit. Soil is reused annually and there is no waste material produced per the owner from the cultivation areas. The quarry site is concave and sediment runoff from this area is unlikely. Per Owner information, depending on the year, sometimes the soil and mushroom compost is tarped and stockpiled at the Outdoor Site, in a 16 by 32 foot fenced enclosure, however it is typically not overwintered at this location as it is used up during the growing season. Leaf waste from the garden is composted in this location as well.

## 8.2 Fuel Storage

Fuel is for the project site consists of diesel fuel and standard commercial-grade gasoline sourced from the town of Garberville. The fuel for equipment is transported to the site in a "fuel caddy" by the Owner using a pickup truck. Fuel is used to power a diesel generator that provides power to the residence. Diesel fuel used onsite is stored in the fuel caddy and sealed metal fuel container. Gasoline is stored in a fuel caddy. The fuels are located in the existing Generator Shed located southeast of the residence (see Figure 3 in Appendix A). According to the Owner, Spill Prevention, Control, and Countermeasure (SPCC) spill clean-up materials/kits are located at the well, at the residential generator where refuelling occurs, at the garage for equipment refuelling activities, and one for the field truck. The owner is in the process of installing a solar pump on Well #1, and are also in the process of installing solar panels on the property in order to significantly reduce the use of the generator.

## 8.3 Waste Management

Garbage and refuse is stored in a sealed container within the Refuse Storage Structure. Recycling is stored in containers also in the Refuse Storage Structure. Garbage is typically disposed of monthly and recycling is typically brought to the processing facility every three months. Garbage and recycling is brought to Redway Transfer Station.

Human waste disposal consists of a bathroom in the residential unit which is connected to a septic tank and leach field system. Property owners are in the preliminary stages of exploring the installation of an additional ADA bathroom and leach field.

Refuse from agricultural and residential uses is recycled, green waste is fed to the pigs/livestock at the Hilltop site, and the remaining waste is stored in a container north of the Nutrient Storage Building and east of the residence designated as Existing Refuse Storage Structure located on Figure 3 Inset in Appendix A.

# 9. Cultivation Activities

## 9.1 Permitted Cultivation

As mentioned above in Section 4 (General Project Site Description), there are two production areas at the project site that were being used for agricultural cultivation at the time of the 2016 site visits (see Figures 3 and 4 for Production Area locations). The Owner confirmed on November 14, 2018 that the location, area, configuration of the existing production areas has not been modified since the GHD site visit conducted in 2016, except as described below. The site observations made by GHD in 2016 are understood to represent current conditions, as confirmed by the Owner, with the exception of the reduction cultivation area as defined herein. As of the writing of this PLAN, GHD has not independently verified the CMMLUO permit and related Owner-supplied information.

As of July 30, 2018, the site has an interim permit through Humboldt County for the following cultivation areas:

- 22,380 square feet (sf) of outdoor cultivation (existing)
- 3,270 sf of mixed light cultivation (existing)

The above-noted cultivation areas total 25,650 sf. At the time of the 2016 site visit and CMLLUO cultivation application submission, site existing and proposed cultivation totaled 26,768 sf (19,600 sf of outdoor garden cultivation, 6,050 sf of greenhouse cultivation with some mixed light use and 1,120 sf of proposed mixed light greenhouse cultivation), calculated based on field measured area (not based on canopy estimates used by Humboldt County with the County conversion factor). The existing permitted cultivation area (25,650 sf) is a reduction from the 2016 measured cultivation area (26,768 sf).

## 9.2 Production Areas

The Hilltop Site shown on Figure 2 Overview and Figure 3 Insets, contains three greenhouses and a drying barn. Greenhouse #1 is approximately 600 sf and is predominantly used to house the mother plants, conduct clone propagation, seed starting and plant sexing. Greenhouse #1 contains radiant floor heating and is utilized throughout the year. Greenhouses #2 and #3 are both hoop houses and are each approximately 1,150 sf. Work within Greenhouses #2 and #3 consists of mixed light cultivation consisting of two cycles per year from April to October. The total area of the three greenhouses amounts to 2,900 sf. The cultivation areas are flat with an average 0-2 percent slope with overall site slope in the immediate vicinity ranging from 0-10 percent. The drying barn is approximately 1,160 square feet and contains a 10 by 8 by 8 foot cargo container with security locks and a camera. The site was previously cleared when the current Owner purchased the site, and the house foundation was in place. This site is over 1,000 linear feet from the perennial tributary to Steelhead Creek on the adjacent APN and approximately 200 linear feet to the seasonal isolated spring.

The Outdoor Garden site is approximately 19,600 sf and includes a 400 sf seedling area and 19,200 sf outdoor cultivation area, which was confirmed at the 2016 site visit via measurements, and Geographic Information System (GIS) aerial photo interpretation. Per Owner information, the size and area of the Outdoor Garden site has not changed since 2016. Seedling starting takes place in both Greenhouse #1 and the Outdoor Garden. The slope of the outdoor seedling area is 1-2 percent and the outdoor area has on average slope of 10 percent. The Outdoor Garden site is

over 1,000 linear feet from the perennial tributary to Steelhead Creek and approximately 500 linear feet to the seasonal isolated spring.

# 10. Processing Plan

A processing facility is being designed and planned for installation within the Hilltop Site for summer 2020. Owners have had a preliminary and informal conversation with a Planner at Humboldt County Planning and Building Department about the proposed facility and expects to coordinate with the County to ensure proper site assessment has been conducted in order to secure the building permit. The processing facility is proposed to include a concrete slab, an American Disabilities Act (ADA) compliant restroom, new septic system (to accommodate 15 people), commercial food grade sinks with on demand hot water, shower, laundry, office area, and ADA parking space. Owners are currently working with A.M. Baird Engineering & Surveying to design and plan the septic system for the proposed facility. The processing facility will be powered through solar photovoltaic panels. The Owners and their family members will predominantly handle the processing, however if additional workers are needed they will be hired as independent contractors utilizing appropriate state and federal tax paperwork (Form W-9 and Form 1099-MISC). Harvested material will continue to be dried in the existing drying barn located approximately 150 linear feet northwest of the greenhouses. Once the harvested material is dried and cured it will be processed into trimmed flowers, rosen, kief or biomass for crude oil within the processing facility. Owners plan to invest in a nitrogen packaging system after the processing facility is constructed. When not in use, other permitted cannabis farms may rent the processing facility. Currently, cannabis drying and processing takes place in the existing drying barn onsite.

# 11. Schedule of Activities

The following table outlines the schedule of activities throughout a typical year:

**Table 2. Schedule of Activities Throughout a Typical Year**

| Month | Activities | Projected Generator Use* in kWh |
|---|---|---|
| January | • Plant seeds (Greenhouse[GH] #1)<br>• Clone propagation (GH #1)<br>• Machinery maintenance<br>• Feed and water plants (GH #1)<br>• Apply mold, fungus and pest prevention spray weekly (GH #1) | 58.9 |
| February | • Monitor seeds and clones and mother plants (GH #1)<br>• Feed and water plants (GH #1)<br>• Apply mold, fungus and pest prevention spray weekly (GH #1)<br>• Transplant if sun is out (GH #1) | 47.6 |
| March | • Monitor and maintain mother plants (GH #1)<br>• Transplant seeds into five gallon pots (GH #1)<br>• Transplant clones into three gallon pots (GH #1)<br>• Feed and water plants (GH #1)<br>• Apply mold, fungus and pest prevention spray weekly (GH #1) | 34.1 |

| | | |
|---|---|---|
| | • Trim bottom leaves and clean up the bottom of the plants (GH #1) | |
| April | • Monitor and maintain mother plants (GH #1)<br>• Prepare garden beds (GH #2 and #3). Each bed receives 100 pounds of G&B Organics Bud & Bloom fertilizer.<br>• Set up lighting and tarps (GH #2 and #3)<br>• Transplant mixed light cultivation plant starts to GH #2 and #3<br>• Feed and water plants (GH #1, #2, #3)<br>• Apply mold, fungus and pest prevention spray weekly (GH #1, #2 and #3) | 216 |
| May | • Monitor and maintain mother plants (GH #1)<br>• Feed andwater plants (GH #1, #2, and #3)<br>• Apply mold, fungus and pest prevention spray weekly (GH #1, #2 and #3)<br>• Install metal cages around mixed light cultivation beds to prevent rodents and other animals from tampering with plants (GH #2 and #3)<br>• Daily management of mixed light cultivation through temporary installation and removal of tarps to mimic 12 hours of darkness and 12 hours of sunlight (GH #2 and #3)<br>• Determine sex of seed starts and pick male plants for making seeds (GH #1, #2 and #3)<br>• Feed green waste to pigs (livestock operation exists onsite)<br>• Prepare outdoor garden through soil mixing and uneven surface leveling.<br>• Utilize bobcat auger to dig holes, add compost. | 217 |
| June | • Monitor and maintain mother plants (GH #1)<br>• Transplant seed starts or clones from the 5 gallon pots to outdoor site (GH #1 to Outdoor)<br>• Feed and water plants (GH #1, #2, #3, Outdoor)<br>• Apply mold, fungus and pest prevention spray weekly (GH #1, #2, #3, Outdoor)<br>• Install metal cages around each plant (Outdoor)<br>• Daily management of mixed light cultivation through temporary installation and removal of tarps to mimic 12 hours of darkness and 12 hours of sunlight (GH #2 and #3)<br>• Clean the bottom of plants to remove base shoots in order to promote growth (GH #2 and #3) | 15 |
| July | • Monitor and maintain mother plants (GH #1)<br>• Feed and water plants (GH #1, #2, #3 and Outdoor)<br>• Apply mold, fungus and pest prevention spray weekly (GH #1, #2, #3, Outdoor)<br>• Daily management of mixed light cultivation through temporary installation and removal of tarps to mimic 12 hours of darkness and 12 hours of sunlight (GH #2 and #3)<br>• Start cleaning and trimming the bottoms of the plants (Outdoor) | 65.1 |
| August | • Monitor and maintain mother plants (GH #1)<br>• Feed and water plants (GH #1, Outdoor)<br>• Apply mold, fungus and pest prevention spray weekly (GH #1, Outdoor)<br>• Harvest and process mixed light cultivation plants from GH #2 and #3 (Barn) | 71.3 |

| | | |
|---|---|---|
| | • Prepare garden beds (GH #2 and #3). Each bed receives 100 pounds of G&B Organics Bud & Bloom fertilizer and 50 pounds of G&B Organics Rainbow Bloom fertilizer.<br>• Replant GH #2 and GH #3 with seed starts and clones from GH #1<br>• Set up lighting and tarps (GH #2 and #3)<br>• Trim leaves of plants (Outdoor) | |
| September | • Monitor and maintain mother plants (GH #1)<br>• Feed and water plants (GH #1, #2, #3, Outdoor)<br>• Apply mold, fungus and pest prevention spray weekly (GH #1, #2, #3, Outdoor)<br>• Daily management of mixed light cultivation through temporary installation and removal of tarps to mimic 12 hours of darkness and 12 hours of sunlight (GH #2 and #3)<br>• Prepare for outdoor harvest | 33 |
| October | • Monitor and maintain mother plants (GH #1)<br>• Early October: Feed and water plants (GH #1, #2, #3, Outdoor)<br>• Apply mold, fungus and pest prevention spray weekly (GH #1, Outdoor)<br>• Early October: Daily management of mixed light cultivation through temporary installation and removal of tarps to mimic 12 hours of darkness and 12 hours of sunlight (GH #2 and #3)<br>• Late October remove plants from outdoor and GH #2 and #3<br>• Dry and cure harvest in drying barn | 43.4 |
| November | • Monitor and maintain mother plants (GH #1)<br>• Feed and water plants (GH #1)<br>• Apply mold, fungus and pest prevention spray weekly (GH #1)<br>• Take down harvest for processing and storage<br>• Process harvest (Barn)<br>• Have compost delivered and prepare soil for next year (Quarry)<br>• Clean up gardens (Outdoor, GH #1, #2, #3) | 60 |
| December | • Monitor and maintain mother plants (GH #1)<br>• Feed and water plants (GH #1)<br>• Apply mold, fungus and pest prevention spray weekly (GH #1) | 65.1 |

Notes:

- * = Owners are in the process of installing photovoltaic panels which will become the predominant source of power onsite, which is expected to replace diesel powered generators. Generators will only be in use as a backup means of power. Solar photovoltaic panels are expected to be installed in 2019. The projected generator use is based off of previous generator use.
- The "feed" mentioned for plants consists of bat and seabird guano, fertilizer and organic compost stored and prepared onsite
- Plants are watered and "fed" on different schedules throughout the year. From January through May, and November through December plants are typically "fed" and watered three times per week. From June through October plants are watered and "fed" daily.

- Mold, fungus and pest prevention spray predominantly consists of an essential oil based amendment prepared by the Owners which includes cayenne powder, baking soda, citronella oil, isopropyl alcohol, vegetable oil, and garlic), and Trifecta Crop Control.

# 12. Security Plan

The project site is located in a remote, isolated location and Owners do not customarily encounter uninvited visitors. The project site contains an existing permanent family residence that is occupied all year by the property Owners. Current security measures include a locked gate and hidden security camera at site access driveway off of Dyerville Loop Road, with periodic changes to the locked gate combination in order to exclude prior contractors. The private driveway is 0.7 miles and contains an additional hidden security camera; hidden cameras are also scattered throughout the property along access roads. Owners are exploring a multi camera system for added security with a focus on the project site as well as the residence. Motion detector lights exist on all buildings within the project site. The locations of cultivation are currently set back from all public roads and are hidden from view due to topography and vegetation (see Figure 6 – Setbacks in Appendix A). Two Great Dane guard dogs live onsite for additional security.

# Appendices

# Appendix A –Figures

The following figures are enclosed for the project site:

**Figure 1 Vicinity**

**Figure 2 Overview**

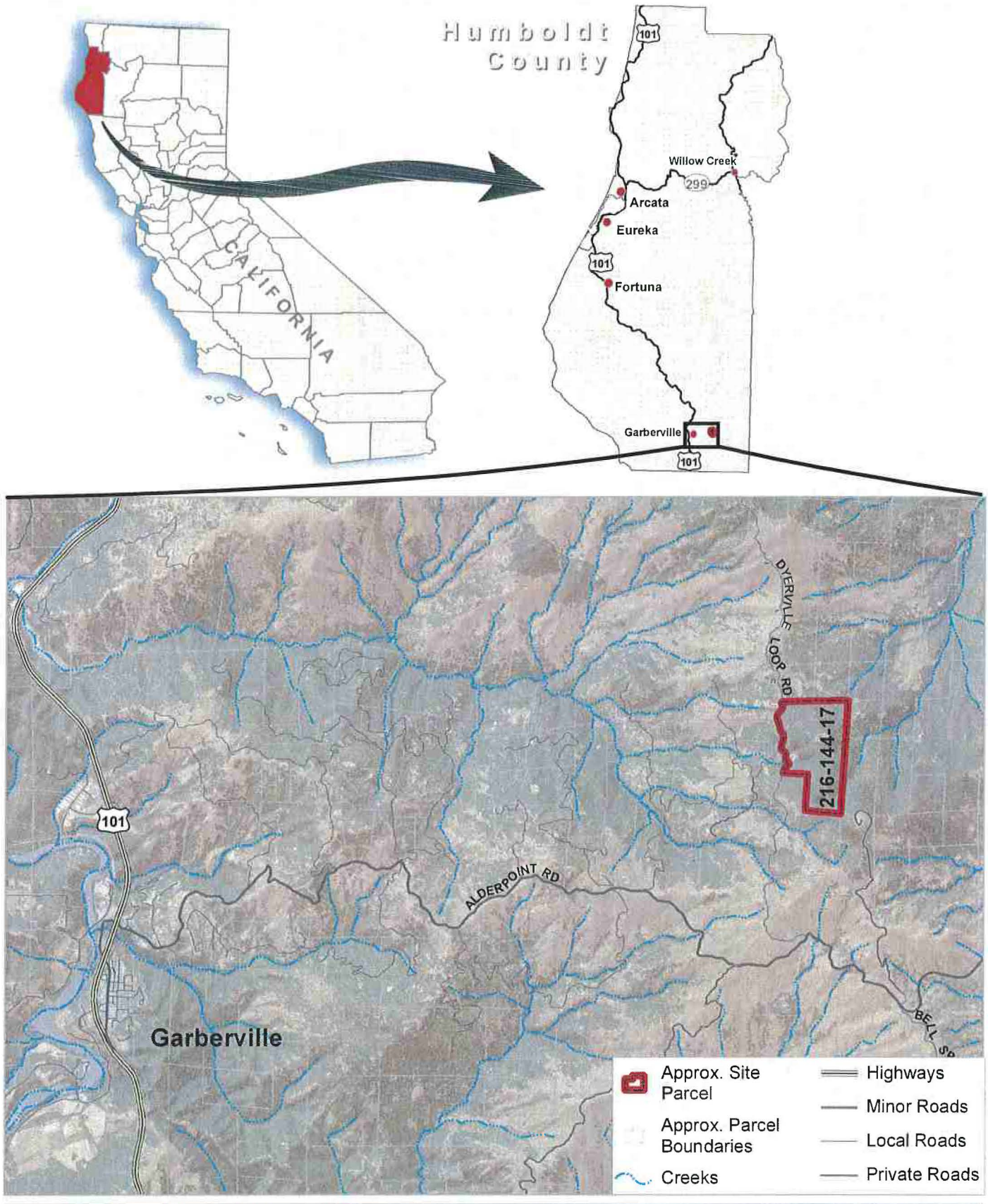
**Figure 3 Insets A**

**Figure 4 Insets B**

**Figure 5 Drainage Patterns**

**Figure 6 Setbacks**

Note: the figures enclosed herein are in conceptual form. These figures are for reference and planning purposes and may be refined further based on project information developed during the ongoing planning and permitting process.




Paper Size ANSI A

0 0.25 0.5 0.75 1

Miles

Map Projection: Lambert Conformal Conic
Horizontal Datum: North American 1983
Grid: NAD 1983 StatePlane California I FIPS 0401 Feet

N

GHD

Jameson and Larose Kelly
Dyerville Farms, LLC
Cultivation and Operations Plan

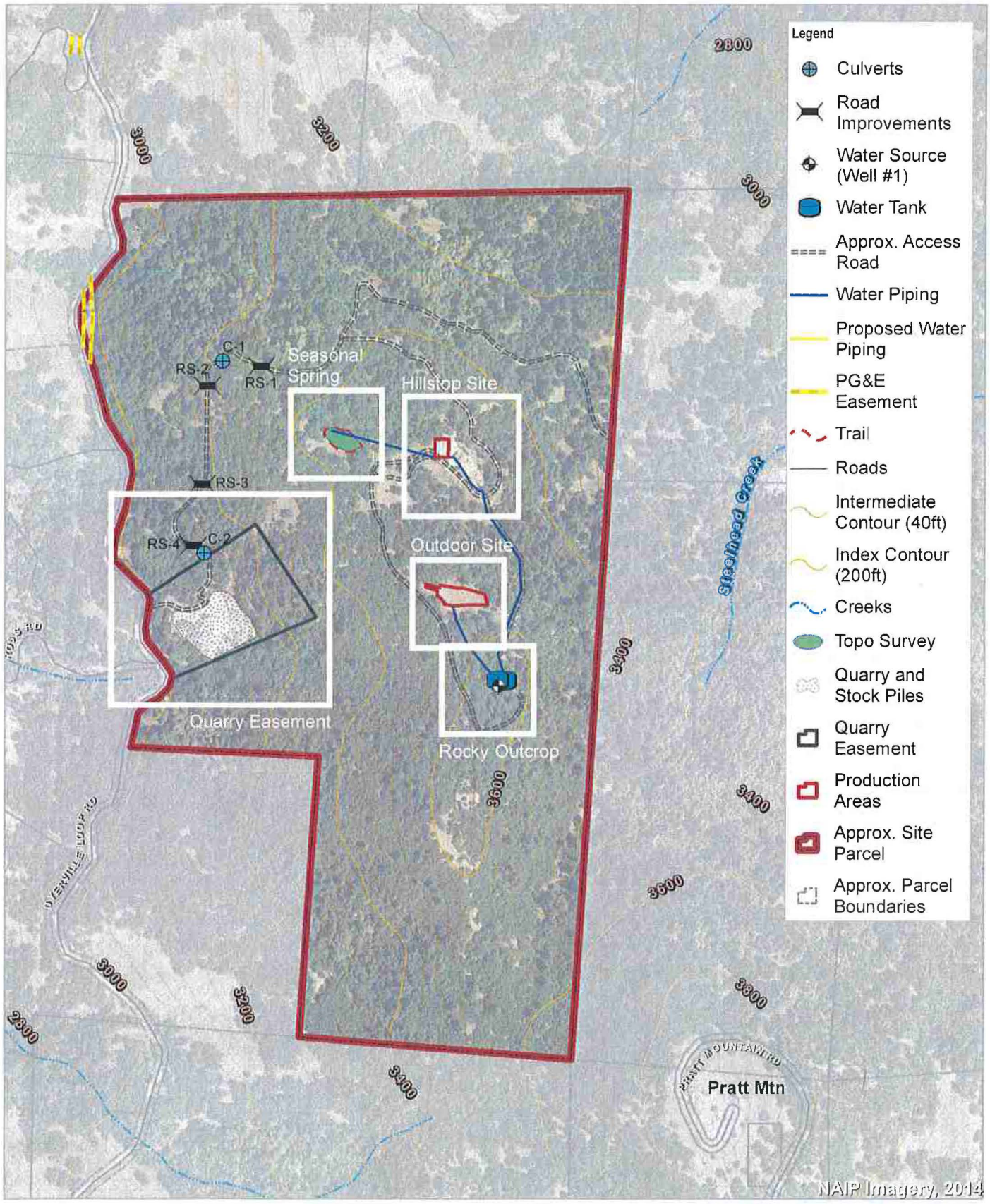
Project No. 11186601
Revision No. -
Date 11/16/2018

**Vicinity Map**
**APN 216-144-17**

**FIGURE 1**

\\ghdnet\ghd\US\Eureka\Projects\11\11186601 Dyerville Farms-Env Mgmt Plans\08-GIS\Maps\Deliverables\11186601_001_Vicinity.mxd
Print date: 16 Nov 2018 - 11:33

Data source: Humboldt County parcels, 2016; Humboldt county roads, 2008, Humboldt county streams; USGS contours; NAIP orthoimagery, 2014; Copyright © 2014 Esri
Sources: Esri, USGS, NOAA. Created by: jclark2




Paper Size ANSI A

0 250 500 750 1,000

Feet

Map Projection: Lambert Conformal Conic
Horizontal Datum: North American 1983
Grid: NAD 1983 StatePlane California I FIPS 0401 Feet

N

GHD

Jameson and Larose Kelly
Dyerville Farms, LLC
Cultivation and Operations Plan

**Overview Map**
**APN 216-144-17**

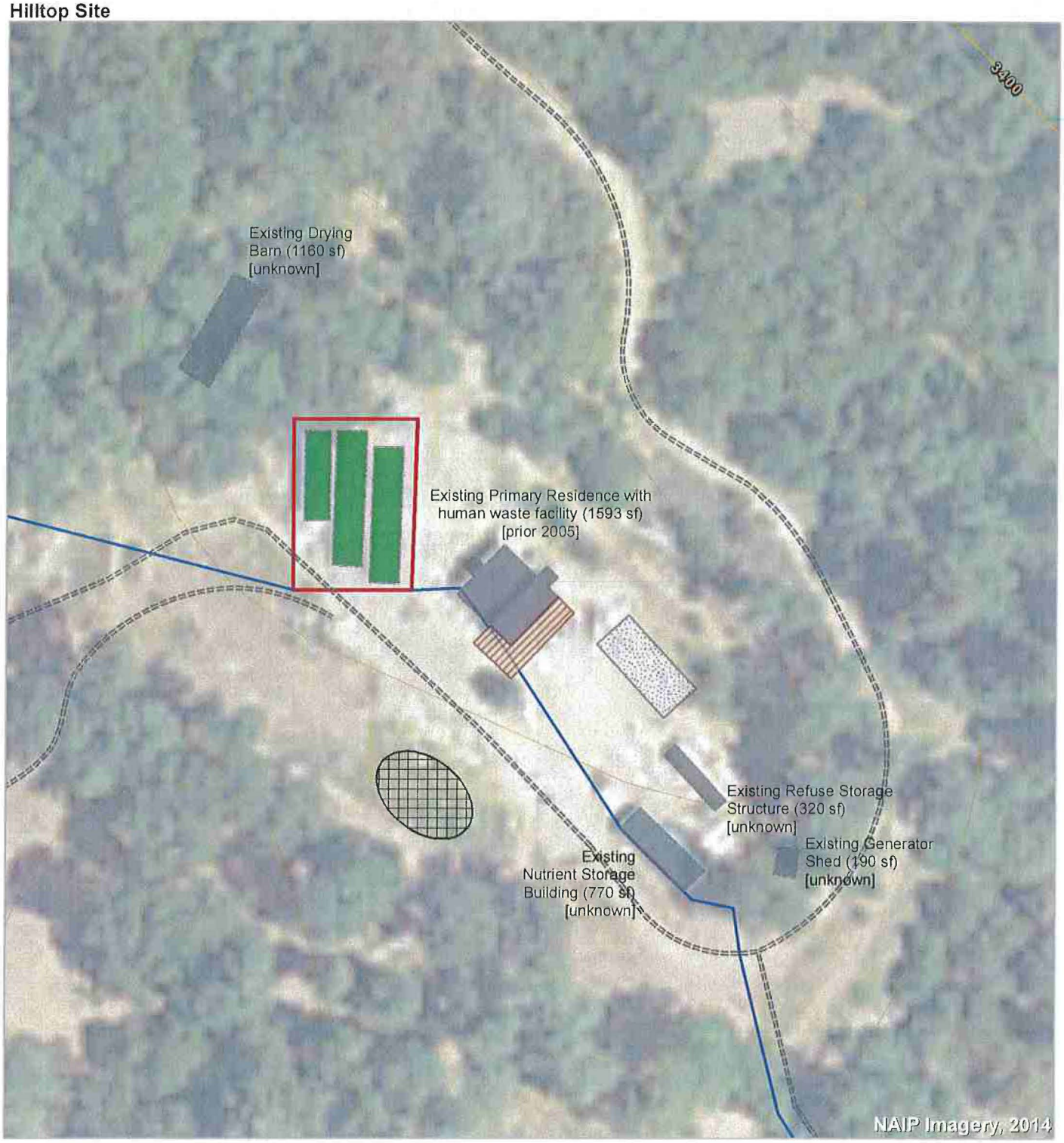
Project No. 11186601
Revision No. -
Date 11/19/2018

**FIGURE 2**

\\ghdnet\ghd\US\Eureka\Projects\111\11186601 Dyerville Farms-Env Mgmt Plans\08-GIS\Maps\Deliverables\11186601_002_Overview.mxd
Print date: 19 Nov 2018 - 15:53

Data source: Humboldt county parcel data, 2016, roads 2008, streams; USGS contours; GHD GPS locations, 2018; Points West survey, 2016; NAIP orthoimagery, 2014. Created by: jclark2

## Hilltop Site




**Legend**

- Approx. Access Road
- Pipeline
- Intermediate Contour (40ft)
- Index Contour (200ft)
- Approx. Leach Field
- Building
- Existing Greenhouse
- 4 Parking Spaces
- Existing Deck
- Production Areas
- [#] Approx. Date of Construction

Paper Size ANSI A

0 20 40 60 80

Feet

Map Projection: Lambert Conformal Conic
Horizontal Datum: North American 1983
Grid: NAD 1983 StatePlane California I FIPS 0401 Feet

N

GHD

**Jameson and Larose Kelly**
**Dyerville Farms, LLC**
**Cultivation and Operations Plan**

**Insets A**
**APN 216-144-17**

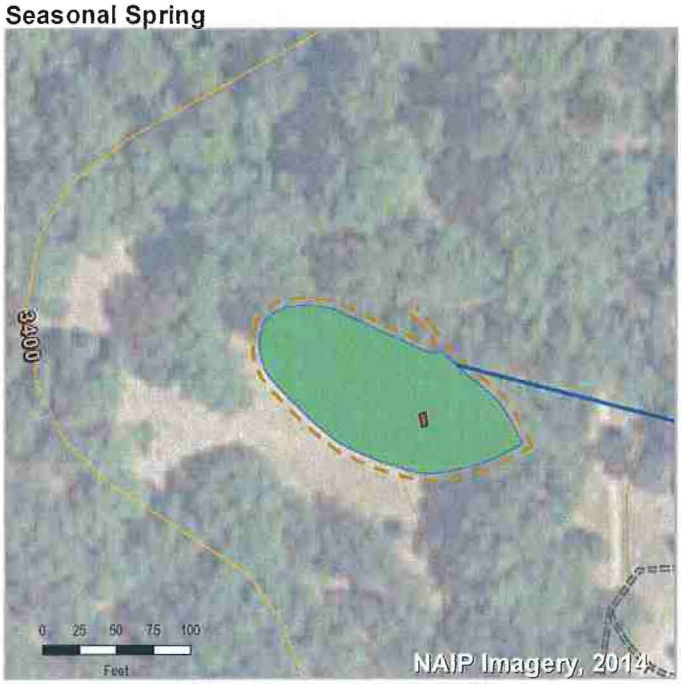
Project No. **11186601**
Revision No. **-**
Date **11/16/2018**

**FIGURE 3**

\\ghdnet\ghd\US\Eureka\Projects\11\11186601 Dyerville Farms-Env Mgmt Plans\08-GISMaps\Deliverables\11186601_003_InsetsA.mxd
Print date: 16 Nov 2018 - 11:54

Data source: Created by: jclark2

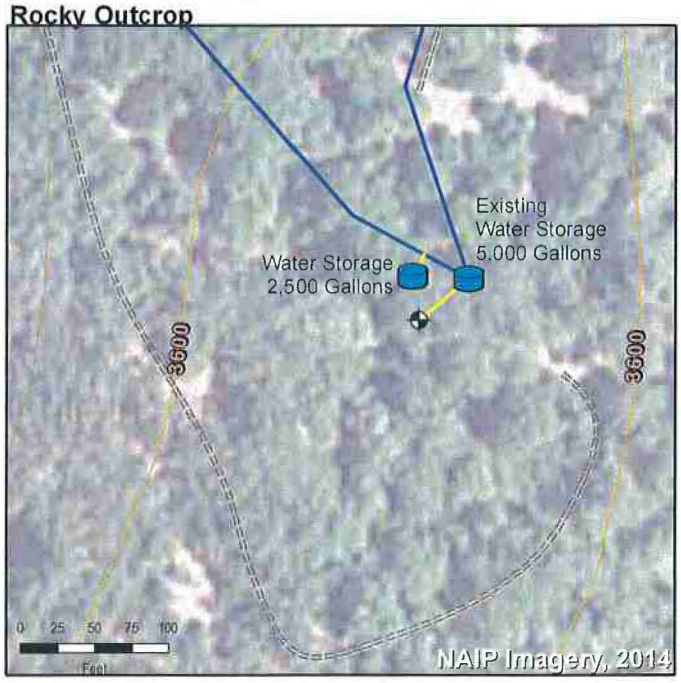
## Seasonal Spring




## Quarry Easement

## Outdoor Site

## Rocky Outcrop




**Legend**

- Culverts
- Water Tank
- Water Source (Well #1)
- Road Repair

*Road improvement areas considered to be controllable sediment discharge sites as listed in the WRPP under SWRCB Order No. R1-2015-0023*

- Approx. Access Road
- Trail
- Roads
- Intermediate Contour (40ft)
- Index Contour (200ft)
- Quarry and Stock Piles
- Quarry Easement
- Water Piping
- Proposed Water Piping
- Topo Survey Area
- Existing Spring Box
- Building
- Compost Area
- Production Areas
- Approx. Site Parcel
- Approx. Parcel Boundaries

Paper Size ANSI A

Map Projection: Lambert Conformal Conic
Horizontal Datum: North American 1983
Grid: NAD 1983 StatePlane California I FIPS 0401 Feet

N

GHD

Jameson and Larose Kelly
Dyerville Farms, LLC
Cultivation and Operations Plan

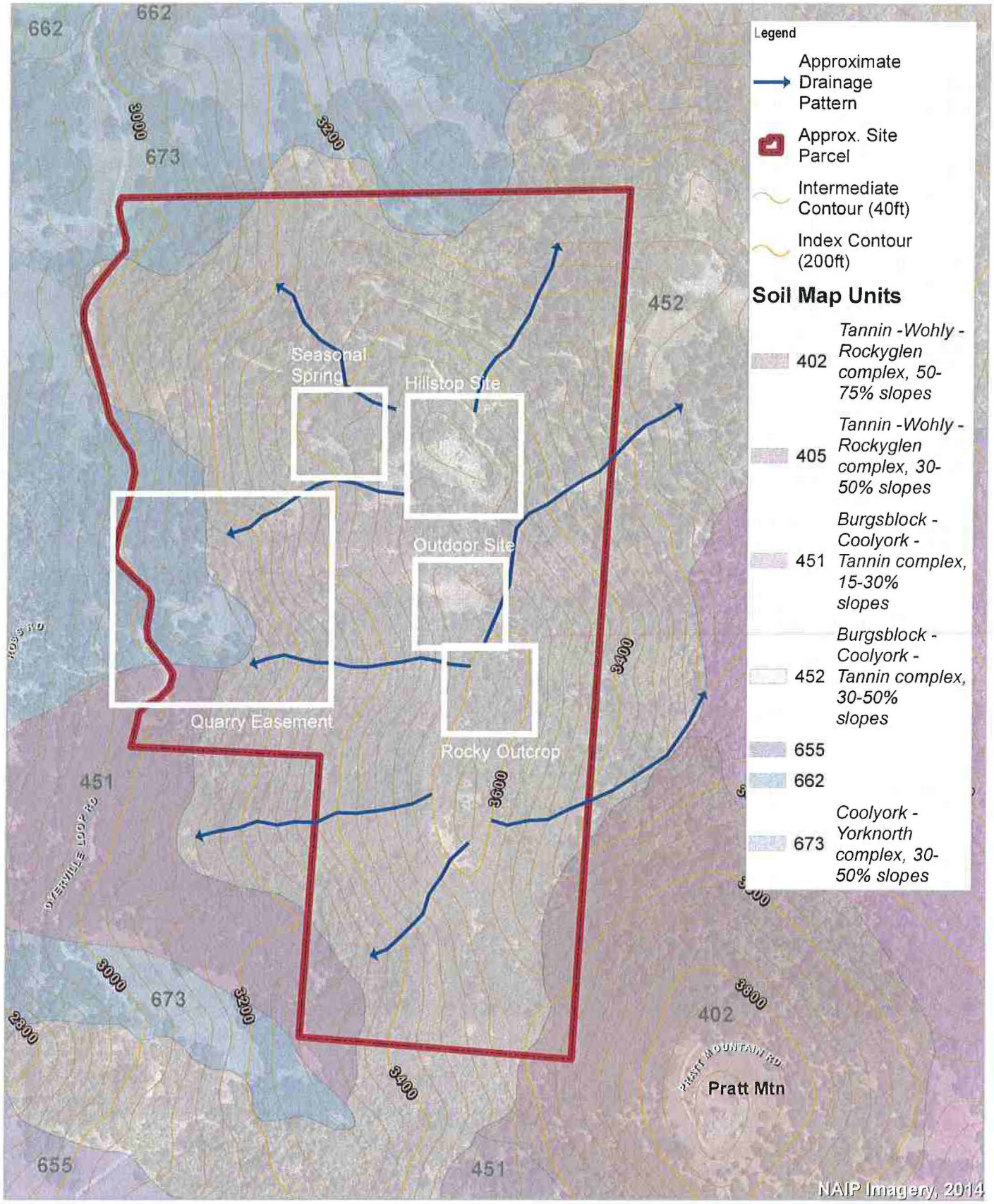
Insets B
APN 216-144-17

Project No. 11186601
Revision No. -
Date 11/28/2018

**FIGURE 4**

\\ghdnet\ghd\US\Eureka\Projects\111\11186601 Dyerville Farms-Env Mgmt Plans\08-GIS\Maps\Deliverables\11186601_004_InsetsB.mxd
Print date: 28 Nov 2018 - 10:39

Data source: Humboldt county parcel data, 2016, roads 2008, streams; USGS contours, GHD GPS locations, 2016; Points West survey, 2016; NAIP orthoimagery, 2014. . Created by: jclark2




Paper Size ANSI A

0 250 500 750 1,000

Feet

Map Projection: Lambert Conformal Conic
Horizontal Datum: North American 1983
Grid: NAD 1983 StatePlane California I FIPS 0401 Feet

N

GHD

Jameson and Larose Kelly
Dyerville Farms, LLC
Cultivation and Operations Plan

**Drainage Patterns**
**APN 216-144-17**

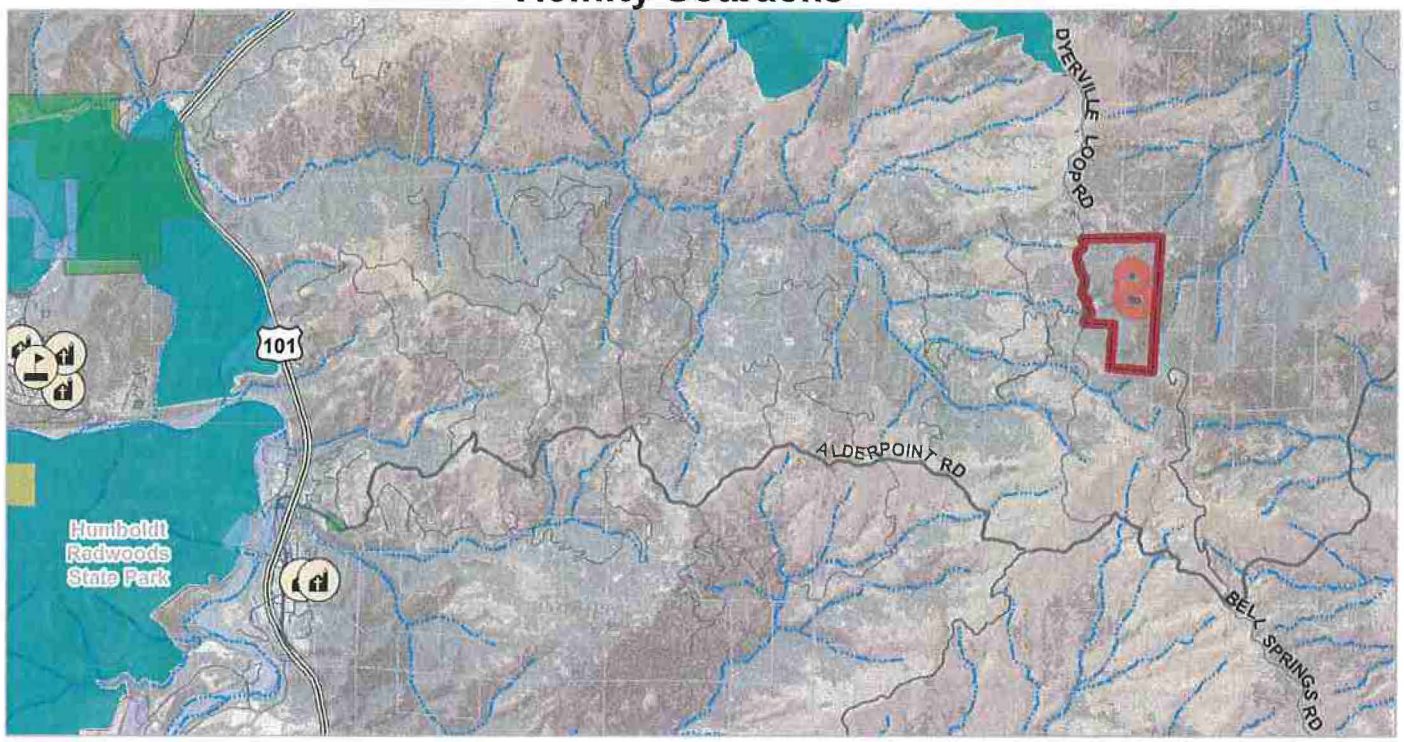
Project No. 11186601
Revision No. -
Date 11/16/2018

**FIGURE 5**

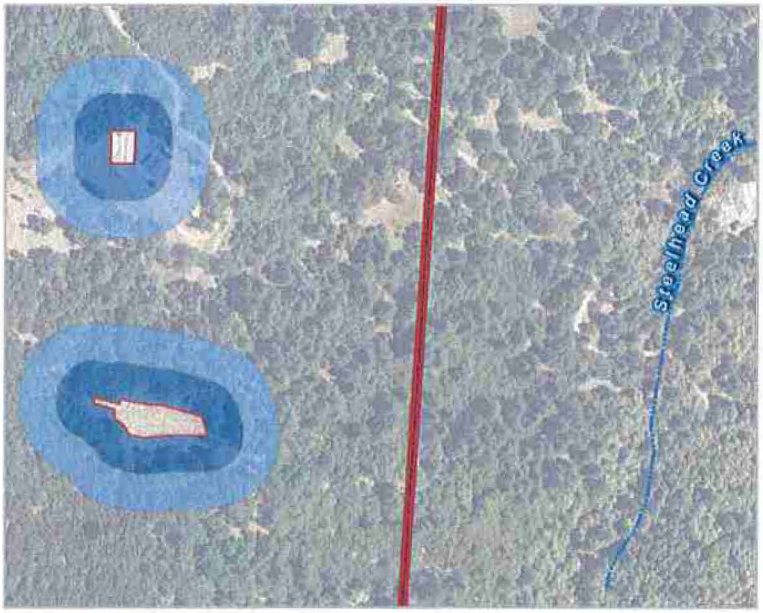
\\ghdnetgha\US\Eureka\Projects\111\11186601 Dyerville Farms-Env Mgmt Plans\08-GIS\Maps\Deliverables\11186601_005_DrainagePatterns.mxd
Print date: 16 Nov 2018 - 14:43

Data source: Humboldt county parcel data, 2016; USGS contours; USGS Soils survey, 2016; NAIP orthoimagery, 2014. Created by: jclark2

# Vicinity Setbacks




## Creek Setbacks




## Property Line Setbacks

**Legend**

- School
- Church
- National Park or Forest
- State or Local Park or Forest
- Other publicly owned land
- Open Space/Parks
- Public Lands
- Creeks
- Highways
- Minor Roads
- Local Roads
- Private Roads
- Intermediate Contour (40ft)
- Index Contour (200ft)
- Approx. 30 ft setback
- Approx. 100 ft setback
- Approx. 200 ft setback
- Approx. 600 ft setback
- Production Areas
- Approx. Site Parcel
- Approx. Parcel Boundaries

Paper Size ANSI A

0 190 380 570 760

Feet

Map Projection: Lambert Conformal Conic
Horizontal Datum: North American 1983
Grid: NAD 1983 StatePlane California I FIPS 0401 Feet

N

GHD

Jameson and Larose Kelly
Dyerville Farms, LLC
Cultivation and Operations Plan

**Setbacks**
**APN 216-144-17**

Project No. 11186601
Revision No. -
Date 11/16/2018

**FIGURE 6**

\\ghdnetghd\US\Eureka\Projects\111\11186601 Dyerville Farms-Env Mgmt Plans\08-GIS\Maps\Deliverables\11186601_006_Setbacks.mxd
Print date: 16 Nov 2018 - 12:50

Data source: Humboldt county parcel data, 2016, roads 2008, streams: USGS contours; GHD GPS locations, 2016; Points West survey, 2016. NAIP orthoimagery, 2014. Copyright:© 2014 Esri. Created by: jclark2

State of California

# Well Completion Report

**Form DWR 188 Submitted 11/15/2018**
**WCR2018-010387**

Owner's Well Number: | Date Work Began: 11/07/2018 | Date Work Ended: 11/13/2018

Local Permit Agency: Humboldt County Department of Health & Human Services - Land Use Program

Secondary Permit Agency: | Permit Number: 18/19-0285 | Permit Date: 10/03/2018

## Well Owner (must remain confidential pursuant to Water Code 13752)

Name: Jameson Kelly

Mailing Address: 1271 Evergreen Rd. Unit 621

City: Redway | State: CA | Zip: 95560

## Planned Use and Activity

Activity: New Well

Planned Use: Water Supply Irrigation - Agriculture

## Well Location

Address: 27870 Dyerville Loop RD

City: Garberville | Zip: 95542 | County: Humboldt

Latitude: 40 Deg. 7 Min. 32.3472 Sec. N | Longitude: -123 Deg. 41 Min. 49.5636 Sec. W

Dec. Lat.: 40.125652 | Dec. Long.: -123 697101

Vertical Datum: | Horizontal Datum: WGS84

Location Accuracy: | Location Determination Method:

APN: 216-144-017

Township: 04 S

Range: 04 E

Section: 11

Baseline Meridian: Humboldt

Ground Surface Elevation:

Elevation Accuracy:

Elevation Determination Method:

## Borehole Information

Orientation: Vertical | Specify:

Drilling Method: Direct Rotary | Drilling Fluid: Air

Total Depth of Boring: 220 Feet

Total Depth of Completed Well: 220 Feet

## Water Level and Yield of Completed Well

Depth to first water: 87 (Feet below surface)

Depth to Static Water Level: 86 (Feet) | Date Measured: 11/13/2018

Estimated Yield*: 30 (GPM) | Test Type: Air Lift

Test Length: 4 (Hours) | Total Drawdown: 134 (feet)

*May not be representative of a well's long term yield.

## Geologic Log - Free Form

| Depth from Surface Feet to Feet | | Description |
|---|---|---|
| 0 | 3 | top soil with brown sandstone |
| 3 | 18 | brown sandstone & clay |
| 18 | 23 | blue sandstone |
| 23 | 47 | brown sandstone |
| 47 | 93 | blue fractured sandstone & chert (green) |
| 93 | 137 | green fractured chert |
| 137 | 161 | red fractured chert |
| 161 | 187 | blue fractured sandstone & shale |
| 187 | 220 | shale mulache |

## Casings

| Casing # | Depth from Surface Feet to Feet | | Casing Type | Material | Casings Specificatons | Wall Thickness (inches) | Outside Diameter (inches) | Screen Type | Slot Size if any (inches) | Description |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 0 | 80 | Blank | PVC | OD: 5.563 in. \| SDR: 21 \| Thickness: 0.265 in. | 0.265 | 5.563 | | | |
| 1 | 80 | 220 | Screen | PVC | OD: 5.563 in. \| SDR: 21 \| Thickness: 0.265 in. | 0.265 | 5.563 | Milled Slots | 0.032 | |

## Annular Material

| Depth from Surface Feet to Feet | | Fill | Fill Type Details | Filter Pack Size | Description |
|---|---|---|---|---|---|
| 0 | 20 | Bentonite | Other Bentonite | | Sanitary Seal |
| 20 | 220 | Filter Pack | Other Gravel Pack | 3/8 Inch | Pea Gravel |

**Other Observations:**

## Borehole Specifications

| Depth from Surface Feet to Feet | | Borehole Diameter (inches) |
|---|---|---|
| 0 | 220 | 10 |

## Certification Statement

I, the undersigned certify that this report is complete and accurate to the best of my knowledge and belief

Name: FISCH DRILLING
Person, Firm or Corporation

3150 JOHNSON ROAD | HYDESVILLE | CA | 95547
Address | City | State | Zip

Signed: *electronic signature received* | 11/15/2018 | 683865
C-57 Licensed Water Well Contractor | Date Signed | C-57 License Number

## Attachments

scan.pdf - Location Map

## DWR Use Only

| CSG # | State Well Number | Site Code | Local Well Number |
|---|---|---|---|
| | | | |

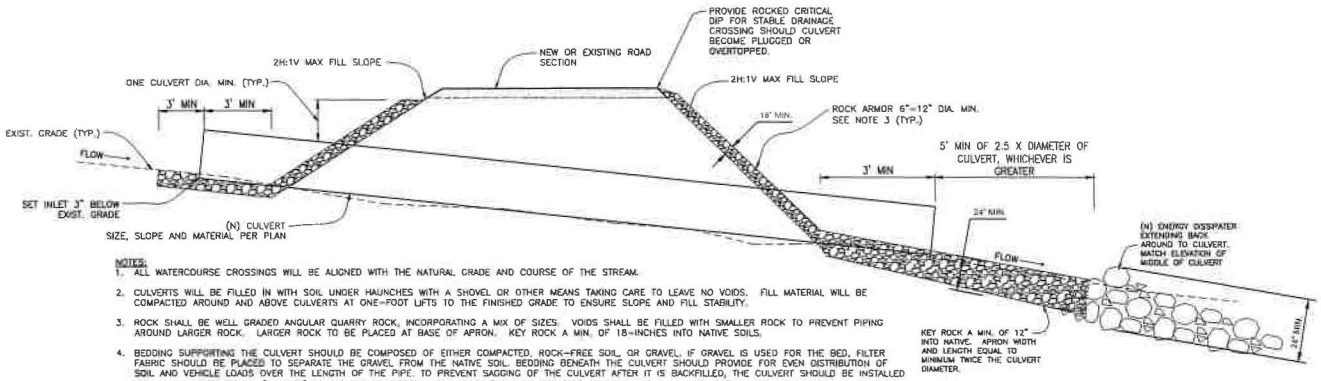
| | | | | N | | | | | | W |
|---|---|---|---|---|---|---|---|---|---|---|

Latitude Deg/Min/Sec | Longitude Deg/Min/Sec

TRS:

APN:

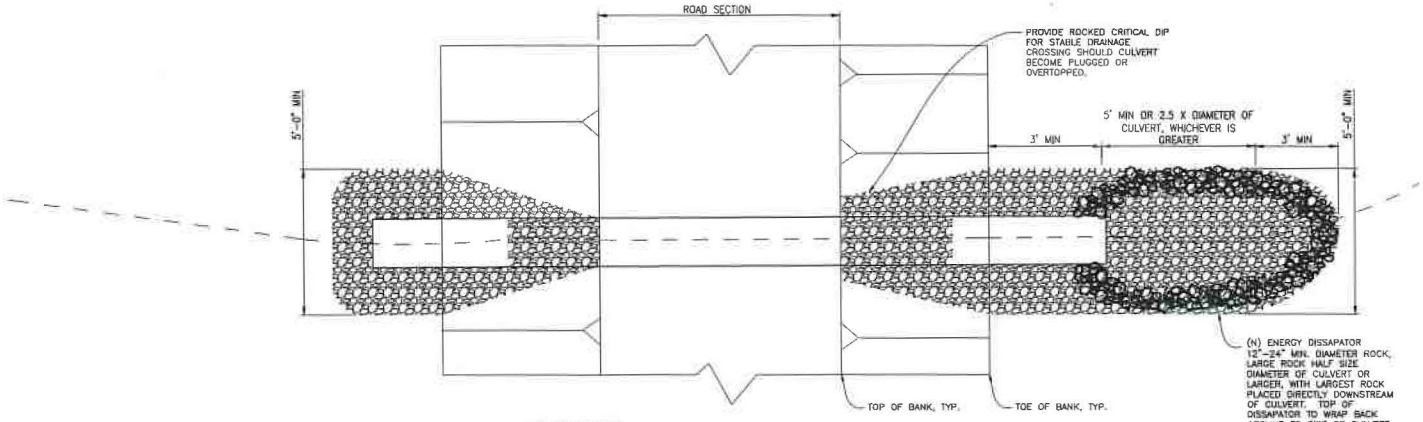
# Appendix C – Typical Road Details



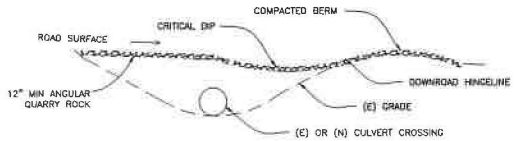

NOTES:

1. ALL WATERCOURSE CROSSINGS WILL BE ALIGNED WITH THE NATURAL GRADE AND COURSE OF THE STREAM.
2. CULVERTS WILL BE FILLED IN WITH SOIL UNDER HAUNCHES WITH A SHOVEL OR OTHER MEANS TAKING CARE TO LEAVE NO VOIDS. FILL MATERIAL WILL BE COMPACTED AROUND AND ABOVE CULVERTS AT ONE-FOOT LIFTS TO THE FINISHED GRADE TO ENSURE SLOPE AND FILL STABILITY.
3. ROCK SHALL BE WELL GRADED ANGULAR QUARRY ROCK, INCORPORATING A MIX OF SIZES. VOIDS SHALL BE FILLED WITH SMALLER ROCK TO PREVENT PIPING AROUND LARGER ROCK. LARGER ROCK TO BE PLACED AT BASE OF APRON. KEY ROCK A MIN. OF 18-INCHES INTO NATIVE SOILS.
4. BEDDING SUPPORTING THE CULVERT SHOULD BE COMPOSED OF EITHER COMPACTED, ROCK-FREE SOIL OR GRAVEL. IF GRAVEL IS USED FOR THE BED, FILTER FABRIC SHOULD BE PLACED TO SEPARATE THE GRAVEL FROM THE NATIVE SOIL. BEDDING BENEATH THE CULVERT SHOULD PROVIDE FOR EVEN DISTRIBUTION OF SOIL AND VEHICLE LOADS OVER THE LENGTH OF THE PIPE. TO PREVENT SAGGING OF THE CULVERT AFTER IT IS BACKFILLED, THE CULVERT SHOULD BE INSTALLED WITH A POSITIVE VERTICAL "CAMBER" IN THE BED CENTERED UNDER THE MIDDLE OF THE PIPE. THE AMOUNT OF CAMBER SHOULD BE BETWEEN 1.5 TO 3 INCHES PER 10 FEET OF CULVERT PIPE LENGTH.
5. BACKFILL MATERIAL SHOULD BE FREE OF ROCKS, LIMBS OR OTHER DEBRIS THAT COULD DENT THE PIPE OR ALLOW WATER TO SEEP AROUND THE PIPE. BACKFILL MATERIAL SHOULD THEN BE PLACED IN LOOSE (8-INCH THICK) LIFTS, AND COMPACTED TO A FIRM AND NON-YIELDING SURFACE WITH LIGHT VIBRATORY EQUIPMENT. BACKFILL SHOULD BE PLACED OVER THE TOP OF THE CULVERT TO A DEPTH OF AT LEAST CULVERT DIAMETER MINIMUM, OR AS REQUIRED BY THE CULVERT MANUFACTURER FOR THE EXPECTED TRAFFIC LOADING.
6. INSTALL ENERGY DISSIPATER AS SHOWN AND AS DIRECTED BY THE ENGINEER TO FIT SITE CONDITIONS.
7. FOR EXISTING CROSSINGS, ADD ROCK TO INLET AND OUTLET AS SHOWN AND AS DIRECTED BY THE ENGINEER TO FIT SITE CONDITIONS.

**SECTION VIEW**
**1 TYPICAL RURAL ROAD CROSSING CULVERT DETAIL**
NOT TO SCALE



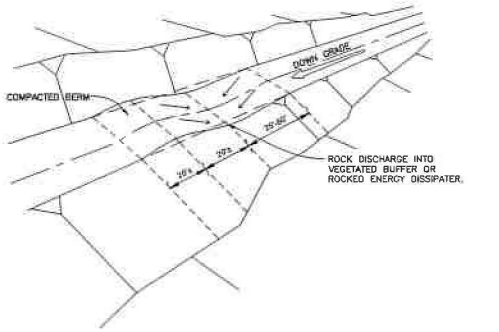

**PLAN VIEW**
**2 TYPICAL RURAL ROAD CROSSING CULVERT DETAIL**
NOT TO SCALE

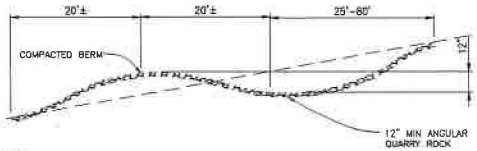



NOTES:
1. LOCATE ROCKED CRITICAL DIP ON THE DOWN ROAD HINGELINE OF A CULVERT CROSSING.
2. CONSTRUCT CRITICAL DIP SIMILAR TO TYPICAL ROCKED ROLLING DIP.
3. ROCKED CRITICAL DIP PROVIDES STABLE DRAINAGE CROSSING SHOULD CULVERT BELONG PLUGGED OR BE OVERTOPPED.
4. ROCK DISCHARGE BACK TO STABLE CHANNEL, STABLE VEGETATED AREA, OR ROCKED ENERGY DISSIPATER.

## 3 TYPICAL ROCKED CRITICAL DIP AT CULVERT CROSSING

NOT TO SCALE




NOTES:
1. LOCATE ROCKED ROLLING DIPS WHERE THEY CAN TAKE ADVANTAGE OF NATURAL DRAINAGE FEATURES AND MINIMIZE EROSION.
2. THE CROSS SLOPE OF ROLLING DIP SHALL BE A MINIMUM 2%-4% GRADE.
3. PLACE ROCKED ROLLING DIPS AT LOCATIONS OF REGULAR WET SPOTS DUE TO SEEPS OR SPRINGS TO HELP PROVIDE POSITIVE DRAINAGE AND PROVIDE A STABLE ROAD CROSSING THAT MINIMIZES EROSION.
4. THE LONGER THE DOWNGRADE APPROACH (SHOWN AS 25-80 FEET) THE BETTER TO PROVIDE AN EASIER ROAD CROSSING.

## 4 TYPICAL ROCKED ROLLING DIP

NOT TO SCALE

# Appendix D - Photographs

Dyerville Farms LLC Site Photographs
Culvert – 1
Photographed November 19, 2018

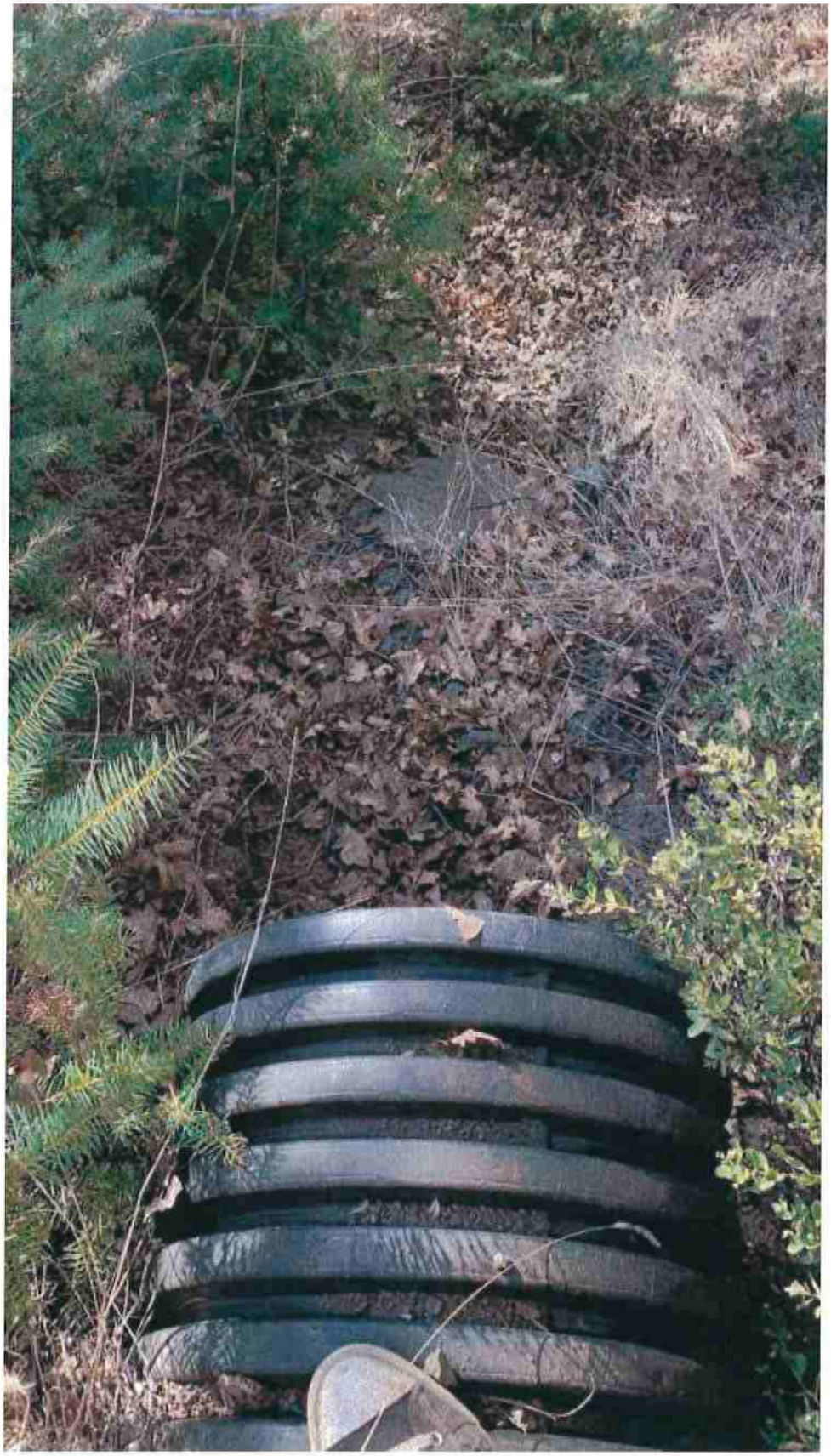
Upstream:

Culvert-1
Downstream:

Culvert – 2
Photographed November 19, 2018

Upstream:

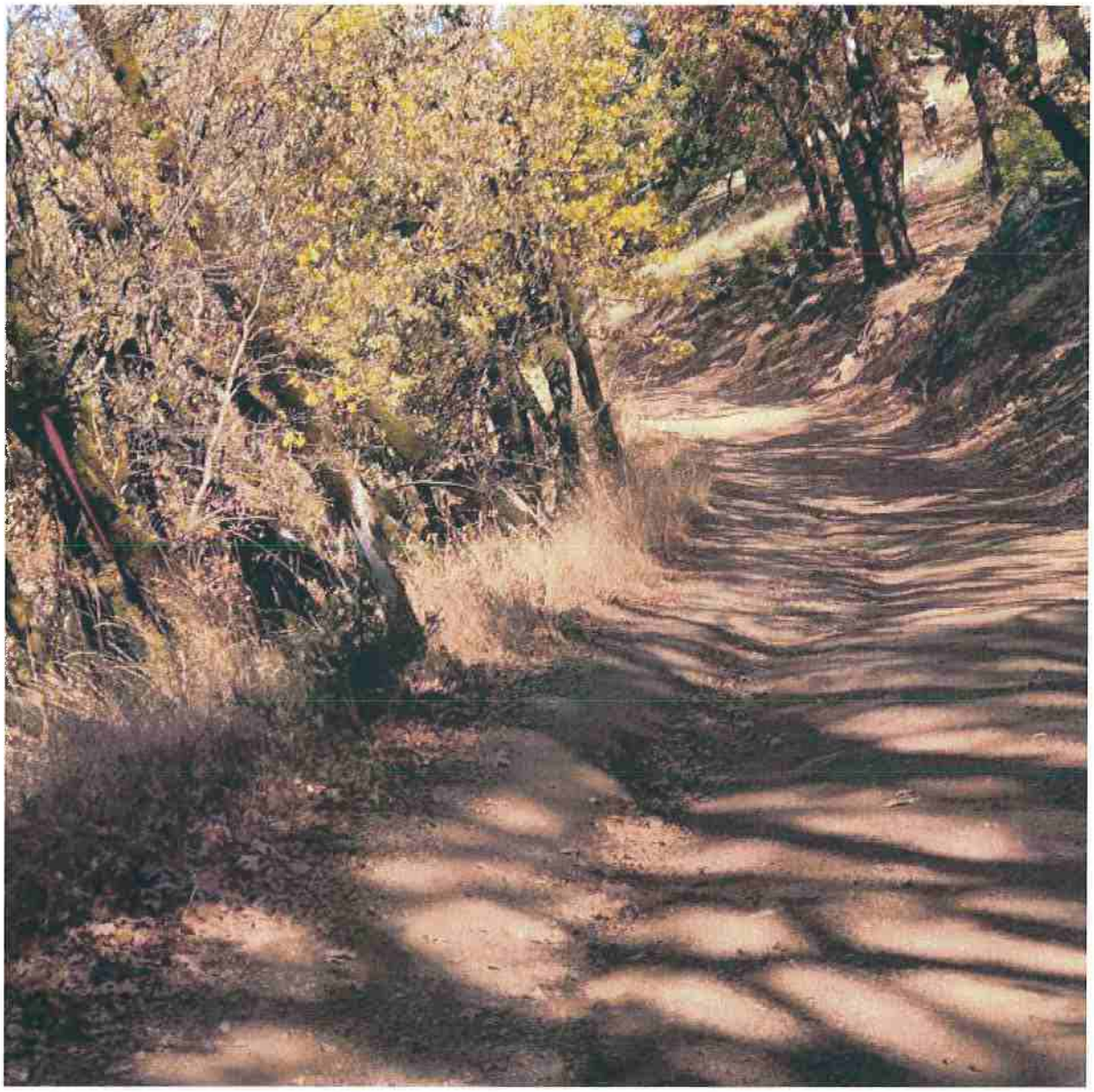
Downstream:



Existing rolling dip:
Photographed November 19, 2018

Existing rolling dip:

Photographs of road segments in need of improvement:
Photographed November 19, 2018



Well #1, water source for entire property
Installation completed on 11/13/2018 and photographed 11/16/2018

Timberland Resource Consultants

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

(5)
(8)

December 21, 2018

Dyerville Farms, LLC
c/o Jameson & LaRose Kelly
1271 Evergreen Rd
Ste 2
Redway, CA 95560-9730

RECEIVED
DEC 31 2018
Humboldt County
Planning Division

Dear Dyerville Farms, LLC:

The following is an evaluation of potential timberland conversion on the cannabis cultivation sites and associated area included in the Humboldt County Cannabis Permit Application (Apps #12424) for APN 216-144-017. Please accept this letter as the RPF's written report required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10 (j), sited below.

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

Timberland Resource Consultants (TRC) inspected and evaluated the cultivation sites and associated area contained within the application on October 23rd, 2018. The RPF and his designees have exercised due diligence in reviewing all sites and available resources to fully assess potential timberland conversion and consequential impacts. This report evaluates the cultivation sites and associated area for timber operations only. The scope of this report does not include: all other land alteration (such as grading, construction, and other permit-regulated activities), all property features and sites unrelated to cultivation activities, or any proposed, planned, or absent cultivation-related project sites. All findings are summarized in the report below.

## Project Location

APN: 216-144-017
Acreage: 183.0 assessed lot size/ 199.13 GIS acres
Legal Description: Portion of SE ¼ of NW ¼; Portion of NE ¼ of SW ¼; SW ¼ of NE ¼; & W ½ of SE ¼ of Section 11, Township 1 North, Range 4 East, Humboldt Base & Meridian, Humboldt County
Located on USGS 7.5' Quadrangle: Fort Seward & Harris
Humboldt County Zoning: AG
Site Address: None
Landowner/Timber Owner: Jameson & LaRose Kelly, 1271 Evergreen Rd, Ste 2, Redway, CA 95560-9730
Project Location Description: The project area is located approximately 0.91 air miles north of the intersection of Alderpoint Rd and Dyerville Loop Rd, and 700 feet west of Pratt Mountain, a landmark on Harris USGS 7.5' Quadranlge Map. To access the property from southbound Highway 101, take exit 639B and continue onto Redwood Dr for 0.2 miles; turn right on to Alderpoint Rd and continue for 7.0 miles; turn left onto Dyerville Loop Rd and continue for 1.8 miles; turn right onto an unnamed private road and continue through a locked gate for 0.75 miles to reach project area.

## Parcel Description & Timber Harvest History

*Note: The property background has been summarized using personal accounts of the current landowner, digital orthographic quadrangle (DOQ) imagery, Humboldt County Web GIS, CAL FIRE Watershed Mapper v2, and historic aerial imagery.*

The property consists of a single 183.0-acre parcel known as APN 216-144-017. Historically, the parcel consisted mainly of oak woodland (mostly Oregon white oak) intermixed with natural grassland openings and Douglas-fir dominated timber stands. Over time, the Douglas-fir stands have encroached upon the oak woodland, transitioning much of the oak woodland to productive timberland. The Douglas-fir stand averages approximately 60-80 years old. The parcel may contain watercourses, though none were observed during the site visit. The parcel also contains a Class II spring. The property's road network consists of rocked permanent roads, seasonal dirt roads, and ATV trails.

Because the property was historically dominated by oak woodlands, it is unlikely that the parcel has experienced multiple logging entries in the last century. Few historic skid roads or decaying stumps were observed on the parcel. CALFIRE has not documented any commercial timber harvesting on the parcel in the last 20 years (*CALFIRE Watershed Mapper v2*). Parcel ownership as well as timber ownership was sold to Jameson L. and LaRose M. Kelly from Ed Land and Timber PT on April 4th, 2006 (*Parcel Quest*).

## Project Description

Two cultivation sites and one associated area were inspected during the field assessment within APN 216-144-017. See detailed site descriptions below.

| Cultivation Sites/Associated Areas | Total Acreage |
|---|---|
| Cultivation Site 1 | 0.09 |
| Cultivation Site 2 | 0.78 |
| Drying Shed | 0.03 |
| **TOTAL** | **0.90** |

### Cultivation Site 1

Cultivation Site 1 is a 0.09-acre area located in the central portion of the northeastern portion of the property (see Photos 1 & 2). Cultivation-related activities observed included two small greenhouses and a large, nursery structure. Review of aerial imagery from 1968 reveals that the site does not occupy a historic log landing. The site was cleared of trees (likely Oregon white oak and/or large-diameter Douglas-fir), stumps, and vegetation between 2005 and 2009. The site was expanded to its current size between 2010 and 2012. No remnant slash or woody debris from the conversion activities was observed. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the current landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

### Cultivation Site 2

Cultivation Site 2 is a 0.78-acre area located in the central portion of the property (see Photo 3). Cultivation-related activities observed included numerous outdoor-grown cannabis plants. Review of aerial imagery from 1968 reveals that the site does not occupy a historic log landing. The site was cleared of remaining trees (mostly Oregon white oak and small-diameter Douglas-fir), stumps, and vegetation between 2010 and 2012. The site was expanded to its current size between 2012 and 2014. Remnant slash and woody debris from the conversion activities as well as slash from fallen oaks was observed along the northeastern and southern edges of the site. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the current landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

### Drying Shed

The Drying Shed is a 0.03-acre area located in the northeastern portion of the property (see Photo 4). This site contains a single building used for cannabis product drying. Review of aerial imagery from 1968 reveals that the site does not occupy a historic log landing. This associated area was cleared of trees (likely Oregon white oak and/ or large diameter Douglas-fir), stumps, and vegetation between spring 2016 and winter 2017. No remnant slash or woody debris from the conversion activities was observed. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the current landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

## Project Description cont'd

### Other Mapped Features

The Overview Map shows the location of a house, wood shed, and personal storage structures (not pictured). These features are used exclusively for personal and recreational purposes, not for cultivation activities (*Parcel Quest*). Therefore, they fall outside of the scope of this report and are addressed no further.

The Overview Map also shows the location of a water storage tank used for cultivation water storage (not pictured). Though minor tree and vegetation clearing may have occurred to install this feature, the surrounding timber stand still meets the stocking standards of the California Forest Practice Rules (CFPRs). Ultimately, the water storage tank does not impede the use of the land for current or future timber growth and harvesting; therefore, it does *not* constitute timberland conversion.

### Timberland Conversion Summary

In total, TRC observed approximately 0.90 acres of unauthorized timberland conversion for cultivation-related purposes within APN 216-144-017. This total does not exceed the three-acre conversion exemption maximum.

## Limitations and Considerations for Timberland Conversion Activities

### Watercourses and Water Resources

*14CCR 1104.1(a)(2)(F): "No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city)."*
*Humboldt County General Plan, Appendix G Housing Element, G-118: "The County maintains Streamside Management Areas (SMAs) to protect sensitive fish and wildlife habitats and to minimize erosion, runoff, and other conditions detrimental to water quality…The width of the SMA depends on whether or not the stream is perennial or intermittent and whether the area is inside or outside of Urban Development and Expansion Areas. In urban areas, the SMA width is 50 feet on each side of perennial streams and 25 feet for intermittent streams; outside of urban areas, the width is 100 feet for perennial streams and 50 feet for intermittent streams. Development within the SMAs is very restricted and is subject to implementation of numerous mitigation measures designed to protect the habitat quality of the SMA."*

| REGULATION | | TYPE OF WATERCOURSE | | | |
|---|---|---|---|---|---|
| | | Class I watercourse or Perennial watercourses, waterbodies, or springs | Class II watercourse or Intermittent watercourses, & wetlands | Class III watercourse or Ephemeral watercourses | Class IV watercourse or Man-made irrigations canals, water supply reservoirs, etc., that support native aquatic species |
| **California Forest Practice Rules & Act** *Equipment Limitation Zone (ELZ) or Watercourse and Lake Protection Zones (WLPZ)* | <30% slope | 75-Foot WLPZ* | 50-Foot WLPZ | 25-Foot ELZ | See 916.4(c) |
| | 30-50% slope | 100-Foot WLPZ * | 75-Foot WLPZ | 50-Foot ELZ | See 916.4(c) |
| | >50% slope | 150-Foot WLPZ * | 100-Foot WLPZ | 50-Foot ELZ | See 916.4(c) |
| **Humboldt County General Plan, Grading and Open Space Ordinance (non-TPZ parcels only)** *Streamside Management Areas (SMA)* | | 100-Foot SMA** | 50-Foot SMA ** | 50-Foot SMA ** | Established Riparian Vegetation Zone |
| **Humboldt County Ordinance No. 2559/ State Water Resources Control Board Order WQ 2017-0023-DWQ** *Riparian Setbacks (RS)* | | 150-Foot RS | 100-Foot RS | 50-Foot RS | None |

*width may vary with characteristics of Class I watercourse (i.e. confined chancel, migrating channel, within coastal anadromy zone, etc.)
**measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of the watercourse; the width may be extended to 200 feet, measured as a horizontal distance from the top of bank, to include slides, or areas with visible evidence of slope instability.

No cultivation sites or associated areas on the property exist within watercourse protection buffers required by state and Humboldt County regulations. Overall, no conversion activities appear to have negatively impacted water resources.

## Limitations and Considerations for Timberland Conversion Activities cont'd

### Slash, Woody Debris, and Refuse Treatment

*14 CCR 914.5(b): "Non-biodegradable refuse, litter, trash, and debris resulting from timber operations, and other activity in connection with the operations shall be disposed of concurrently with the conduct of timber operations."*
*14CCR 1104.1(a)(2)(D) – "Treatment of Slash and Woody Debris*

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

Most slash and woody debris generated from the conversion activities has been effectively treated; however, remnant slash and woody debris still exist along the northeastern and southern edges of Cultivation Site 2 (see Photos 5 & 6). All remaining slash shall be treated according to the CFPRs (see Recommendation 1).

### Biological Resources and Forest Stand Health

*14 CCR 1104.1 (2)(H): "No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895.1"*
*14 CCR 1038 (i): "No tree that existed before 1800 AD and is greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter at stump height for all other tree species shall be harvested unless done so under the conditions or criteria set forth in subsection 1038(h).*

A query of the California Natural Diversity Database (CNDDB) on December 10th, 2018, showed observations of the following sensitive, rare, threatened, or endangered species or species of special concern within a 1.3-mile radius biological assessment area (BAA) surrounding the cultivation sites and associated area:

1. *Rana boylii* (foothill yellow-legged frog)

The observation of *Rana boylii* (recorded in 1942) is located more than 8,000 feet from the nearest cultivation site or associated area. The property does not contain suitable aquatic habitat for this species. No individuals or evidence of this species were observed during the TRC field assessment of the project area. Additionally, no individuals of other sensitive, rare, threatened, or endangered species or species of special concern (not listed in the CNDDB search) were observed. See details in the "Multiple Occurrences per Page" CNDDB List for more information.

A query of the CNDDB revealed no known Northern Spotted Owl Activity Center (NSO AC) within a 1.3-mile radius BAA surrounding the cultivation sites and associated area. No evidence of NSO individuals was observed during the TRC field assessment, though habitat exists on the property.

No major forest health issues were observed during the field assessment. Though the property is located within Humboldt County, a Zone of Infestation (ZOI) for Sudden Oak Death (SOD), no definitive symptoms, signs, or evidence of oak mortality were observed (*Oak Mortality Disease Control*). According to UC Berkeley's Mobile SOD Map, no trees have been tested for SOD infection within a one-mile radius of the cultivation sites and associated area. No risk assessment was made at the property. The conversion activities do not appear to have impacted forest health. No other major forest health issues were observed during the field assessment.

### Biological Resources and Forest Stand Health cont'd

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

### Design and Location of Logging Roads and Landings

*14CCR 923.2(a)(2): "All logging roads and landings shall avoid unstable areas and connected headwall swales to the extent feasible and minimize activities that adversely affect them."*
*14CCR 923.2(a)(5): "All logging roads and landings shall be hydrologically disconnected from watercourses and lakes to the extent feasible to minimize sediment delivery from road runoff to a watercourse and reduce the potential for hydrologic changes that alter the magnitude and frequency of runoff delivery to a watercourse."*
*14CCR 923.2(a)(6): "All logging roads and landings shall include adequate drainage structures and facilities necessary to avoid concentrating and diverting runoff, to minimize erosion of roadbeds, landing surfaces, drainage ditches, sidecast and fills, to minimize the potential for soil erosion and sediment transport, and to prevent significant sediment discharge."*
*14CCR 923.2(e): In addition to the requirements of subscription (a) above, all landings to be constructed or to be reconstructed shall: ... 2) Be no larger than one-half acre, 3) Avoid construction o sloped greater than 40 percent where the landing will exceed one-quarter acre in size."*
*14CCR 923.4(h): "Waste organic material, such as uprooted stumps, cull logs, accumulations of limbs and branches, and unmerchantable trees, shall not be buried in logging road or landing fills. Wood debris or cull logs and chunks may be placed and stabilized at the toe of fill to restrain excavated soil from moving downslope."*
*14CCR 923.4(j), which states: "Where constructed fills will exceed three feet in vertical thickness, fill slopes shall be inclined no greater than 65 percent."*

While its recognized that the cultivation sites and associated areas are not used as log landings, the design and location of the graded flats should (at a minimum) meet or exceed similar requirements stated in the California Forest Practice Rules for log landings. Compliance with Humboldt County's grading ordinance, Regional Water Board Order No. 2015-0023, and other regulations will require even higher standards. Therefore, this report shall assess the cultivation sites and associated areas' graded flats to the standards of a log landing.

Review of CGS-CDF's Geomorphic Features Map (North Coast Watersheds Mapping, DMG CD 99-002, 1999) shows no landslides within the parcel. Based upon the California Licensed Foresters Association's "*Guidelines to Determining the Need for Input from a Licensed Geologist During THP Preparation*", the RPF determined that the timberland conversion areas would not have necessarily required input from a licensed geologist.

No cultivation sites or associated areas are located within close proximity to unstable areas or connected headwalls swales. Cultivation Site 2 exceeds the one-half acre maximum size of a landing required by the CFPRs; however, the excessive size of the site does not pose a threat to the property's water quality or other resources due to the site's ridgetop location, gentle average slope (less than 10%), and distance from all unstable areas, watercourses, or other sensitive areas.

No other cultivation sites or associated areas exceed one-half acre in size, and none more than one-quarter acre in size were constructed on less than 40 percent slopes. No cut and fill construction was utilized to create the sites.

### Erosion Control for Logging Roads and Landings

*14CCR 923.5(b) Drainage facilities and structures shall be installed along all logging roads and all landings that are used for timber operations in sufficient number to minimize soil erosion and sediment transport and to prevent significant sediment discharge.*
*14CCR 923.5(q)(2): In addition to the provisions listed under 14 CCR § 923.2(d)(2), all permanent and seasonal logging roads with a grade of 15 percent or greater that extend 500 continuous feet or more shall have specific erosion control measures stated in the plan.*

The construction and maintenance of the road system should (at a minimum) meet or exceed requirements stated in the California Forest Practice Rules despite its non-timber use. Compliance with Humboldt County's grading ordinance, Regional Water Board Order No. 2015-0023, and other regulations may require even higher standards. Therefore, this report shall assess the road system connecting cultivation sites and associated areas to the standards of logging roads and landings.

## Limitations and Considerations for Timberland Conversion Activities cont'd

### Erosion Control for Logging Roads and Landings cont'd

The permanent and seasonal road system connecting the cultivation sites and associated area appears to be stable with adequate permanent drainage facilities. The roads do not exceed 15 percent grade for more than 500-foot segments. The RPF did not identify any *Significant Existing or Potential Erosion Sites* per 14CCR 895.1.

### Cultural Resources

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

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

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

## Recommendations

In summary, a total of 0.90 acres of unauthorized timberland conversion has occurred within APN 216-144-017 for cultivation-related purposes. This total does not exceed the three-acre conversion exemption maximum. The conversion activities conducted on the property do *not* comply with the standards set forth in the California Forest Practice Act and the California Forest Practice Rules. The RPF recommends the following measures for the converted areas:

1) Slash and Woody Debris Treatment: Nearby Cultivation Site 2, treat all slash piles and woody debris as soon as possible (and during an appropriate time of year) using one of the following methods: burying, chipping and spreading, piling and burning, or removal from site.

Sincerely,

Chris Carroll, RPF #2628
Timberland Resource Consultants
165 South Fortuna Blvd, Suite 4
Fortuna, CA 95540
(707) 725-1897
trc@timberlandresource.com

**Enclosures:**

- General Location Map
- Overview Map
- DOQ Map
- APN 216-144-017 CNDDB Map
- APN 216-144-017 NSO Map
- "Multiple Occurrences per Page" CNDDB Species List
- Tribal Contacts List
- Example Native American Notification Letter
- Photos
- References

# Dyerville Farms, LLC - Timberland Conversion Evaluation

## General Location Map

APN: 216-144-017

Portion of SE 1/4 of NW 1/4; Portion of NE 1/4 of SW 1/4;
SW 1/4 of NE 1/4; & W 1/2 of SE 1/4; Sec. 11, T4S, R5E;
HB&M, Humboldt County
USGS 7.5' Quads: Fort Seward &Harris
Map Scale: 1" = 2,000'

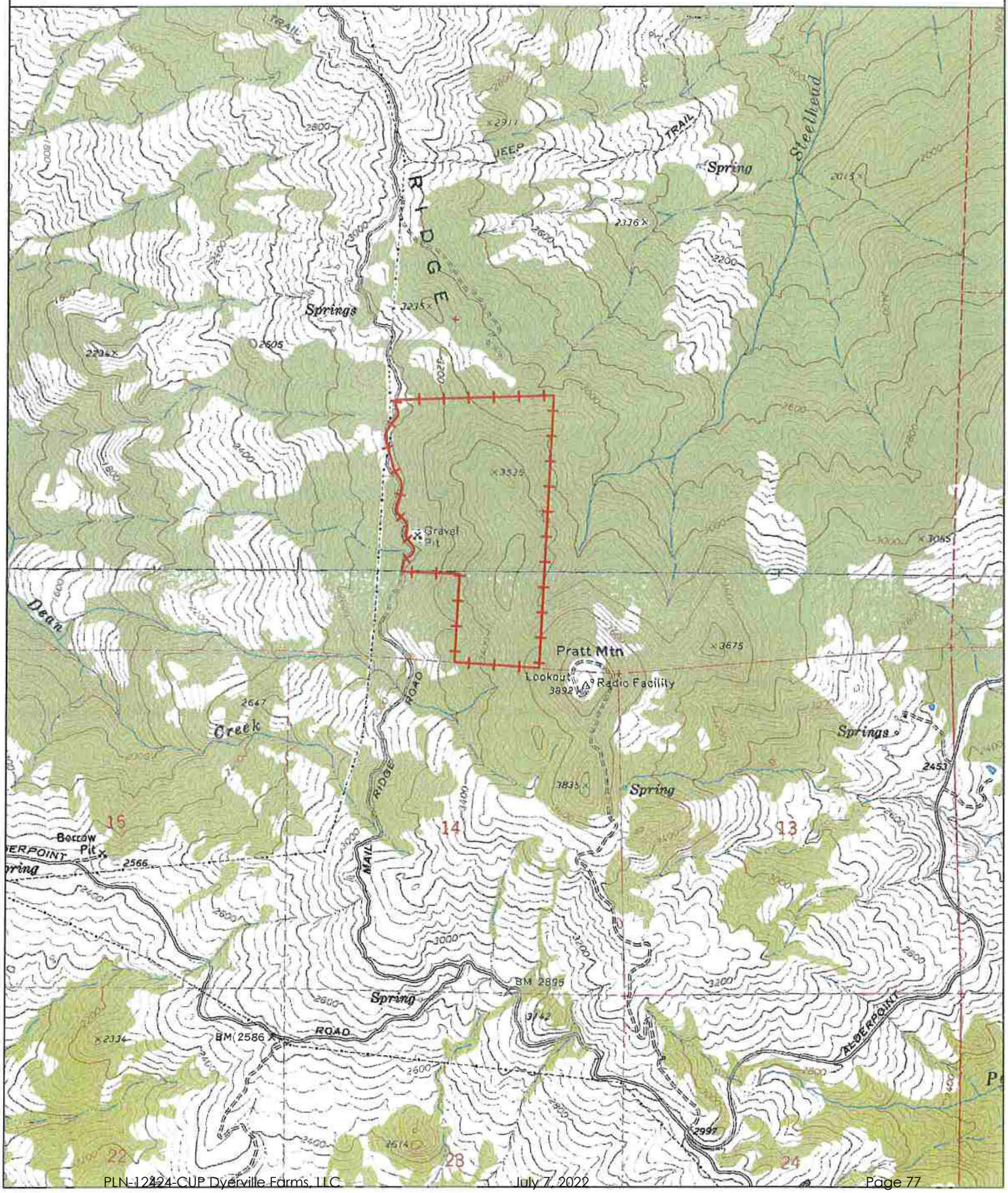
Property Boundary*

N

Timberland Resource Consultants

Revised: 12/11/18

*The property boundary depicted is adapted from the Humboldt County Assessor's Parcel Map. This mapped boundary may not precisely align with the geographic boundary on the ground. The RPF is not responsible for surveying property boundaries.



# Dyerville Farms, LLC - Timberland Conversion Evaluation

## Overview Map

APN: 216-144-017

Portion of SE 1/4 of NW 1/4;
Portion of NE 1/4 of SW 1/4;
SW 1/4 of NE 1/4; & W 1/2 of SE 1/4 of Sec. 11, T4S, R4E;
HB&M, Humboldt County
USGS 7.5' Quad: Fort Seward & Harris
Map Scale: 1" = 300'
Contour Intervals = 40'

**Property Features**

- Property Boundary*
- Cultivation Sites & Associated Area

**Inspected Area****

**Roads**

- Public Permanent
- Permanent Rocked
- Seasonal Dirt
- ATV Trail

**Watercourses & Water Resources**

- Class II Spring

**No watercourses observed.**

**Other Features**

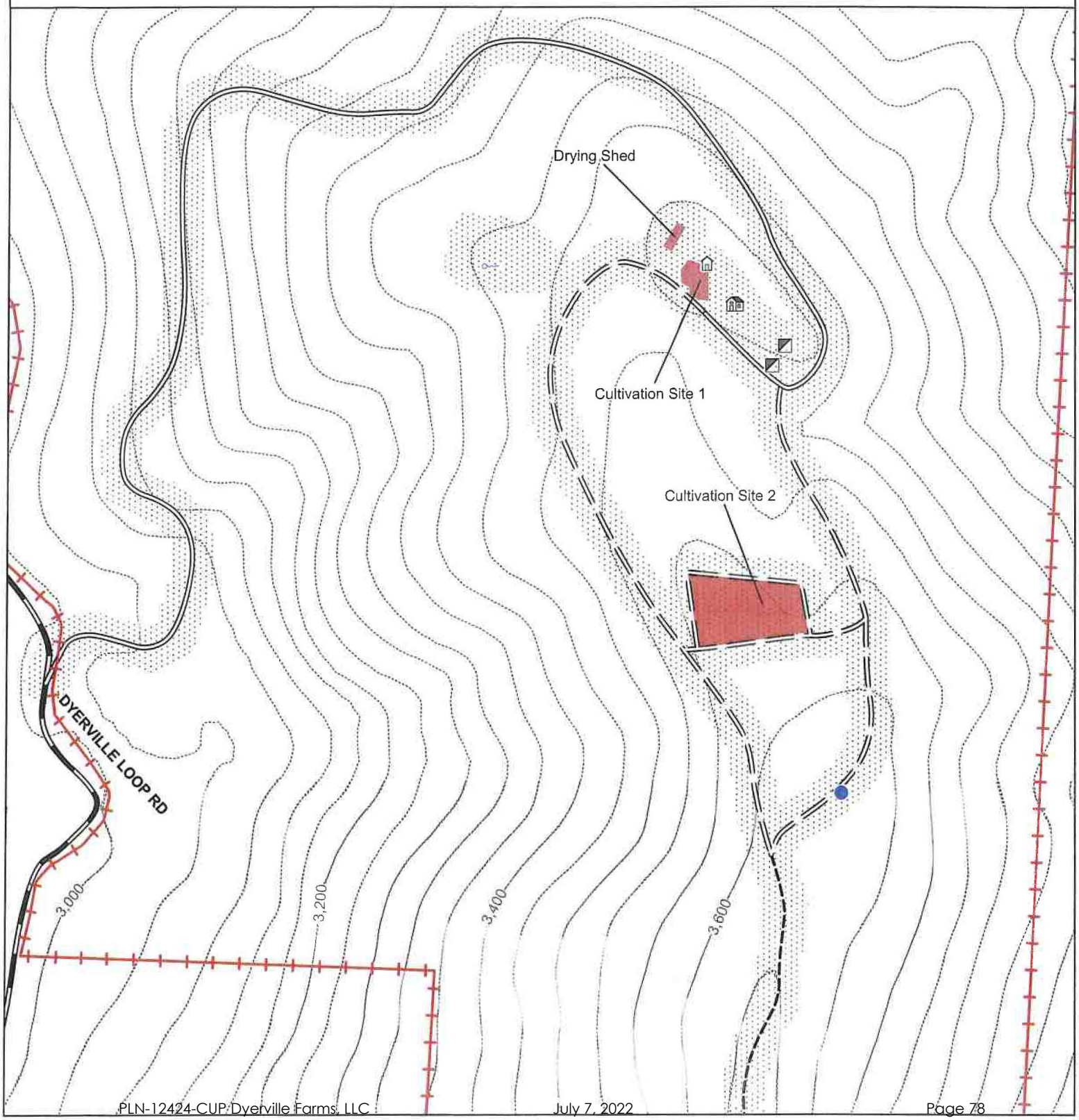
- House
- Wood Shed
- Personal Storage Structure
- Water Storage Tank

Timberland Resource Consultants

Revised: 12/11/18

N

*The property boundary depicted is adapted from the Humboldt County Assessor's parcel map. This mapped boundary may not precisely align with the geographic boundary on the ground. The RPF is not responsible for surveying property boundaries.
**The shaded area represents the extent of the inspected area. All watercourses and landscape features within the shaded area are mapped to the best of the RPF's ability. All features mapped outside of the inspected area are adapted from the Quadrangle Map; accuracy may vary.



# Dyerville Farms, LLC - Timberland Conversion Evaluation

## DOQ Map

APN: 216-144-017

Portion of SE 1/4 of NW 1/4; Portion of NE 1/4 of SW 1/4; SW 1/4 of NE 1/4; & W 1/2 of SE 1/4 of Sec. 11, T4S, R4E; HB&M, Humboldt County

USGS 7.5' Quad: Fort Seward & Harris

Property Boundary*

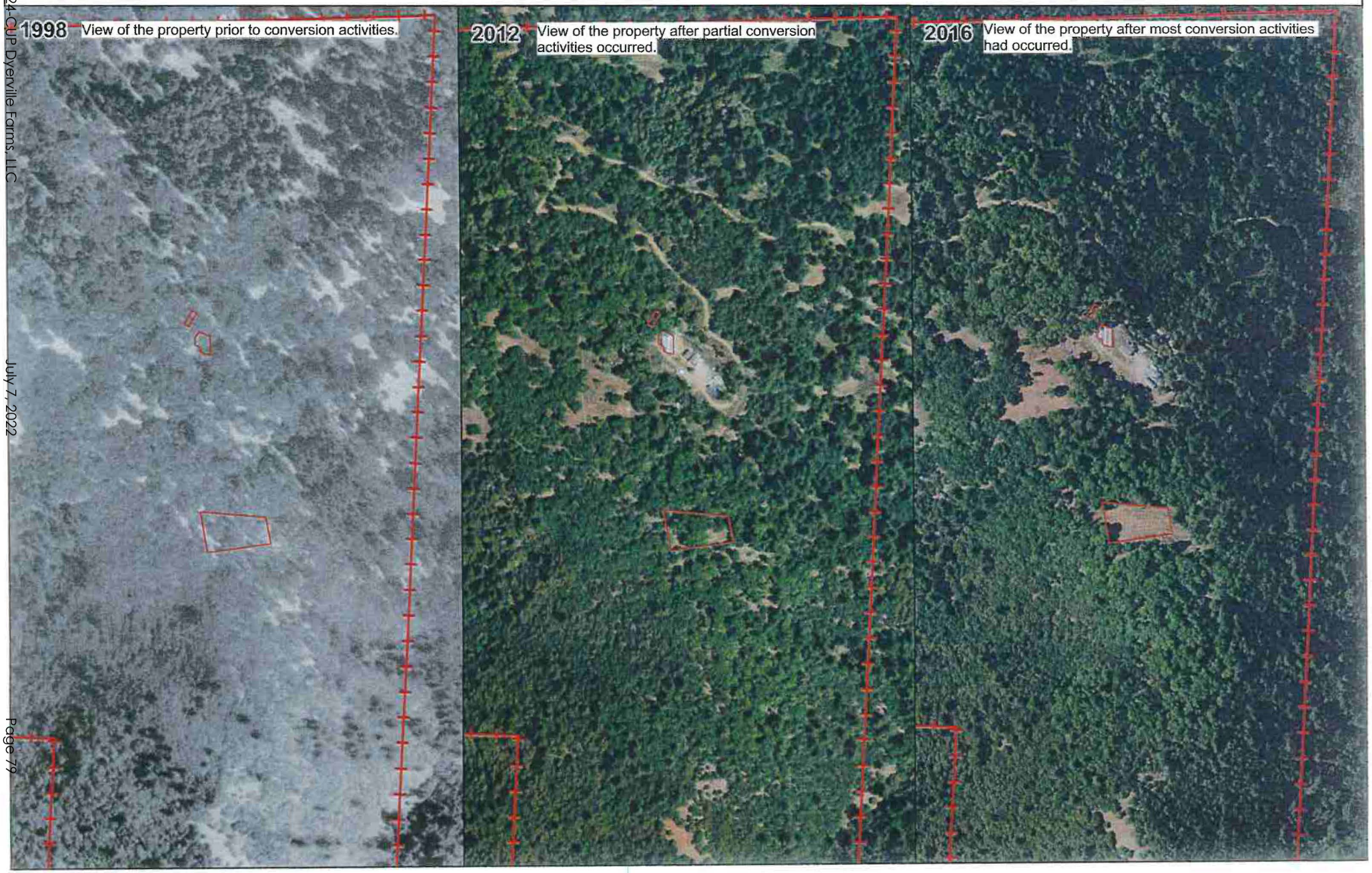
Cultivation Sites & Associated Area

N

Timberland Resource Consultants

Map Scale: 1" = 500'
Revised: 12/20/18

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



# APN 216-144-017 CNDDB Map

**Unprocessed Data from CNDDB Online Field Survey Form [ds1002]**

- Animal
- Plant

**California Natural Diversity Database (CNDDB) Commercial [ds85]**

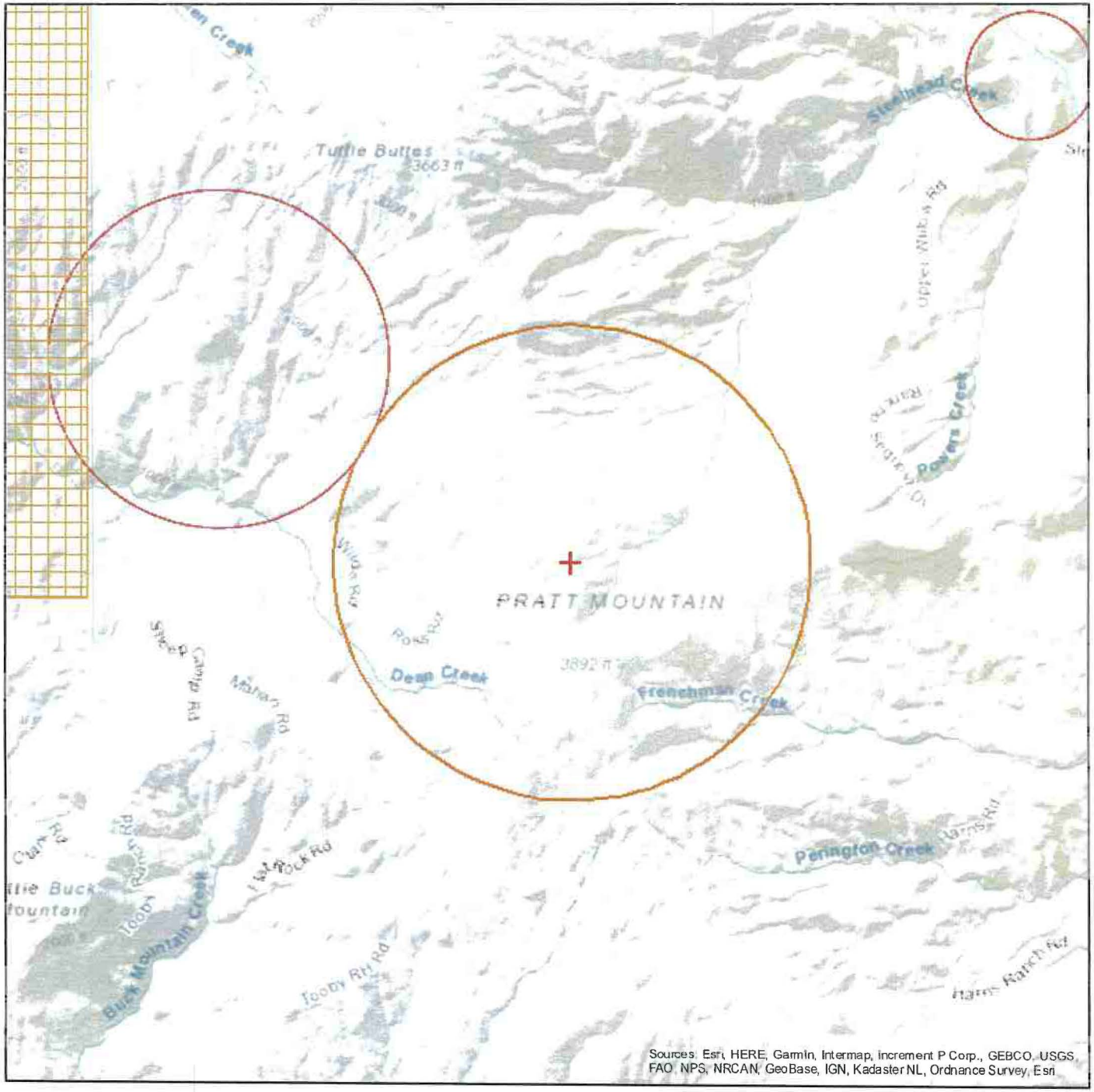
- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terrestrial Comm. (80m)
- Terrestrial Comm. (specific)
- Terrestrial Comm. (non-specific)
- Terrestrial Comm. (circular)
- Aquatic Comm. (80m)
- Aquatic Comm. (specific)
- Aquatic Comm. (non-specific)
- Aquatic Comm. (circular)
- Multiple (80m)
- Multiple (specific)
- Multiple (non-specific)
- Multiple (circular)
- Sensitive EO's (Commercial only)

1:72,224

0 0.5 1 2 mi

0 1 2 4 km

December 10, 2018




Author: cnddb_com
Printed from http://bios.dfg.ca.gov

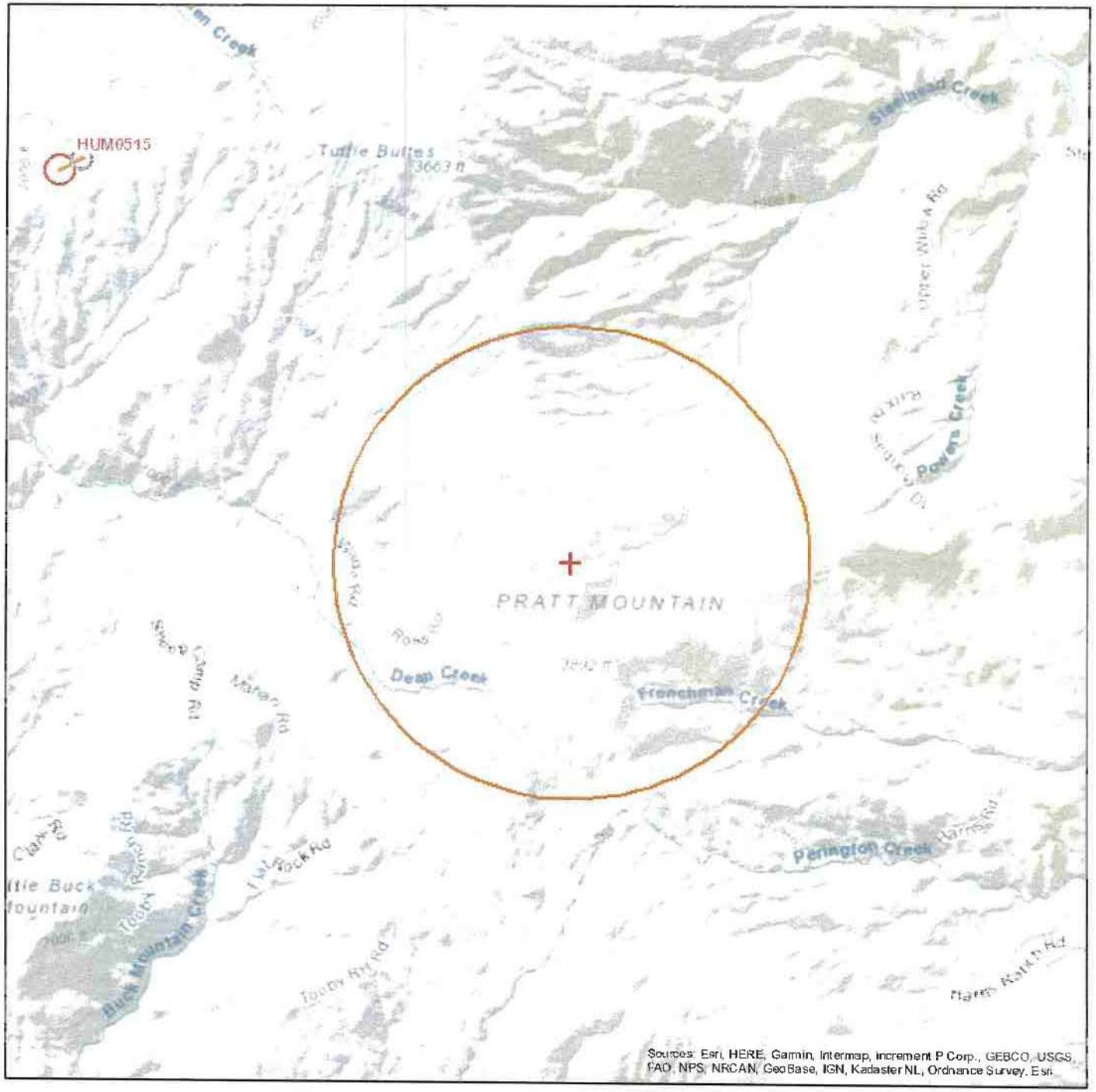
# APN 216-144-017 NSO Map

**Unprocessed Data from CNDDB Online Field Survey Form [ds1002]**

- Animal
- Plant

**Spotted Owl Observations [ds704]**

- Positive Observation
- Negative Observation
- Activity Center
- Not Valid Activity Center
- Abandoned
- Spotted Owl Observations Spider Diagram [ds705]




1:72,224

0 0.5 1 2 mi

0 1 2 4 km

December 10, 2018

Author: cnddb_com
Printed from http://blos.dfg.ca.gov

**Query Criteria:** BIOS selection

***Rana boylii*** **Element Code:** AAABH01050

foothill yellow-legged frog

| | | | | | |
|---|---|---|---|---|---|
| **Listing Status:** | **Federal:** | None | **CNDDB Element Ranks:** | **Global:** | G3 |
| | **State:** | Candidate Threatened | | **State:** | S3 |
| | **Other:** | BLM_S-Sensitive, CDFW_SSC-Species of Special Concern, IUCN_NT-Near Threatened, USFS_S-Sensitive | | | |
| **Habitat:** | **General:** | PARTLY-SHADED, SHALLOW STREAMS AND RIFFLES WITH A ROCKY SUBSTRATE IN A VARIETY OF HABITATS. | | | |
| | **Micro:** | NEEDS AT LEAST SOME COBBLE-SIZED SUBSTRATE FOR EGG-LAYING. NEEDS AT LEAST 15 WEEKS TO ATTAIN METAMORPHOSIS. | | | |

| | | | | | |
|---|---|---|---|---|---|
| **Occurrence No.** | 1119 | **Map Index:** A5848 | **EO Index:** 107596 | **Element Last Seen:** | 1942-03-15 |
| **Occ. Rank:** | Unknown | | **Presence:** Presumed Extant | **Site Last Seen:** | 1942-03-15 |
| **Occ. Type:** | Natural/Native occurrence | | **Trend:** Unknown | **Record Last Updated:** | 2017-08-09 |

**Quad Summary:** Fort Seward (4012326), Miranda (4012327)

**County Summary:** Humboldt

| | | | |
|---|---|---|---|
| **Lat/Long:** | 40.1452 / -123.73673 | **Accuracy:** | 1 mile |
| **UTM:** | Zone-10 N4444133 E437246 | **Elevation (ft):** | 1700 |
| **PLSS:** | T04S, R04E, Sec. 4 (H) | **Acres:** | 1987.0 |

**Location:** VICINITY OF HURLBUTT RANCH, 5 MILES EAST OF THE TOWN OF REDWAY.

**Detailed Location:** COLLECTION LOCALITY DESCRIBED AS "TUTTLE RANCH." THE 1949 EDITION ALDERPOINT 1:62,500 USGS TOPO MAP SHOWS TUTTLE RANCH AT THE LOCATION OF PRESENT DAY HURLBUTT RANCH.

**Ecological:**

**General:** 2 COLLECTED ON 15 MAR 1942.

**Owner/Manager:** PVT

## TRIBAL CONTACTS – HUMBOLDT COUNTY

**(Southern Division – Loleta to Mendocino County Line)**

**Updated July 2, 2018**

Native American Heritage Commission
1550 Harbor Blvd., Room 100
West Sacramento, CA 95691
(916) 373-3710
FAX (916) 373-5471
Attn: Ms. Gayle Totton gayle.totton@nahc.ca.gov

Bear River Band of Rohnerville Rancheria*
Barry Brenard, Chairman
Erika Cooper, Tribal Historic Preservation Officer
266 Kiesner Road
Loleta, CA 95551
Tribal Affiliation: Wiyot, Mattole
(707) 733-1900 / (707) 733-1723 Fax

InterTribal Sinkyone Wilderness Council
Hawk Rosales, Executive Director
P. O. Box 1523
Ukiah, CA 95482
Tribal Affiliation: Mattole, Sinkyone
(707) 468-9500

Round Valley Indian Tribes of the Round Valley Reservation*
Stephanie Britton, Tribal Historic Preservation Officer
77826 Covelo Road, Hwy 162
Covelo, CA 95428
Tribal Affiliation: Yuki, Pit River, Achomawi, Pomo, Conkow, Wailaki, Nomlaki, Wintu
(707) 983-6194 / (707) 983-6128 Fax
Cell: (707) 472-8668
sbritton@rvit.org

Wailaki Tribe
Louis Hoaglin Sr., Chairman
P.O. Box 684
Laytonville, CA 95454
Tribal Affiliation: Wailaki
(707) 223-6366
(707) 223-6367

Wiyot Tribe*
Ted Hernandez, Chairman
Thomas Torma, Cultural Director/Tribal Historic Preservation Officer
1000 Wiyot Drive
Loleta, CA 95551
Tribal Affiliation: Wiyot
(707) 733-5055 / (707) 733-5601 Fax

Timberland Resource Consultants

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

December 12, 2018

Native American Heritage Commission
Attn: Ms. Gayle Totton
1550 Harbor Blvd., Room 100
West Sacramento, CA 95691

Dear Ms. Gayle Totton:

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

1. TIMBER OWNER(S) OF RECORD: **Jameson & LaRose Kelly**

   Address: **1271 Evergreen Rd**

   City: **Redway** State: **CA** Zip: **95560-9730** Phone: **(707) 502-8582**

2. TIMBERLAND OWNER(S) OF RECORD: **Jameson & LaRose Kelly**

   Address: **1271 Evergreen Rd**

   City: **Redway** State: **CA** Zip: **95560-9730** Phone: **(707) 502-8582**

3. LICENSED TIMBER OPERATOR(S): **TBD**

4. REGISTERED PROFESSIONAL FORESTER PREPARING NOTICE: Name **Chris Carroll** RPF Number **2628**

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

   City **Fortuna** State **CA** Zip **95540** Phone **(707) 725-1897**

5. AGENCY OF HUMBOLDT COUNTY RESPONSIBLE FOR LAND USE CHANGES: **Humboldt County Planning Department**

6. PROJECT LOCATION: **Located approximately 0.91 air miles north of the intersection of Alderpoint Rd and Dyerville Loop Rd, and 700 feet west of Pratt Mountain, a landmark on Harris USGS 7.5' Quadrangle Map; in portion of SE ¼ of NW ¼; portion of NE ¼ of SW 1/4; all of SW ¼ of NE ¼; & all of W ½ of SE 1/4 of Section 11, Township 1 North, Range 4 East, Humboldt County, APN 216-144-017; located on the Fort Seward and Harris USGS 7.5' Quadrangles. To access the property from southbound Highway 101, take exit 639B and continue onto Redwood Dr for 0.2 miles; turn right on to Alderpoint Rd and continue for 7.0 miles; turn left onto Dyerville Loop Rd and continue for 1.8 miles; turn right onto an unnamed private road and continue through a locked gate for 0.75 miles to reach project area.**

7. TYPE OF CONVERSION: **This is a potential conversion from timberland to agriculture and the maximum size of the conversion is less than 3 acres.**

Sincerely,

Chris Carroll, RPF #2628
Timberland Resource Consultants

# Dyerville Farms, LLC - Timberland Conversion Evaluation

## General Location Map

APN: 216-144-017

USGS 7.5' Quads: Fort Seward &Harris
Map Scale: 1" = 2,000'

Portion of SE 1/4 of NW 1/4;
Portion of NE 1/4 of SW 1/4;
SW 1/4 of NE 1/4; & W 1/2 of SE 1/4;
Sec. 11, T4S, R5E;
HB&M, Humboldt County

Property Boundary*

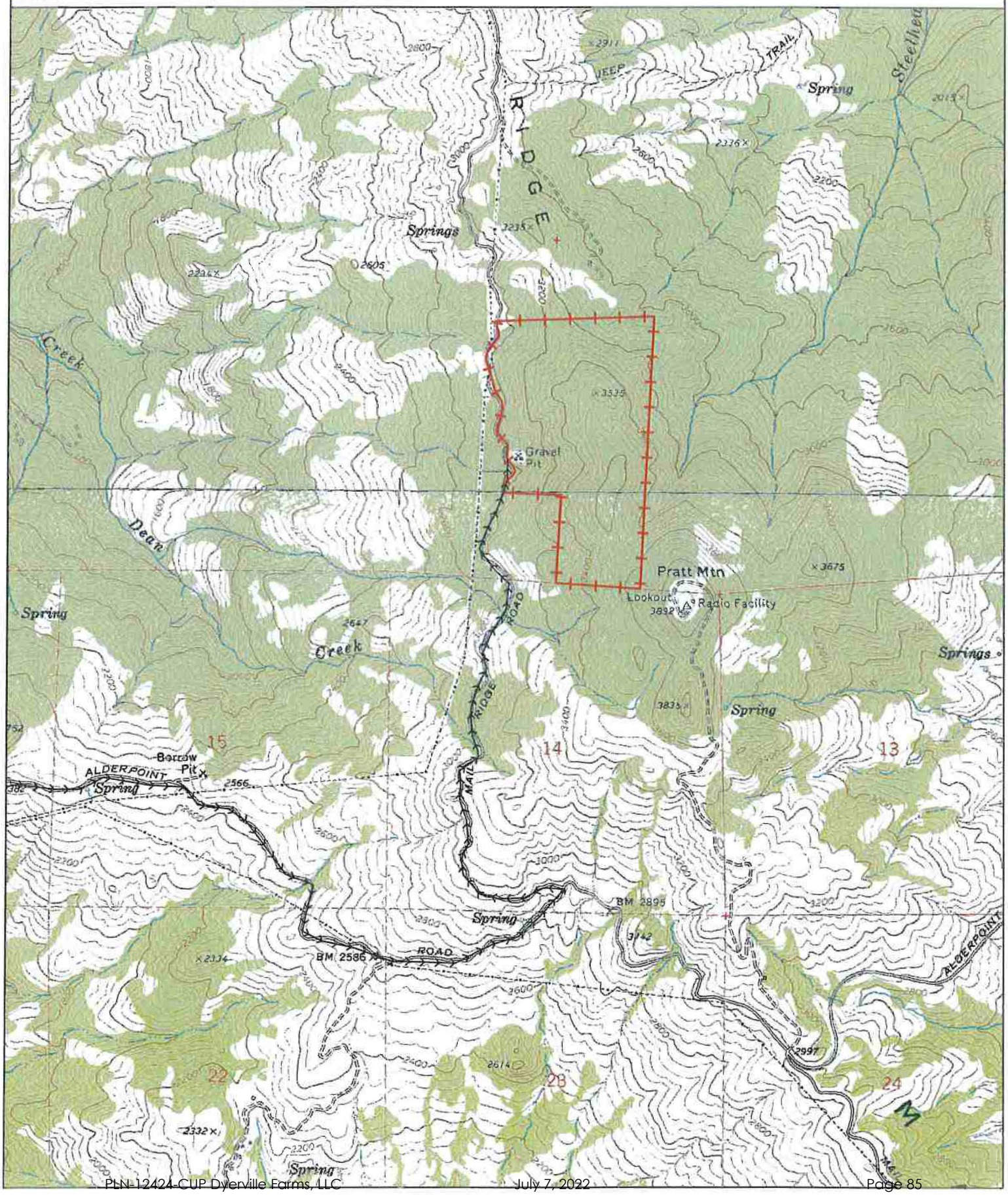
Access to Property

N

Timberland Resource Consultants

Revised: 12/11/18

*The property boundary depicted is adapted from the Humboldt County Assessor's Parcel Map. This mapped boundary may not precisely align with the geographic boundary on the ground. The RPF is not responsible for surveying property boundaries.



## Photos

The following photos were taken by Brita Rustad of Timberland Resource Consultants at APN 216-144-017 during the field inspection on October 23rd, 2018.

**Photos 1 & 2:** View of Cultivation Site 1 (greenhouses and nursery) facing northest (top) and east (bottom). The green structure in the top photo is the wood shed.

**Photo 3:** View of Cultivation Site 2 facing west.

**Photo 4:** View of the Drying Shed facing northeast.

**Phots 5 & 6:** Examples of slash and woody debris from conversion activities near Cultivation Site 2.

## References


*California Forest Practice Rules 2018*. Sacramento: CAL FIRE, 2018. Print.

*California Natural Diversity Database*. California Department of Fish and Wildlife, 2018. Web. https://www.wildlife.ca.gov/Data/CNDDB. Accessed 10 Dec 2018.

*Data Viewer*. DOC Maps. California Department of Conservation, 2018. Web. https://maps.conservation.ca.gov/cgs/Data. Viewer/ Accessed 20 Dec 2018.

*Forest Practice Watershed Mapper v2*. CAL FIRE, 2018. Web. http://egis.fire.ca.gov/watershed_mapper/. Accessed 10 Dec 2018.

*Historic Aerials*. Netronline, 2018. Images 1947, 1972, 1993, 1998, 2005, 2009, 2010, 2012, 2014; Quadrangles 1951, 1955, 1970, 1978, 2001. Web. https://www.historicaerials.com/viewer. Accessed 10 Dec 2018.

*Humboldt County Web GIS*. County of Humboldt, 2018. Web. http://webgis.co.humboldt.ca.us/HCEGIS2.0/. Accessed 10 Dec 2018.

*Oak Mortality Disease Control*. Plant Quarantine Manual 3700. California Department of Food and Agriculture, 2018. Web. http://pi.cdfa.ca.gov/pqm/manual/pdf/455.pdf. Accessed 10 Dec 2018.

Parcel Quest, 2018. Web. https://pqweb.parcelquest.com/#home. Accessed 10 Dec 2018.

*SODMAP Mobile*. UC Berkeley Forest Pathology and Mycology Lab, 2018. Mobile Phone Application. www.sodmapmobile.org. Accessed 10 Dec 2018.

TerraServer, 2018. Web. https://www.terraserver.com/. Accessed 10 Dec 2018.

**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 |
|---|---|---|---|
| Humboldt County Division of Environmental Health | ✓ | Conditional approval | On file |
| Humboldt County Building Inspection Division | ✓ | Conditional approval | On file |
| Humboldt County Planning and Building Department – Current Planning | ✓ | Approval | On file |
| Humboldt County Department of Public Works | ✓ | Conditional approval | On file |
| CAL FIRE | ✓ | No comments | On file |
| Northwest Information Center (NWIC) | ✓ | Comments | On file and confidential |
| Bear River Tribal Band of the Rohnerville Rancheria | ✓ | Comments | On file and confidential |
| Humboldt County Counsel | | No response | |
| California Department of Fish and Wildlife (CDFW) | ✓ | Comments | On file |
| North Coast Regional Water Quality Control Board (NCRWQCB) | | No response | |
| North Coast Unified Air Quality Management District (NCUAQMD) | | No response | |
| Humboldt County District Attorney | | No response | |
| Humboldt County Agricultural Commissioner | | No response | |
| Humboldt County Sheriff | ✓ | Approved | On file |
| State Water Resources Control Board – Water Rights Division | ✓ | Approved | On file |
| Southern Humboldt Joint Unified School District | | No response | |
| Garberville Fire Protection District | | No response | |