



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: September 2, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Rainmaker Properties, LLC, Special Permit**
Record Number: PLN-2020-16726
Assessor's Parcel Numbers: (APNs) 105-021-011 and 104-261-006
25725 Old Mattole Road and the northwest quarter of the southwest quarter of
Section 25 of Township 01 South, Range 02 West, H.B.&M., Petrolia area

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Please contact Cameron Purchio, Associate Planner, at 707-443-5054 or by email at purchioc@lacoassociates.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date September 2, 2021	Subject Special Permit	Contact Cameron Purchio
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Project Description: A Special Permit for 22,376 square feet (SF) of new mixed light cultivation within eight (8) greenhouses. The site was previously approved under a Conditional Use Permit (PLN-10235-CUP) for 20,976 SF of pre-existing cultivation within six (6) greenhouses. With the proposed project, there would be a total of 43,352 SF of mixed light cannabis cultivation within fourteen (14) greenhouses. Ancillary propagation will occur in a proposed 3,200 SF structure. Irrigation water will be sourced from an existing rainwater catchment system. Water storage will total 1,052,500 gallons, including an existing 1,000,000-gallon rainwater catchment pond, 11,500 gallons in existing hard tanks, and 41,000 gallons in nine (9) proposed hard-sided tanks. Estimated annual water usage is 800,000 gallons. Processing will occur onsite in two (2) proposed buildings (1,500 and 3,200 SF). Up to fifteen (15) employees may be utilized during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E).

Project Location: The project is located in the Petrolia area, on both sides of Old Mattole Road, approximately 1,500 feet north from the intersection of Old Mattole Road and Mattole Road, on the property known as 25725 Old Mattole Road, and on the property known to be in the northwest quarter of the southwest quarter of Section 25 of Township 01 South, Range 02 West, H.B.&M.

Present Plan Land Use Designations: Agricultural Grazing (AG) Density: 20 to 160 acres per dwelling unit and Timberland (T) Density: 40-160 acres per dwelling unit, Slope Stability: Low Instability (1) and Moderate Instability (2).

Present Zoning: Agriculture Exclusive (AE) and Timberland Production Zone (TPZ)

Record Number: PLN-2020-16726

Assessor's Parcel Numbers: 105-021-011 and 104-261-006

Applicant

Rainmaker Properties, LLC
C/O David Brite
321 S. Main Street
Sebastopol, CA 95472

Owner

Rainmaker Properties, LLC
321 S. Main Street
Sebastopol, CA 95472

Agents

SL Consulting Services, Inc
Steven Luu
973 Dowler Drive
Eureka, CA 95501

Environmental Review: An Addendum to a previously adopted Environmental Impact Report has been prepared for consideration per §15164 of CEQA Guidelines.

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

Major Issues: None.

Rainmaker Properties, LLC
Record Number: PLN-16726-SP
Assessor's Parcel Numbers: 105-021-011 and 104-261-006

Recommended Zoning Administrator Action:

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

Find that the Zoning Administrator has considered the Addendum to the adopted Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance (CCLUO) pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report, and adopt the Resolution approving the proposed Rainmaker Properties, LLC, project subject to the recommended conditions.

Executive Summary: Rainmaker Properties, LLC, seeks a Special Permit to allow for cultivation of 22,376 square feet (SF) of new mixed light cannabis in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Cannabis Land Use Ordinance (CCLUO). The site consists of a single legal parcel consisting of two (2) Assessor's Parcel Numbers (APNs); 105-021-011 and 104-261-006. The site is designated as Agricultural Grazing (AG) and Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Agriculture Exclusive (AE) and Timberland Production Zone (TPZ); however, the new cultivation is proposed in the portion of the site designated and zoned as AG and AE, respectively. The subject parcels are 146 acres in size and the cultivation area is located on slopes less than 15% as shown on the Humboldt County WebGIS. Water for irrigation is provided by a non-diversionary water source (rain catchment) as described below. Based on the zoning, parcel size, slopes, and water source, Planning staff determined new cultivation could be permitted on the subject parcel that meets the requirements of the CCLUO.

Currently, the site contains 20,976 SF of pre-existing cultivation within six (6) greenhouses under a previously approved Conditional Use Permit (PLN-10235-CUP, approved June 16, 2017). New cultivation will take place in one location within eight (8) greenhouses. With the proposed project, there would be a total of 43,352 SF of mixed light cannabis cultivation within fourteen (14) greenhouses. Ancillary propagation will occur a proposed 3,200 SF two-story structure. Four (4) harvests are anticipated annually for a growing season that extends from February through December. Drying, bucking, trimming, and processing will occur onsite in two (2) proposed buildings, which include a 1,500 SF drying and storage building and a 3,200 SF two-story multipurpose building for drying, processing, and accessory nursery. Up to fifteen (15) employees may be utilized during peak operations. Power is provided by a PG&E 1,600-amp connection with backup generators utilized during outages only. The operation will be secured behind a locked gate and the processing facility will have low-intensity motion-sensing lights to illuminate the entrance. All outdoor lighting will be fully shielded and directed downward to avoid adverse impact on neighboring properties and surrounding wildlife.

Water Resources

Water for irrigation will be provided by a rainwater catchment system. The rainwater catchment system will utilize the existing 1,000,000-gallon catchment pond, as well as the roof surfaces of the eight (8) proposed greenhouses. Total catchment area is approximately 37,800 SF and average annual rainfall for the Petrolia area, from 2009-2019, was determined to be 77 inches, which, by using a conversion factor of 0.623, provides a rainwater catchment potential of approximately 1,800,000 gallons per year. Therefore, Planning staff determined there is sufficient average annual rainfall and surface area to capture water required for irrigation use. Water storage will total 1,052,500 gallons comprised of a 1,000,000-gallon rainwater catchment pond, 11,500 gallons in existing hard tanks, and 41,000 gallons in nine (9) proposed hard tanks. Estimated annual water usage is 800,000 gallons (18.5 gal/SF) with peak demand occurring in June through September at approximately 108,000 gallons per month.

Biological Resources

A review of California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNNDDB) was conducted on August 3, 2021, which showed there is the potential for maple-leaved checkerbloom, which is classified by the California Native Plant Society (CNPS) as fairly threatened (4.2), to be located on the subject properties. However, observations of this plant species were located along the roadway of Old Mattole Road and no cultivation activities are proposed within the observation range. The nearest Northern Spotted Owl (NSO) activity center is approximately 3.4 miles from the proposed cultivation. While there is the potential for some sensitive and protected species to be present onsite, the proposed project's potential direct and indirect impacts are lessened through the required conditions of approval.

As shown on the Site Plan and Humboldt County Web GIS, the site contains two watercourses, McNutt Gulch and an unnamed tributary to McNutt Gulch, in the northwestern portion of the project site, and an additional unnamed tributary to McNutt Gulch, which runs along the eastern property boundary of the eastern project parcel (APN 105-021-011). Although the respective required Streamside Management Area (SMA) buffers are not shown on the Site Plan, all current and proposed cultivation related infrastructure is and would be located outside of required Streamside Management Area (SMA) setbacks, per review of the Humboldt County Web GIS. Humboldt County Web GIS also shows three (3) wetland areas mapped within the central portion of the project site.

A Biological Assessment Report for the project was prepared by Naiad Biological Consulting In May 2020 (on file and confidential), which notes the proposed cultivation will occur in one location within an open field that has historically been utilized for cattle grazing. It is noted in the Report that the project site is dominated by many nonnative and invasive species. No special status plant species or sensitive habitats were observed onsite during the field survey. It is further noted that of the four (4) potential special status wildlife species, no negative impacts associated with the project on these species are anticipated. The Report concluded "it is unlikely that special status plants or animals are present within the proposed site location, or would be negatively impacted by the project. No sensitive or special status vegetation will be removed within the project site or the adjacent area for this project. With adherence to the proposed recommendations contained in the Report, this project is not anticipated to cause any direct or indirect impacts to the surrounding wildlife, environment and/or habitats." Per the Report, the proposed cultivation location was determined to be environmentally adequate based on the surrounding habitat, observed species, and setbacks to watercourses. Further, it is noted that the project will improve the surrounding environment and habitat due to removal of invasive and non-native species during the grading process. Several recommendations are included in the Biological Assessment Report, including but not limited to the implementation of best management practices (BMPs), including waddles, silt fences, and berms, to prevent erosion and sediment, fuels, or contaminants from entering surrounding terrestrial and aquatic environments; location of construction equipment fueling and greasing; equipment inspections; biological surveys should construction occur during the migratory bird nesting season (February 1 through August 31); twice-annual bullfrog (*Lithobates catesbeianus*) inspections at the pond; removal of any cultivation materials within watercourse and/or wetland habitat buffers; and compliance with the Invasive Species Control Plan prepared for the project. The project is conditioned to implement and adhere to all recommendations contained within the Biological Assessment Report.

A Wetland Delineation Report for the project was prepared by Naiad Biological Consulting, dated July 2020 (Attachment 3), which identified several areas of palustrine emergent wetlands and riverine wetlands. The Report recommends a 100-foot buffer shall be maintained from any identified waters, as well as continued monitoring of the decommissioned roadbed; avoiding storing materials in close proximity to Wetland #1 (northeastern portion of APN 104-261-006); installing exclusionary fencing on the flat area, adjacent to the cultivation area, setback 25-feet from the wetland to avoid potential disturbance and limit access; and if any additional earthmoving work is proposed elsewhere onsite, to consult with a qualified professional to identify any sensitive biological resources or habitats. Comparison of the Site Plan with the Wetland Delineation Map (Figure 2) contained within the Report indicates that at least some grading and some of the greenhouse proposed within the northern portion of the site may be within the 100-foot wetland buffer of Wetland #1. The project is conditioned to implement and

adhere to all recommendations contained within the Wetland Delineation Report and to prepare a revised Site Plan to relocate any greenhouses proposed within the respective 100-foot wetland buffer outside of the required buffer.

A Water Resources Protection Plan (WRPP) was prepared by Pacific Watershed Associates in July 2016 (Attachment 3), which identified BMPs and corrective actions necessary to comply with the North Coast Regional Water Quality Control Board's Order No. 2015-0023. Numerous features requiring corrective action or improvements were identified in the WRPP, which includes but is not limited to conducting a road assessment and developing an Erosion Control Plan, developing a water budget, developing a Water Monitoring Plan, install float valves and water meters and log water diversion, storage, and use, development a rainwater catchment system, document the timing and volume of fertilizer and amendment use, plant cover crops in planting plots or holes at the end of the season, covering stockpiles of spent soils, document the timing and amount of pesticide, herbicide, and fungicide use, use containment basing for generator when refueling, and install an appropriately designed and sized onsite wastewater treatment system. Conditions of approval require adherence to standard conditions and corrective actions contained within the WRPP as well as development and implementation of a Site Management Plan as required by the State Water Resources Control Board Cannabis General Order No. WQ 2019-0001-DWQ.

A Final Streambed Alteration Agreement (FSAA) with the California Department of Fish and Wildlife (CDFW) was issued (Notification No. 1600-2017-0610-R1) in April 2018 (Attachment 3), for two (2) encroachments: a water diversion from McNutt Gulch for domestic household and cultivation use; and a water diversion from a drilled water well near McNutt Gulch, where it is noted in the FSAA that water is diverted to storage for cannabis cultivation use. However, please note the two (2) diversions will not be utilized for the operation, which will instead utilize rainwater catchment.

Power to support operations is provided by Pacific Gas and Electric Company (PG&E). Per the applicant, generators are utilized only as emergency back-up. Conditions of approval require the applicant to submit an energy budget showing the energy needs for the project pursuant to CCLUO requirements.

Additionally, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CCLUO performance standards and will not negatively impact NSO or other sensitive species.

Access

Access to the site is via Old Mattole Road, a private road that intersects Mattole Road south of the project site. Mattole Road is a paved and centerline striped Category 4 road maintained by the County of Humboldt. The access to the private road is approximately 0.25 miles southeast of the project site. A Road Evaluation Report was prepared by the agent for the project in December 2020 (Attachment 3) for an approximately 0.25-mile segment of Old Mattole Road, from Mattole Road to the gated site entry, and includes an aerial image showing the access route, supplemented with road level photographs to depict road widths and lines of sight along pinch points. The Road Evaluation Report indicates the road is developed equivalent to a Road Category 4 and is adequate to accommodate the proposed use. The previous approval (Record Number: PLN-10235-CUP) required the applicant to improve to the driveway apron (encroachment) that connects to the County road (Mattole Road) to the private access road which included paving for a minimum width of 20 feet and a length of 50 feet per the request of Public Works, Land Use Division. This work has been completed as of August 13, 2018. The applicant proposes to pave the utilized portions of Old Mattole Road to Category 4 standards by October 2023 and is included as a condition of approval.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an

addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information).

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

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

been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Final Environmental Impact Report (FEIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

EVIDENCE:

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous FEIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Water Resource Protection Plan was prepared to show compliance with the Regional Water Quality Control Board General Order. A Notice of Applicability has been provided by the applicant to show compliance with the State Water Board Cannabis General Order for Waste Discharge. As a condition of approval, the applicant shall prepare and submit a Site Management Plan. Additionally, the applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
- d) A review of the California Natural Diversity Database (CNNDDB) in August 2021 shows there is the potential for maple-leaved checkerbloom, a "fairly threatened" (4.2) plant species, as classified by the California Native Plant Society (CNPS). The observations were located along the roadway of Old Mattole Road and no cultivation activities are proposed within the observation range. The nearest Northern Spotted Owl activity center is approximately 3.4 miles from the proposed cultivation. A Biological Assessment Report for the project was prepared by Naiad Biological Consulting dated May 26, 2020, which concluded "it is unlikely that special status plants or animals are present within the proposed site location or would be negatively impacted by the project, no sensitive or special status vegetation will be removed within the project site or the adjacent area for this project. By adhering to the proposed recommendations contained in the Report, this project is not anticipated to cause any direct or indirect impacts to the surrounding wildlife environment and/or habitats." A Wetland Delineation Report for the project was prepared by Naiad Biological Consulting, dated July 2020, which identified several areas of palustrine emergent wetlands and riverine wetlands. Comparison of the Site Plan with the Wetland Delineation Map (Figure 2) contained within the Report indicates that at least some grading and some of the greenhouse proposed within the northern portion of the site may be within the 100-foot wetland buffer of Wetland #1. The project is conditioned to implement and adhere to all recommendations contained within the Wetland Delineation Report and to prepare a revised Site Plan to relocate any greenhouses proposed within the respective 100-foot wetland buffer outside of the required buffer. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species and adherence to the International Dark-Sky Association.

- e) The cultivation of cannabis will not result in the net conversion of timberland. The site proposed for the 22,040 SF of mixed light cannabis cultivation will be located in an existing unforested area. There are no plans for additional timber conversion associated with this project.
- f) A Cultural Resources Investigation Report was carried out by Roscoe and Associates in August 2016. The Report concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.
- g) A Road Evaluation Report for a 0.25-mile segment of Old Mattole Road, a private road, from the intersection of Mattole Road and Old Mattole Road to the site, was prepared by the agent for the project in December 2020. The Report includes an aerial image showing the access route, supplemented with road level photographs to depict road widths and lines of sight along pinch points. The Report indicates the road is developed to the equivalent of a Road Category 4 and is adequate to accommodate the proposed use. The previously approved permit (Record Number: PLN-10235-CUP) required the applicant to improve to the driveway apron (encroachment) that connects to the County Road (Mattole Road) to the private access road which included paving for a minimum width of 20 feet and a length of 50 feet per the request of Public Works, Land Use Division. This work has been completed as of August 13, 2018. The applicant proposes to pave the utilized portions of Old Mattole Road to Category 4 standards by October 2023 and is included as a condition of approval.

FINDINGS FOR 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.

4. FINDING The proposed development is consistent with the purposes of the existing Agriculture Exclusive zone in which the portion of the site where new cultivation is proposed is located.

EVIDENCE a) The Agriculture Exclusive or AE Zone is intended to be applied to areas of the County in which general agriculture are the desirable predominant uses.

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

c) Humboldt County Code section 314-55.4.6.1.2 b) allows cultivation of up to 43,560 square feet of outdoor cannabis in areas zoned AE, AG, FR, and U and on parcels over 10 acres subject to approval of a Special Permit. The application for 22,376 square feet of new mixed light cultivation , for a total of 43,352 SF of mixed light cannabis cultivation, on a 146-acre parcel is consistent with this code section.

5. FINDING

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

EVIDENCE

- a) The CCLUO allows new cannabis cultivation to be permitted in areas zoned AE (HCC 314-55.4.6.1.1).
- b) The parcels known as APN 104-261-006 and APN 105-021-011 comprise one legal parcel, which were created in compliance with all applicable state and local subdivision regulations, as they were created in their current configuration by Notice of Lot Line Adjustment and Certificate of Subdivision Compliance 1999-20022. There is no evidence indicating there have been any subsequent acts to merge or divide either of these parcels.
- c) The project will obtain water from a non-diversionary rainwater catchment system, which will utilize the existing 1,000,000-gallon catchment pond, as well as the roof surfaces of the eight (8) proposed greenhouses. With a total impermeable rainwater catchment area of 37,839 SF and an average rainfall amount of 77 inches, the site's potential capture amount totals 1,810,419 gallons per year on average. Water captured this way will be stored in the 1,000,000-gallon rainwater catchment pond, 11,500 gallons in existing hard tanks, and 41,000 gallons in nine (9) proposed hard tanks, for a total of 1,052,500 gallons of onsite water storage. Estimated annual water usage is 800,000 gallons. Therefore, Planning staff determined there is sufficient average annual rainfall and surface area to capture water required for irrigation use. New cultivation related to this project is prohibited from utilizing the points of diversion onsite as a source of irrigation. Conditions of approval require the applicant to monitor water use annually to demonstrate there is sufficient water available to continue to meet operational needs.
- d) A Road Evaluation Report for a 0.25-mile segment of Old Mattole Road, a private road, from the intersection of Mattole Road and Old Mattole Road to the site was prepared by the agent for the project in December 2020. The Report includes an aerial image showing the access route, supplemented with road level photographs to depict road widths and lines of sight along pinch points. The Report indicates the road is developed to the equivalent of a Road Category 4 and is adequate to accommodate the proposed use. The previously approved permit (Record Number: PLN-10235-CUP) that required the applicant to improve to the driveway apron (encroachment) that connects to the County Road (Mattole Road) to the private access road which included paving for a minimum width of 20 feet and a length of 50 feet per the request of Public Works, Land Use Division. This work has been completed as of August 13, 2018. The applicant proposes to pave the utilized portions of Old Mattole Road to Category 4 standards by October 2023 and is included as a condition of approval.
- e) Per the Humboldt County Web GIS, the slope of the land where cannabis will be cultivated is less than 15%.
- f) The cultivation of cannabis will not result in the net conversion of timberland. The site proposed for the 22,040 SF of new mixed light cultivation will be located in an unforested area. There are no plans for additional timber conversions associated with this project.
- g) According to the cultivation and operations plan, invasive species will be monitored at the project site, specifically in and around the cultivation area, as required by the CCLUO. Removal using hand tools will occur should any

invasive species be found. The area will be surveyed and maintain twice per year. Conditions of approval require the applicant to provide the results of the bi-annual surveys during the annual inspection.

- h) Power to support operations will be provided by Pacific Gas and Electric Company (PG&E). Generators are utilized only as emergency back-up. Conditions of approval require the applicant to submit an energy budget showing the energy needs for the project pursuant to CCLUO requirements.
- i) The applicant is proposing to plant all cultivation in pots within the hoop structures. During the wet season, any soil piles will be located in a flat area outside of riparian setbacks and winterized. Potential spent soils will be properly disposed of off-site at an appropriate facility. Conditions of approval require the applicant to adhere to the soils management plan as described by the operations plan for the life of the project.
- j) The location of the cultivation complies with all setbacks required in Section 314-55.4.6.4.4. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 22,376 SF of new mixed light cannabis cultivation (for a total of 43,352 SF of mixed light cannabis cultivation onsite) and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on a road that has been identified as developed to the equivalent of Category 4 road standards and will safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 100 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 and more than 300 feet from the nearest adjacent undeveloped separately owned parcel.
- d) Irrigation water will come from a rainwater catchment system with a total impermeable rainwater catchment area of 37,839 SF (from the roofs of the proposed greenhouses), and an average rainfall amount of 77 inches. As a result, the site's potential capture amount totals 1,810,419 gallons per year on average, and estimated annual usage is 800,000 gallons. Therefore, Planning staff determined there is sufficient average annual rainfall and surface area to capture water required for irrigation use. New cultivation related to this project is prohibited from utilizing the points of diversion onsite as a source of irrigation. Conditions of approval require the applicant to monitor water use annually to demonstrate there is sufficient water available to continue to meet operational needs.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to

groundwater resources will not be affected.

7. FINDING

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

EVIDENCE

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

8. FINDING

To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.

EVIDENCE

- a) Conditions of approval require the applicant to adhere to and implement the recommendations contained in the Biological Assessment Report prepared by Naiad Biological Consulting dated May 26, 2020 and Wetlands Delineation Report prepared by Naiad Biological Consulting dated July 2020. By implementing the recommendations contained within the Biological Assessment and Wetlands Delineation Reports and permit conditions from the CDFW, impacts to the SMA will be minimized.

DECISION

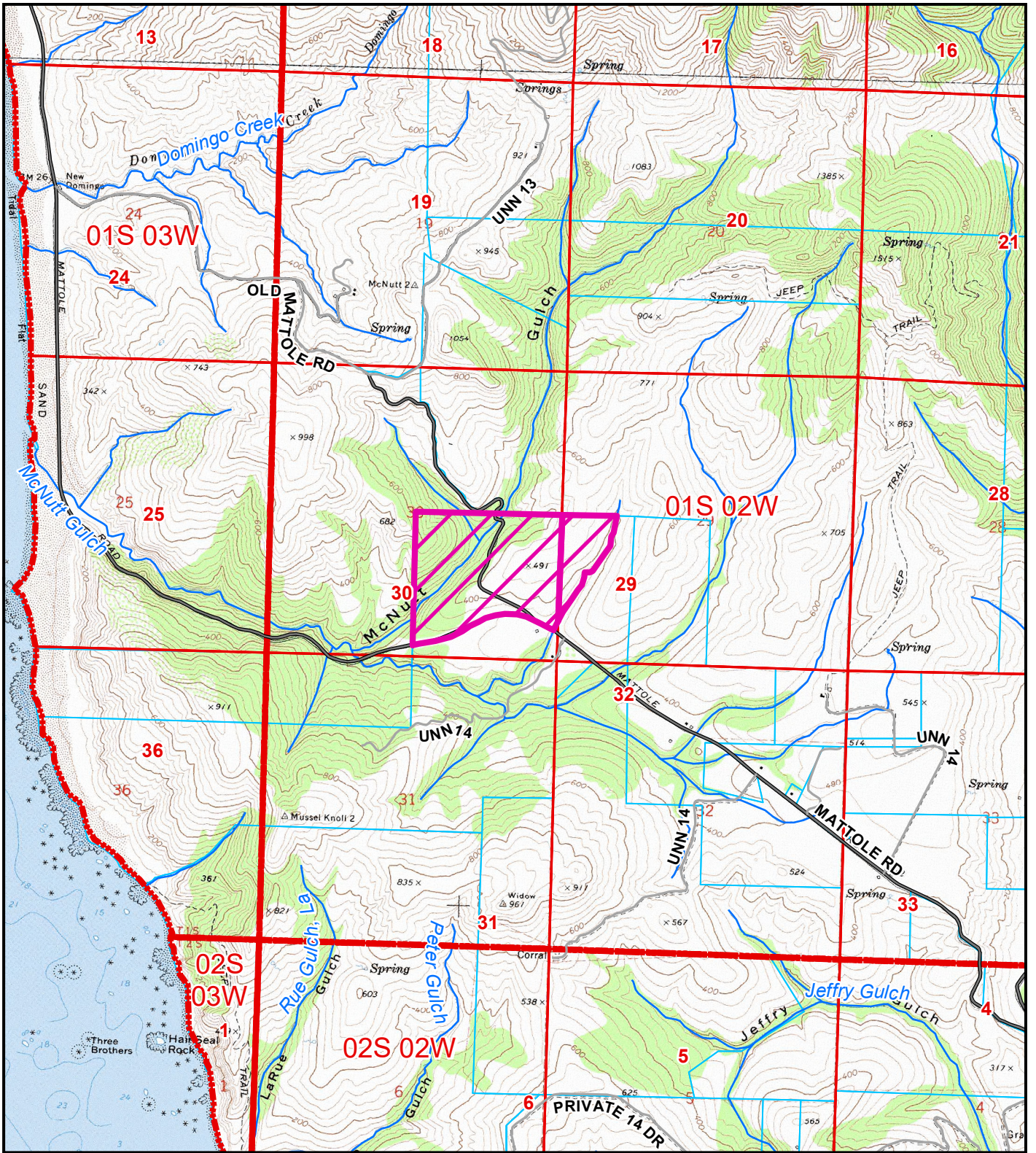
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Rainmaker Properties, 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 September 2, 2021.

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

John H. Ford, Zoning Administrator,
Planning and Building Department

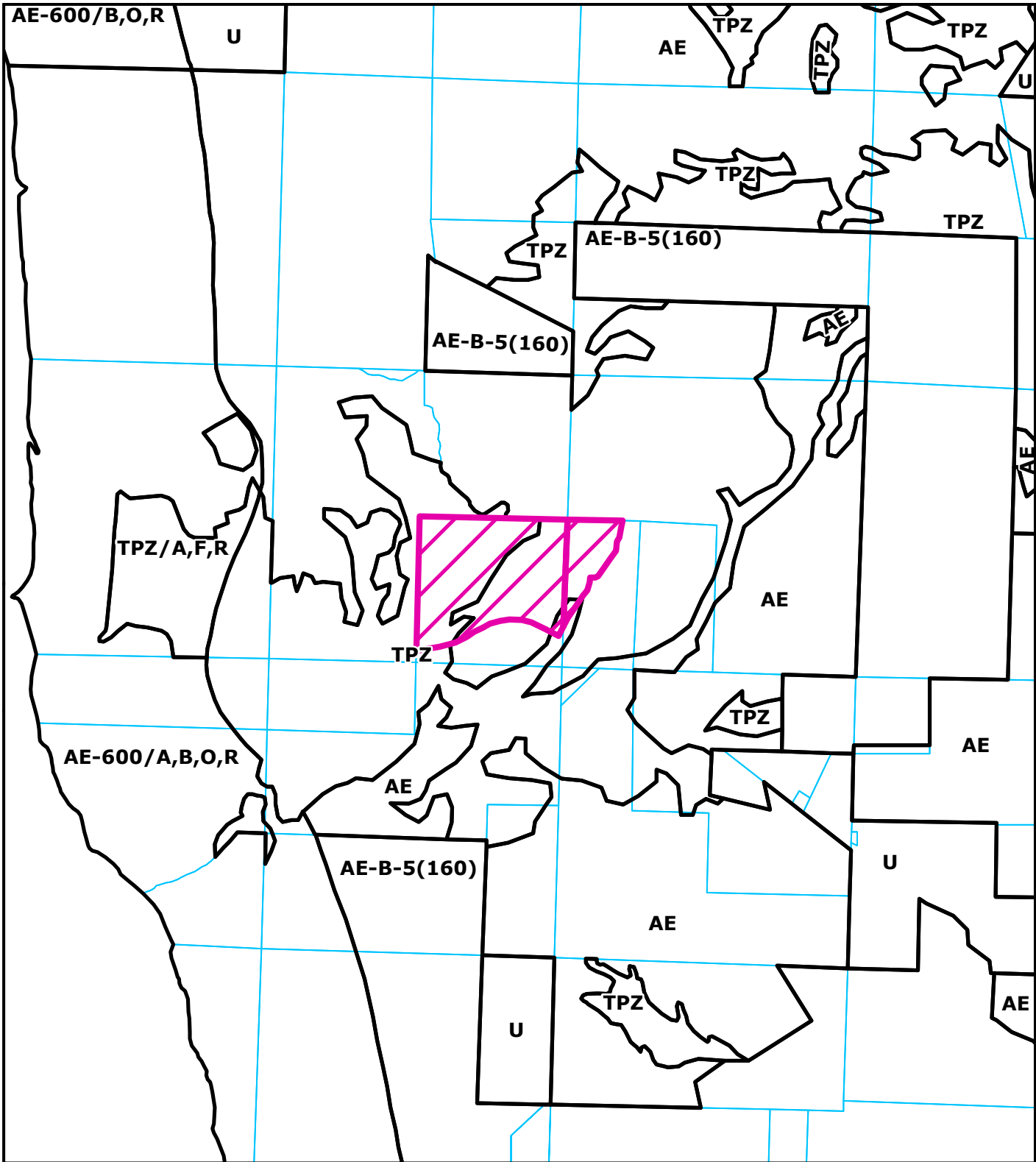


TOPO MAP
PROPOSED RAINMAKER PROPERTIES LLC
PETROLIA AREA
PLN-2020-16726
APN: 104-261-006; ET AL.
T01S R02W S30; S29 HB&M (PETROLIA)

Project Area = 

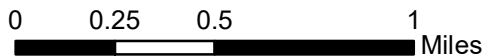


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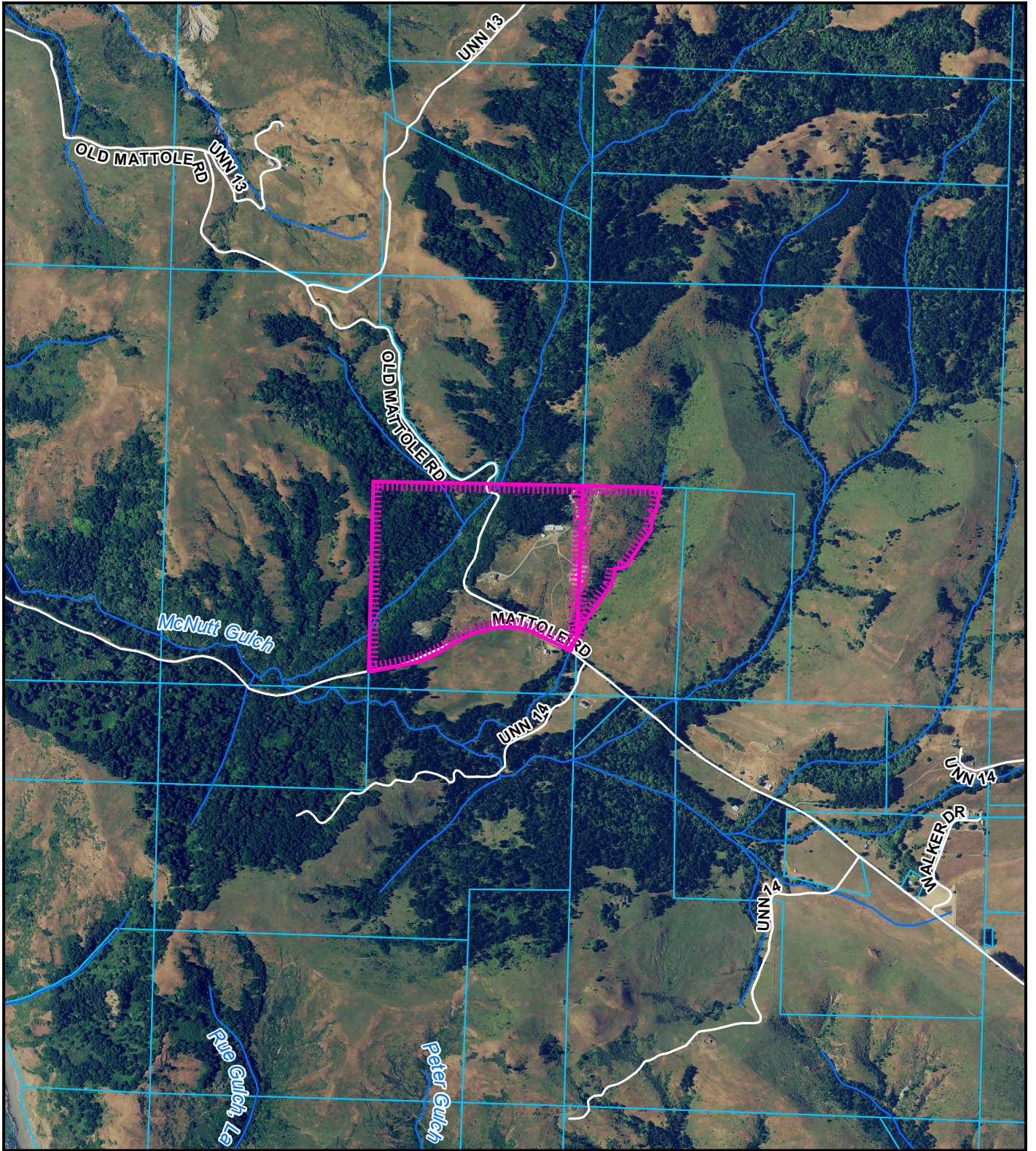


ZONING MAP
PROPOSED RAINMAKER PROPERTIES LLC
PETROLIA AREA
PLN-2020-16726
APN: 104-261-006; ET AL.
T01S R02W S30; S29 HB&M (PETROLIA)

Project Area = 



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AERIAL MAP
PROPOSED RAINMAKER PROPERTIES LLC
PETROLIA AREA
PLN-2020-16726
APN: 104-261-006; ET AL.
T01S R02W S30; S29 HB&M (PETROLIA)

Project Area = 



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

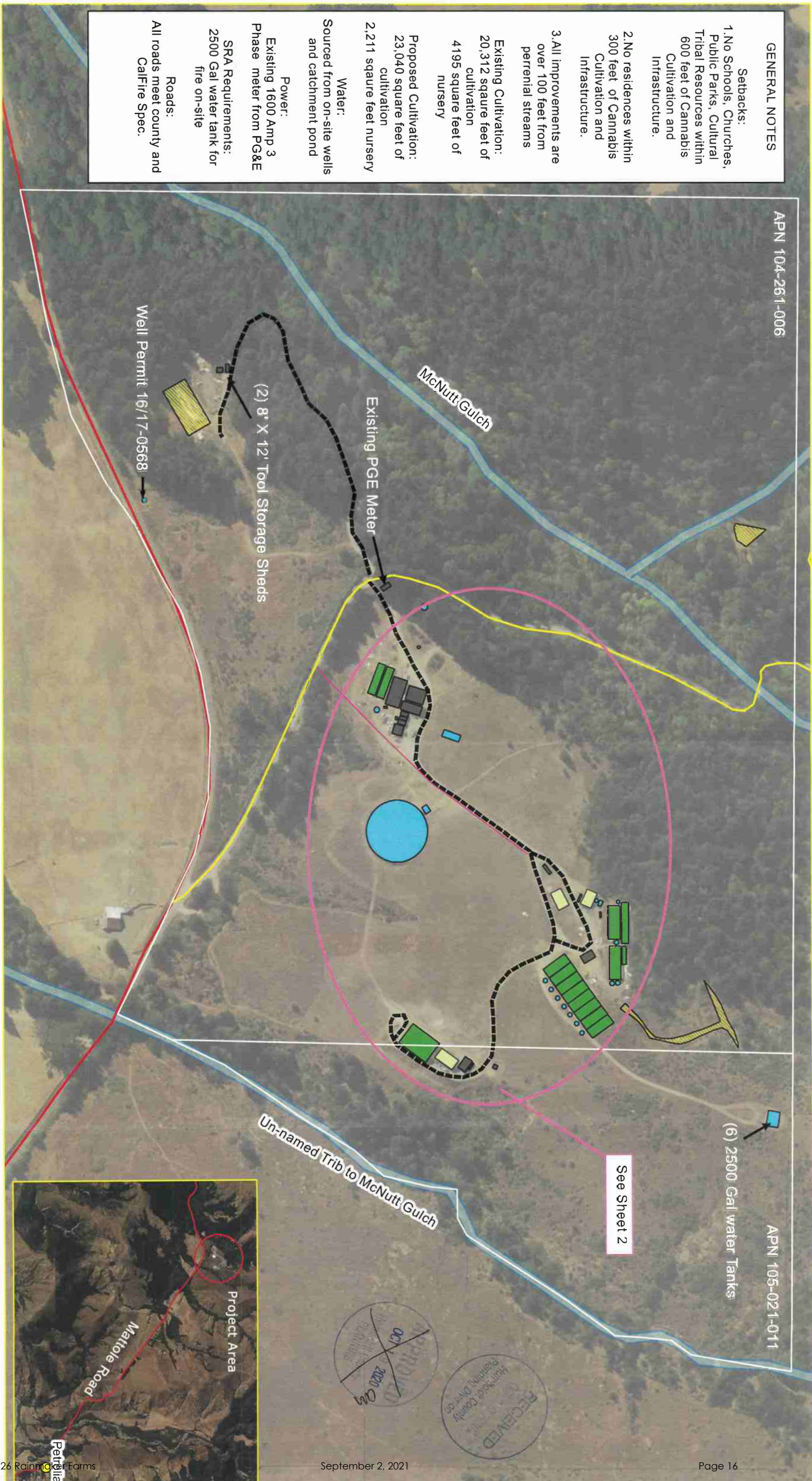


GENERAL NOTES

- Setbacks:**
1. No Schools, Churches, Public Parks, Cultural Tribal Resources within 600 feet of Cannabis Cultivation and Infrastructure.
 2. No residences within 300 feet of Cannabis Cultivation and Infrastructure.
 3. All improvements are over 100 feet from perennial streams
- Existing Cultivation:**
 20,312 square feet of cultivation
 4195 square feet of nursery
- Proposed Cultivation:**
 23,040 square feet of cultivation
 2,211 square feet nursery
- Water:**
 Sourced from on-site wells and catchment pond
- Power:**
 Existing 1600 Amp 3 Phase meter from PG&E
- SRA Requirements:**
 2500 Gal water tank for fire on-site
- Roads:**
 All roads meet county and CalFire Spec.

APN 104-261-006

APN 105-021-011



Native Ecosystems, Inc
 457 Conklin Creek Road
 Petrolia CA, 95558-0114
 707.629.3617 office
 406.546.2053 cell
 hughn@nat-eco.net



Imagery: 2018 NAIP

Rainmaker Properties LLC Site Plan - August 2020
 Project: CMLLU 2.0 Application
 20,312 SF of Existing Cultivation (1.0 App No. 10235)
 23,040 SF of Proposed Cultivation (2.0)
 Client: Rainmaker Properties LLC
 Address: 25725 Old Mattole Rd. Petrolia, CA 95558
 APN 104-261-006 and 105-021-011

- | | | | |
|--|---------------------------------|--|------------------|
| | Cannabis Support Infrastructure | | Mattole Road |
| | Cultivation | | Old Mattole Road |
| | Nursery | | Access Road |
| | Restoration Site | | Parcel Boundary |
| | Water Infrastructure | | |

Rainmaker Properties Site Plan
 CCLUO 2.0 Application
 SHEET 1 OF 2



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period and shall provide results prior to or during the annual inspection. The water use for cultivation is limited to the amount of water captured through the rainwater catchment system as proposed. Under this Permit does not allow the use of diversionary water sources for irrigation.
6. Within 60 days of the effective date of permit approval, the applicant shall submit a revised plot plan showing the following, in addition to what is shown:
 - a. Show all structures used for cannabis cultivation.
 - b. Relocate any greenhouses proposed within the respective 100-foot wetland buffer to a previously disturbed location outside of the required buffer.
7. The applicant is to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board (SWRCB), including, but not limited to, a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
8. Prior to or during each annual inspection, the applicant shall provide proof of use of a renewable energy source, such as PGE RePower+, to demonstrate that energy used to support the project is

consistent with CCLUO requirements. A sign-off from the Planning Department shall satisfy this condition.

9. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
10. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
11. The applicant shall adhere to the recommendations of the Invasive Species Control Plan prepared by Naiad Biological Consulting and dated May 28, 2020 for the life of the project. The results of the bi-annual inspections for invasive species shall be readily available at the time of any site inspections by representatives of the California Department of Fish and Wildlife or the Humboldt County Planning and Building Department.
12. Obtain permits, as applicable, from the North Coast Unified Air Quality Management District (NCUAQMD). Alternatively, the applicant may obtain a letter or similar communication from the NCUAQMD that a permit is not required. A sign-off from the Planning Department will satisfy this condition.
13. The applicant shall adhere to and implement the recommendations contained in the Biological Assessment Report prepared by Naiad Biological Consulting, dated May 26, 2020, including the following:
 - a. Best management practices (BMPs) shall be used to prevent sediment, fuels, or contaminants from entering the surrounding terrestrial and aquatic environments during the grading process and construction of the greenhouses. A complete list of BMPs can be found at Humboldt County: Title III – Land Use and Development – Division 3 – Building Regulations (Ch. 7 §337-13).
 - b. BMPs for this project shall include the installation of waddles, silt fences, and berms to combat and prevent erosion and to eliminate contaminants and sediment movement towards any watercourses.
 - c. Construction equipment fueling and greasing shall occur within one location at the project site, at least 200 feet away from any watercourse or wetland habitat. This location shall be clear of brush, flat, and contain fuel mats in case of accidental spillage. Every morning, and throughout the day during construction, the equipment shall be inspected for hydraulic fluid, oil, or fuel leaks. If leaks are detected, they shall be repaired immediately and before any further work is completed in order to prevent excess spillage entering the watercourse.
 - d. If project construction occurs prior to August 31, during the migratory bird season (February 1 and August 31), a biologist shall survey for nesting birds within the proximity of the project within a few weeks prior to project construction.
 - e. During the growing season, while the pond is still in use as water storage, the applicant shall search for bullfrogs (*Lithobates catesbeianus*) after dusk by listening for their distinctive deep calls and searching with a flashlight. This shall be done at least twice annually. If bullfrogs are found, the pond is to be drained at the end of the growing season in order to avoid the recruitment of bullfrogs. If no bullfrogs are heard or observed during the applicant's survey, the pond shall stay full during the seasons when not in use in order to be utilized as habitat for other native aquatic and semi-aquatic species.
 - f. The applicant shall remove any cultivation materials currently within setback buffers from watercourse and wetland habitat.

A letter or similar communication from a qualified biologist stating the recommendations were implemented as described shall be submitted to the Planning Department to satisfy this condition.

14. The applicant shall adhere to and implement the recommendations contained in the Wetland Delineation Report prepared by Naiad Biological Consulting, dated July 2020, including the following:
 - a. Continue to monitor the decommissioned roadbed.
 - b. Avoid storing materials in close proximity to Wetland #1.
 - c. Install exclusionary fencing on the flat area, adjacent to the cultivation area, setback 25 feet from the wetland, to avoid potential disturbance and limit access.
 - d. If any additional earthmoving work is proposed elsewhere on the property, the applicant shall consult with a qualified professional to identify any sensitive biological resources or habitats.

A letter or similar communication from a qualified biologist stating the recommendations were implemented as described shall be submitted to the Planning Department to satisfy this condition.

15. The applicant shall construct noise containment structures for the back up generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. The applicant may submit evidence (e.g. photographs) and documentation from the Building Inspection Division to show compliance with this condition.
16. All artificial lighting use for propagation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard. Alternatively, the applicant may submit evidence (e.g. photographs) to show compliance with this condition.
17. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing, graded flats and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
18. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
19. 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.

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

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized for propagation shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. The applicant shall abide by recommendations of the Biological Assessment prepared by Naiad Biological Consulting dated May 26, 2020, which include but are not limited to, floristic surveys to ensure no potentially special status plant species or communities are present should additional ground disturbance or habitat conversion be proposed in the future; ensuing supplemental lighting associated with mixed-light cultivation is fully contained with black out tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
6. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

7. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
8. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
9. The use of anticoagulant rodenticide is prohibited.
10. 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.
11. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
12. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
13. 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.
14. 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.
15. 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.
16. 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).
17. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
18. 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).

19. 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.
20. 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).
21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
22. Pay all applicable application, review for conformance with conditions and annual inspection fees.
23. 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.
24. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
25. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

26. 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."
27. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
28. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
29. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;

- (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
- b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
30. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
31. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CCLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
32. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
33. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
34. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.

35. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
36. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

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

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

ATTACHMENT 2

**CEQA ADDENDUM TO THE
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE**

Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR) (State Clearinghouse # 2017042022), January 2018

**APNs 105-021-011 and 104-261-006; 25725 Old Mattole Road, Petrolia
County of Humboldt**

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

August 2021

Background

Modified Project Description and Project History –

The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within Humboldt County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Special Permit for 22,367 square feet (SF) of new mixed light cultivation within eight (8) greenhouses. The site was previously approved under Conditional Use Permit PLN-10235-CUP for 20,976 SF of pre-existing cultivation within six (6) greenhouses. With the proposed project, there would be a total of 43,352 SF of mixed light cannabis cultivation within fourteen (14) greenhouses. Ancillary propagation will occur in a proposed 3,200 SF structure. Irrigation water will be sourced from an existing rainwater catchment system utilizing roofs, a 1-million-gallon rainwater catchment pond, and existing/proposed greenhouse structures. Water storage will total 1,052,500 gallons comprised of the existing rainwater catchment pond, 11,500 gallons in existing hard tanks, and 41,000 gallons in nine (9) proposed hard tanks. Estimated annual water usage is 800,000 gallons. Processing will occur onsite in two (2) proposed buildings (1,500 and 3,200 SF). Up to fifteen (15) employees may be utilized during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E).

No known significant archaeological or historic period cultural resources are located in the project area. A Cultural Resources Investigation was conducted by Roscoe and Associates in August 2016. No artifacts, features, or sites which would be considered a historical resource under CEQA were identified during the survey. Although the Cultural Resources Investigation concludes that it is not anticipated to encounter significant buried archaeological materials at this location during implementation of the permit, it is noted that the potential for inadvertent discovery of such resources exists. A condition of project approval has been incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.

The project site contains riparian habitat associated with watercourses (McNutt Gulch and two unnamed tributaries to McNutt Gulch) that traverses the site. All approved cannabis cultivation activities would occur outside of required SMA setbacks and on slopes less than 15%. The nearest Northern Spotted Owl activity center is approximately 3.4 miles from the proposed cultivation. A Biological Assessment Report (Report) (Attachment 3) was prepared by Naiad Biological Consulting dated May 26, 2020, which concluded that it is unlikely that special status plants or animals are present within the proposed site location or would be negatively impacted by the project. Additionally, by implementation of the proposed recommendations in the Report, this project is not anticipated to cause any direct or indirect

impacts to the surrounding wildlife environment and/or habitats. A Wetland Delineation Report for the project was prepared by Naiad Biological Consulting, dated July 2020, which identified several areas of palustrine emergent wetlands and riverine wetlands. Comparison of the Site Plan with the Wetland Delineation Map (Figure 2) contained within the Report indicates that at least some grading and some of the greenhouse proposed within the northern portion of the site may be within the 100-foot wetland buffer of Wetland #1. The project is conditioned to implement and adhere to all recommendations contained within the Wetland Delineation Report and to prepare a revised Site Plan to relocate any greenhouses proposed within the respective 100-foot wetland buffer outside of the required buffer. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife to ensure the project has a Less Than Significant Impact on NSO. The project also must maintain adherence to biological best management practices and the conditions required in the SAA with CDFW. Furthermore, as a Tier 1 Low Risk operator (WDID 1_12CC418709), the applicant is required to create and adhere to a site-specific Site Management Plan as required by the State Water Resources Control Board (SWRCB) Cannabis General Order (Order No. WQ 2019-0001-DWQ). Conditions of approval will require adherence to the International Dark-Sky Association standards for lighting in zone 1 or 2, noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species, full adherence to the applicant's Invasive Species Management Plan, and the requirement for appropriate floristic and raptor surveys prior to vegetation or construction disturbance.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of new cannabis operations. These include complying with County Fire Safe regulations, noise and light attenuation measures to limit disturbance to wildlife, supplying irrigation water from a non-diversionary source and electricity from PG&E.

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

1. Substantial changes are proposed in the project which require major revisions of the previous EIR 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 EIR 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 Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effects previously examined will be substantially more severe than shown in the Final EIR; 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 Final EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize 22,040 square feet (SF) of new mixed light cannabis cultivation on the subject site (for a total of 43,352 SF of mixed light cannabis cultivation) and to construct minor improvements necessary to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

In reviewing the application for consistency with the adopted EIR the County considered the following information and studies, among other documents:

- Plot Plans prepared by Native Ecosystems Inc., dated August 2020.
- Cultivation and Operations Plan prepared by SL Consulting Services Inc., dated October 2020.
- Water Resources Protection Plan prepared by Pacific Watershed Associates, dated July 2016.
- Final Streambed Alteration Agreement Notification No. 1600-2017-0610-R1, dated 4/16/18.
- Road Evaluation Report for Private Road prepared by SL Consulting Services Inc., dated 12/12/20.
- Biological Assessment Report for Rainmaker Properties, LLC prepared by Naiad Biological Consulting, dated 5/26/20.
- Wetland Delineation Report for Rainmaker Properties, LLC prepared by Naiad Biological Consulting, dated July 2020.
- Invasive Species Control Plan for Rainmaker Properties, LLC prepared by Naiad Biological Consulting, dated 5/28/20.
- Cultural Resources Investigation of Assessor Parcels 104-261-006 and 105-021-011, Located near Petrolia, Humboldt County, California, prepared by James Roscoe, M.A. and Jeremy McFarland, Roscoe and Associates, Bayside, CA, dated August 2016.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the EIR 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 EIR was adopted as complete.

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by Native Ecosystems, Inc., dated August 2020 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by SL Consulting Services Inc., dated October 2020 - **Attached**)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Water Resource Protection Plan prepared for the North Coast Regional Water Quality Control Board (item 6. below)
6. Copy of Water Resources Protection Plan and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Water Resource Protection Plan (WRPP) prepared by Pacific Watershed Associates, dated July 2016 – **Attached**; Enrollment into State Cannabis Cultivation Program and continued compliance – Condition of Approval)
7. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2017-0610-R1, dated 4/16/2018 – **Attached**)
8. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior

unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

10. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
14. Cultural Resources Investigation of Assessor Parcels: 104-261-001 and 105-021-011 Located near Petrolia, Humboldt County, California prepared by James Roscoe, M.A. and Jeremy McFarland, Roscoe and Associates, Bayside, CA, dated August 2016. (On File and confidential).
15. Road Evaluation Report for Private Road prepared by SL Consulting Services, Inc., dated 12/12/20. **(Attached)**
16. Biological Assessment Report for Rainmaker Properties, LLC prepared by Naiad Biological Consulting, dated 5/26/20. **(Attached)**.
17. Wetland Delineation Report for Rainmaker Properties, LLC prepared by Naiad Biological Consulting, dated July 2020. **(Attached)**
18. Invasive Species Control Plan for Rainmaker Properties, LLC prepared by Naiad Biological Consulting, dated 5/28/20. **(Attached)**

16726



Operations Plan Addendum
Rainmaker Properties LLC
Commercial Processing and Distribution Activities
APN 105-021-011-000
February 6, 2021

This addendum outlines the proposed commercial processing and distribution activities.

A distribution vehicle kept on-site would pick up cannabis from two local farms operated by the same owner in the Petrolia area. (APN 105-081-011-000 and 105-081-018-000). The sites are approximately 3.75 road miles away. There would be a total of approximately 18 round trips per harvest (one harvest in summer and one harvest in fall) to service both sites.

Access to the site is from Mattole Road (county maintained, 2-lane centerline striped and paved) and 1,200 linear feet of Old Mattole Road (Category IV equivalent gravel road). The applicant proposes to pave Old Mattole Road to Category IV standards by October, 2023.

The processing and distribution activity would occur in the 3,200 square foot 2-story multi-purpose building which also serves the on-site operation.

Cannabis would be off-loaded into the building's storage area and then trimmed by the on-site trim team. Once trimmed, the material is returned to the source farm.

No change in the peak 15 employee count is proposed as part of this addendum.

Cannabis Cultivation Facilities



October 2020

Cultivation and Operations Manual
For
Rainmaker Properties LLC

Cannabis Cultivation Facilities
APN No. 104-261-006 and 105-021-011



Lead Agency:

Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

Prepared By:
SL Consulting Services Inc
973 Dowler Dr
Eureka, California 95501

In Consultation with:

Rainmaker Properties LLC
25725 Old Mattole Road
Petrolia, CA 95558

October 2020

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1. Project Summary

1.1. Project Objective

Rainmaker Properties LLC is proposing to permit Commercial Cannabis Cultivation Activities In Accordance With The County Of Humboldt Commercial Cannabis Land Use Ordinance (CCLUO). The project is seeking a Special Permit for commercial cannabis processing and an expansion to 43,352 square feet of mixed light cultivation canopy over the 20,976 square feet of previously approved (1.0 app no. 10235) mixed light cultivation for a total of 43,463 SF (1 Acre). Cultivation will occur in greenhouses in pots. Project will add two proposed buildings, a 30'x50' drying/storage building and a 40'x80' 2-story multipurpose building for drying and storage and indoor accessory nursery activities. Water is provided by an onsite existing permitted wells and a 1 million gallon catchment pond, power is provided by an existing 1600Amp 3 Phase service from PG&E with back up generators used only for emergencies.

2. Land Use

2.1. Site Description

The Project is located near Petrolia, CA (APN 104-261-006 and 105-021-011) just south of the intersection of Mattole and Old Mattole Roads. The subject parcels are zoned AE/TPZ and are approximately 150.7 total acres in size (per the County of Humboldt's WebGIS). The property is primarily open area and forest, with McNutt Gulch and an unnamed tributary to McNutt Gulch transecting the property.

2.2. State of California Commercial Cannabis Activity License

Rainmaker Properties LLC is operating under a California Cultivation license.

2.3. State Water Resources Control Board

Water is provided by an existing permitted well and catchment pond onsite. The property is enrolled under the Waterboard's Cannabis Cultivation general order.

2.4. Cal Fire

The subject property is located within a State Responsibility Area (SRA) for fire protection and SRA requirements have been met. All structures on the property meet the 30-foot SRA setback requirement from property lines.

2.5. California Department of Fish and Wildlife

A Lake and Streambed Alteration Agreement (LSAA) from the Department of Fish and Wildlife (DFW) has been issued for the subject parcel.

2.6. Cultural Resources

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

3. Cultivation and Processing

3.1. Propagation and Initial Transplant

Operator starts plants in 4-inch pots in the nursery area then transplants to larger 2-5 gallon pots, moving pots out to greenhouses and finally transplanting to 55-65 gallon pots for cultivation.

3.2. Mixed Light Cultivation Plan and Schedule

The cultivation will within greenhouses as outlined in the site plan.

Greenhouses Approved Under 1.0 Application:

Two (2) 20'x100' greenhouses = 4,000 SF

Two (2) 35'x100' greenhouses = 7,000 SF

One (1) 20'x120' greenhouse = 2,400 SF

One (1) 72'x96' greenhouse = 6,912 SF

Total existing greenhouses = 20,312 SF

One 10'x64' greenhouse approved under the 1.0 application will be demolished and is not included in this calculation

Additional Greenhouses Proposed Under 2.0 Application:

Eight (8) 36'x80 gutter connected greenhouses. 23,040 square feet total

The total combined cultivation area is 43,3 square feet.

See schedule of operations below.

Proposed Greenhouse Schedule

Cultivation Operations Schedule			
Month	Cultivation Activities	Nursery Activities	Processing Activities
January	No activity	Propagating immature plants	No activity
February	Feb 15- first planting (supplemental lighting)	Propagating immature plants	No activity
March	Watering/maintain plants (supplemental lighting)	Propagating immature plants	No activity
April	Watering/maintain plants	Propagating immature plants	No activity
May	May 1st - First Harvest, re-plant (supplemental lighting)	Propagating immature plants	Bucking down plants, trimming
June	Watering/maintain plants	Propagating immature plants	Bucking down plants, trimming
July	July 15 - Second harvest, replant	Propagating immature plants	Bucking down plants, trimming
August	Watering/maintain plants (light deprivation)	Propagating immature plants	Bucking down plants, trimming
September	Watering/maintain plants	Propagating immature plants	Bucking down plants, trimming
October	September 20 - Third Harvest and Replant (supplemental lighting)	Propagating immature plants	Bucking down plants, trimming
November	Watering/maintain plants	Minimal, keeping mother plans watered/fed	Bucking down plants, trimming
December	December 1st - Fourth Harvest	Minimal, keeping mother plans watered/fed	Bucking down plants, trimming

3.3. Irrigation Plan and Schedule

Irrigation and fertigation of plants occurs using drip irrigation methods at agronomic rates which conserves water by not allowing excess water runoff. The drip tape applies water directly to where it is needed and reduces loss due to evaporation.

See section 5.1 for water usage estimates.

3.4. Harvesting, Drying, and Trimming

Plants that are ready for harvest have their flowering branches removed and placed in bins and sealed. Once taken to the drying building, material is trimmed and then suspended in the drying facilities. The drying facilities are equipped with air conditioning and dehumidifiers to ensure proper curing and elimination of conditions for mold. All work surfaces are maintained in a clean and sanitary manner. Contamination prevention protocols are strictly followed within the facilities.

Dried plants are taken to the processing and trimming building where a combination of machine trimming and hand trimming is performed.

The finished product and trim is stored in the storage areas before transport to a licensed distributor.

3.5. Processing Facility

Currently drying occurs at the existing 22'x10' outbuilding and 24'x62' multi-purpose building (please see site plan for location), with a proposed addition of a 30'x50' drying and storage outbuilding.

3.6. Employee Plan

Rainmaker Properties LLC is an "agricultural employer" as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

- Job Descriptions And Employee Summary
- Agent in Charge: Responsible for business oversight and management of the Rainmaker Properties LLC. Responsibilities include, but are not limited to: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. This is a part-time to full-time, seasonal position.

- Operations and Compliance Managers: Oversight and management of the day to day cultivation of medical cannabis. Responsibilities include, but are not limited to: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, year-round position.
- Seasonal Laborer: Provides cultivation, harvesting and processing support. This is a part-time to full-time, seasonal position.

3.7. Staffing Requirements

Current staffing is the Agent in charge, two operations/compliance managers and two full-time seasonal laborers, a total of five people. Ten seasonal labor positions are utilized during peak operations for a peak of 15 employees onsite.

Month	Cultivation	Harvest/Planting/ Processing
January	0	0
February	5	5
March	5	0
April	5	0
May	5	10
June	5	10
July	5	10
August	5	10
September	5	10
October	5	10
November	5	10
December	5	10

3.8. Employee Training and Safety

On site cultivation, harvesting, drying and processing is performed by employees trained on each aspect of the procedure including: cultivation and harvesting techniques and use of pruning tools; proper application and storage of pesticides and fertilizers. All cultivation and

processing staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite facilities are limited to authorized and trained staff.

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

3.9. Toilet and Handwashing Facilities

Existing toilet and handwashing facilities are used which are linked to an existing septic system. The proposed facilities will be tied to the same system.

3.10. Drinking Water Source

An onsite existing permitted well provides drinking water for the property. Bottled water will be provided if needed and properly disposed of.

3.11. On Site Housing

No on-site housing is provided for employees.

3.12. On Site Parking

See plot plan for parking locations. One parking space is provided for each full time employee along with 5 additional "buffer" spaces for guests, visitors etc. The ag labor contractor drops off contracted labor in a van or bus.

4. Security Plan and Hours of Operation

4.1. Facility Security

Entry gates are located at entrances. The entry gates remain locked at all times and access to the cultivation area is limited exclusively to employees. Motion sensors located at access points and any buildings holding drying or processed inventory. The drying facility area has low intensity, downcast and shielded exterior lighting to illuminate the entrances, and will include a small number of motion activated security lights. All lighting will be designed and located so that direct rays are confined to the property. Security cameras and alarm system is installed at entrances to the site.

4.2. Hours of Operation

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

5. Environment

5.1. Water Source and Projected Water Use

Water is provided by an existing permitted well onsite.

Rainmaker Properties LLC utilizes water management strategies such as drip irrigation to conserve water use.

The table below outlines the estimated irrigation water usage for cultivation during a typical year. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use.

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
-	27000	54000	54000	54000	108000	108000	108000	108000	54000	607500	607500

An estimated 800,000 gallons will be used each year for the 43,352 square feet of cultivation (approximately 18.5 gallons per square foot of canopy per year).

5.2. Water Storage

A 1 million gallon rain catchment pond is the water source for the operation. The site receives approximately 110 inches of rainfall on an average year. The guttered greenhouses and barns generate more than sufficient rainfall to supply the pond and cultivation operation.

5.3. Site Drainage, Runoff, and Erosion Control

Rainmaker Properties LLC has enrolled with the State Water Quality Control Board State general order and a Water Resource Protection Plan (WRPP) has been developed utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations.

5.4. Site Drainage and Runoff

The site is mostly flat and has a substantial forested buffer surrounding the property to mitigate runoff.

Buffers and setbacks from neighboring drainages are met.

5.5. Erosion Control

Rainmaker Properties LLC will utilize best management practices including but not limited to:

- Maintenance of roads, including rocking and armoring.
- Proper management of solid, liquid and cultivation waste (see section 3.8)
- Cultivation facilities and spoil stockpiles will meet all required setbacks from riparian and wetland areas.
- Irrigation and application of fertilizers will be applied at agronomic rates.
- Regulated products will be safely stored with secondary containment (see section 3.7)

5.6. Watershed and Habitat Protection

Adherence to the proposed best management practices ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures meet all required setbacks from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMP's in accordance with the NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits.

5.7. Monitoring and Reporting

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

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

A Monitoring and Reporting Form will be submitted upon initial enrollment in the Order and then annually by March 1 to the Water Board. The annual report will include data from the monitoring reports.

5.8. Energy Plan

Power is provided by 1600Amp 3phase PG&E service. Backup Generators are used onsite for emergencies and do not exceed 60 decibels at the property line.

5.9. Light Pollution Control Plan

Greenhouses are automated and blackout tarp is automatically drawn over the lighted canopy areas whenever supplemental lighting is utilized outside of daylight hours. The project will meet International Darky Sky Standards.

5.10. Best Management Practices

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

5.11. Fertilizers

Nutrients and biological inoculants used for cultivation and kept on site include:

- Cutting Edge solutions One 55 gallon container of each
 - Micro
 - Bloom
 - Grow

Pesticides and fungicides used for cultivation include:

- Plant Therapy (10 gallons)
- Chester Boones all purpose horticultural soap (10 gallons)

Fuels, oils other regulated substances stored on site include:

- Gasoline in one 250 Gallon tank
- Diesel in one 1000 Gallon tank
- Propane in three (3) 1000 Gallon tanks
- Up to 1 gallon each of bleach, vinegar, domestic cleaning sprays

- Isopropyl / Ethyl Alcohol – up to 5 Gallons

5.12. Waste Management Plan

Trash and recycling containers are located near the greenhouses. Solid waste and recycling is hauled off-site to a transfer station at least once per week.

5.13. Cultivation Waste and Soil Management

Cultivation vegetative matter such as root balls are composted on site. Soil is stored in a designated contained area and reused or disposed of at a licensed transfer facility or landscaping yard for re-amendment and re-sale.

5.14. Materials Management Plan

Waste bins with lids are kept adjacent to cultivation sites and emptied out the day they are filled up or weekly.

Waste materials are stored in a shipping container and self-hauled off weekly to a licensed waste transfer station.

5.15. Wastewater Management

Drip irrigation methods minimize the over-irrigation of plants and subsequent runoff. Moreover, the greenhouse floors are gravel/dirt and will absorb any excess runoff.

5.16. Storm-water Management Plan

Roads are armored appropriately.

The site has a substantial forested buffer at its perimeter.

Soil is contained according to BMPs and reused each year.

See WRPP for recommendations to be implemented.

6. Product Management

6.1. Product Testing and Labeling

Sampling and labeling is handled by the third party distributor off-site.

6.2. Product Inventory and Tracking

Site is enrolled with the state METRC track and trace system and utilizes it to manage inventory and tracking.

6.3. Transportation and Distribution

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

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

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

24 Hour Noise Assessment
 APN: 104-261-006-000
 By: SL Consulting Service Inc



Field Date: 7/6/20 to 7/7/2020 and 8/2/20 to 8/3/20

Ambient noise data loggers were set along the west, north and east property lines for 24 hours. SLM-25 data logger recorded ambient noise every 3 seconds.

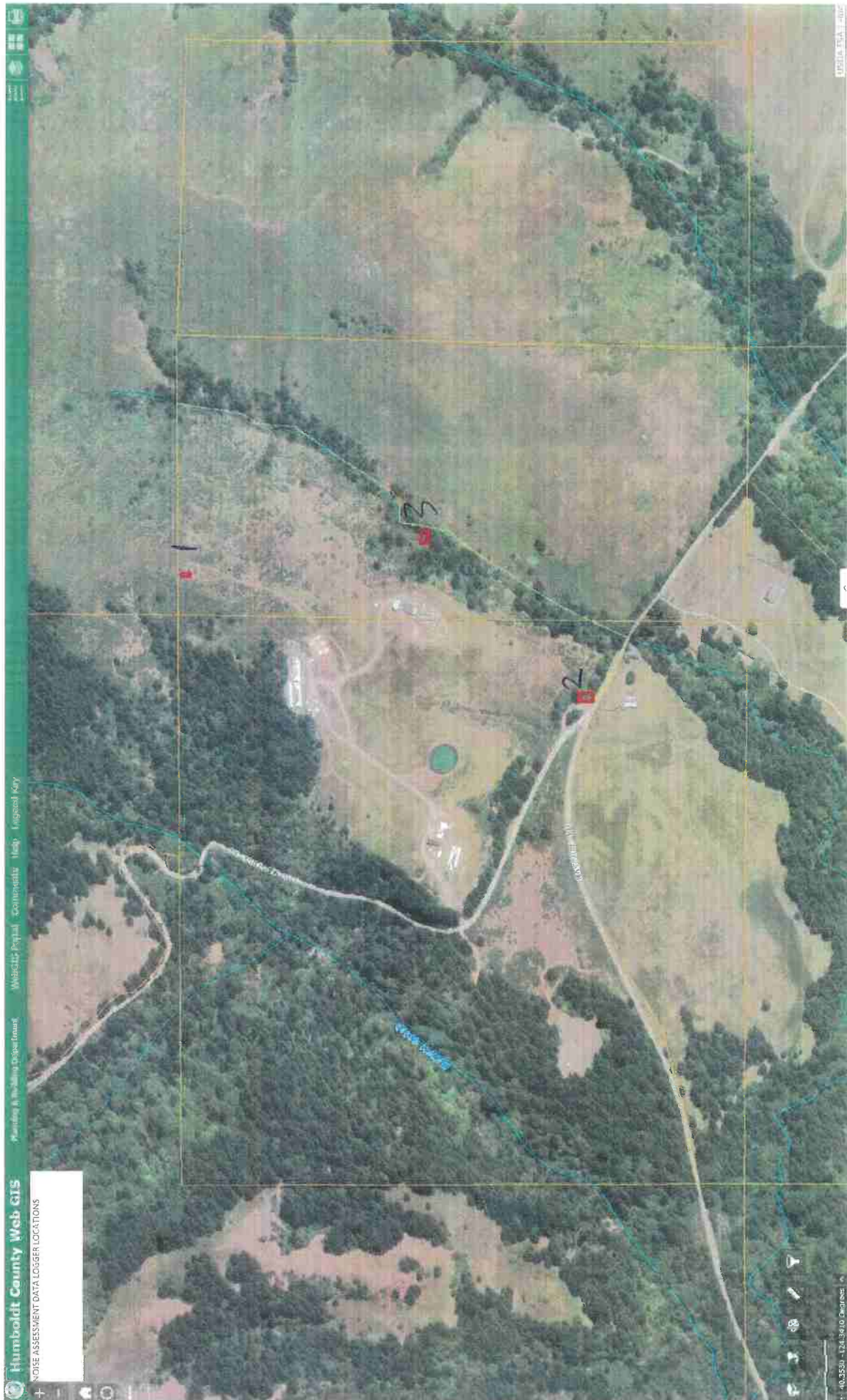
See table below for a relative comparison of ambient noise decibel readings:

Noise Sources and Their Effects

Noise Source	Decibel Level	comment
Jet take-off (at 25 meters)	150	Eardrum rupture
Aircraft carrier deck	140	
Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB).	130	
Thunderclap, chain saw. Oxygen torch (121 dB).	120	Painful. 32 times as loud as 70 dB.
Steel mill, auto horn at 1 meter. Turbo-fan aircraft at takeoff power at 200 ft (118 dB). Riveting machine (110 dB); live rock music (108 - 114 dB).	110	Average human pain threshold. 16 times as loud as 70 dB.
Jet take-off (at 305 meters), use of outboard motor, power lawn mower, motorcycle, farm tractor, jackhammer, garbage truck. Boeing 707 or DC-8 aircraft at one nautical mile (6080 ft) before landing (106 dB); jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB).	100	8 times as loud as 70 dB. Serious damage possible in 8 hr exposure
Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing (97 dB); power mower (96 dB); motorcycle at 25 ft (90 dB). Newspaper press (97 dB).	90	4 times as loud as 70 dB. Likely damage 8 hr exp
Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph	80	2 times as loud as 70 dB. Possible damage in 8 h exposure.

at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).		
Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Arbitrary base of comparison. Upper 70s are annoyingly loud to some people.
Conversation in restaurant, office, background music, Air conditioning unit at 100 ft	60	Half as loud as 70 dB. Fairly quiet
Quiet suburb, conversation at home. Large electrical transformers at 100 ft	50	One-fourth as loud as 70 dB.
Library, bird calls (44 dB); lowest limit of urban ambient sound	40	One-eighth as loud as 70 dB.
Quiet rural area	30	One-sixteenth as loud as 70 dB. Very Quiet
Whisper, rustling leaves	20	
Breathing	10	Barely audible

[modified from <http://www.wenet.net/~hpb/dblevels.html>] on 2/2000. SOURCES: Temple University Department of Civil/Environmental Engineering (www.temple.edu/departments/CETP/environ10.html), and *Federal Agency Review of Selected Airport Noise Analysis Issues*, Federal Interagency Committee on Noise (August 1992). Source of the information is attributed to *Outdoor Noise and the Metropolitan Environment*, M.C. Branch et al., Department of City Planning, City of Los Angeles, 1970.

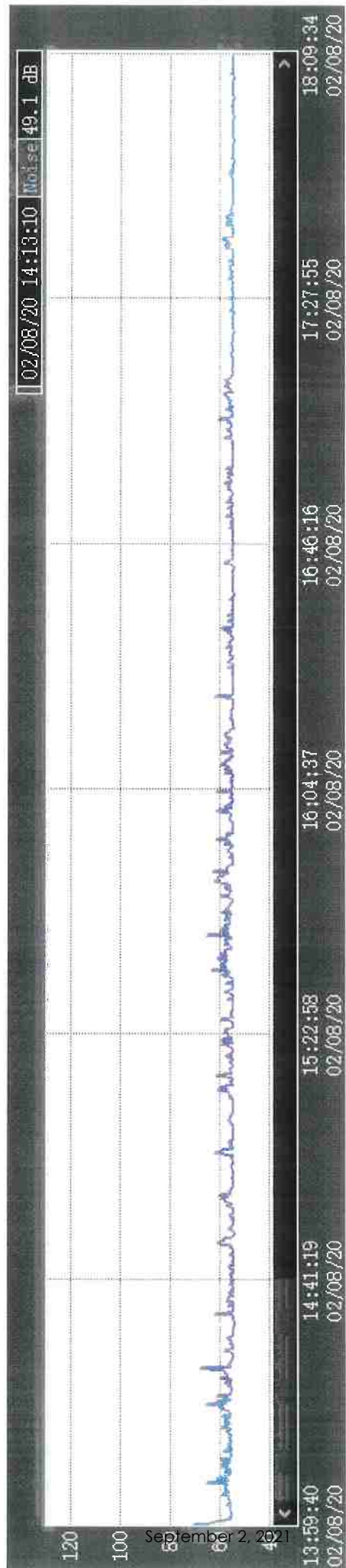


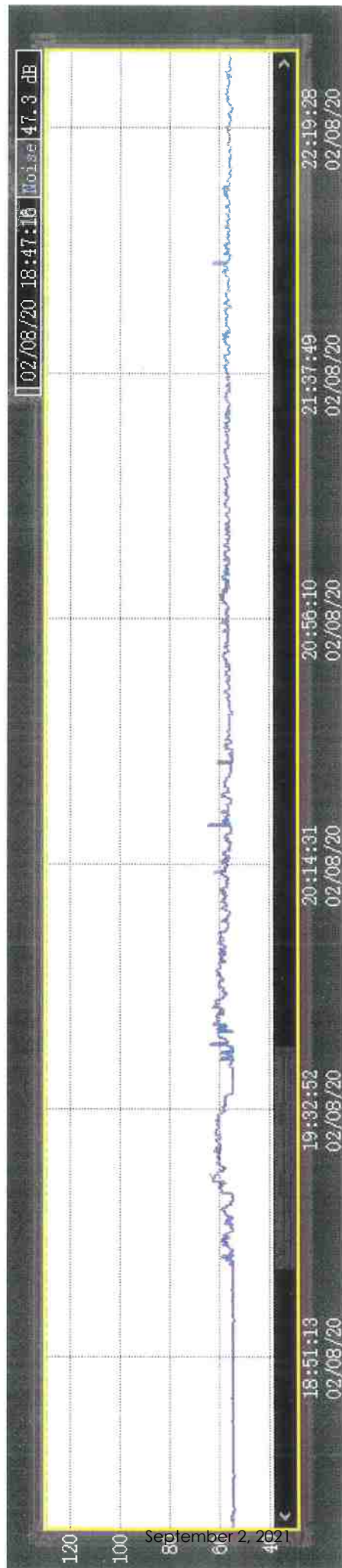
Log 1 – North Property Line

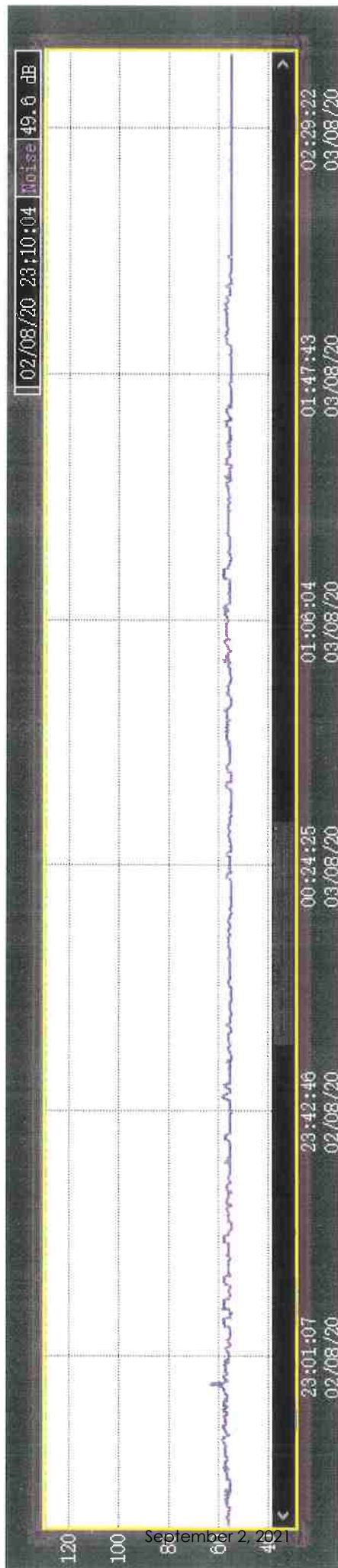
Observed ambient noise: sustained high to moderate winds and rustling grass. Measurement point was on top of exposed ridge surrounded by tall grass.

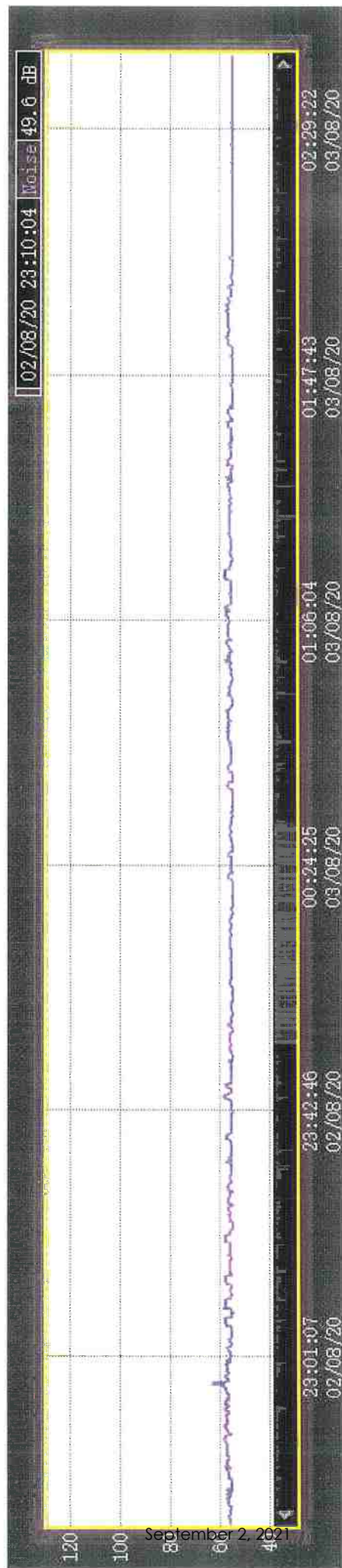
Notes: Some spikes in noise are observed, potentially due to adjacent ranch water tank pump.

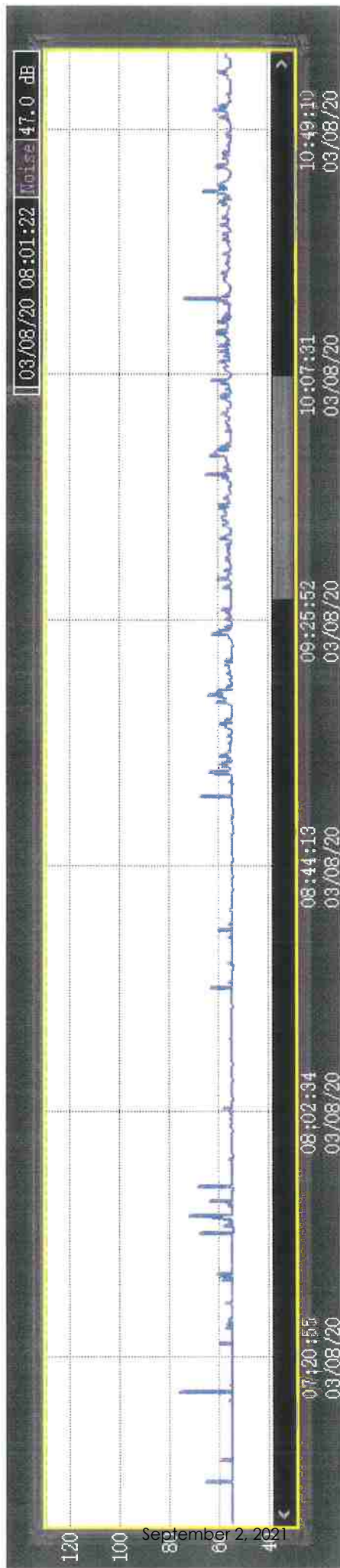
Average baseline decibel reading in the range of 47 decibels.

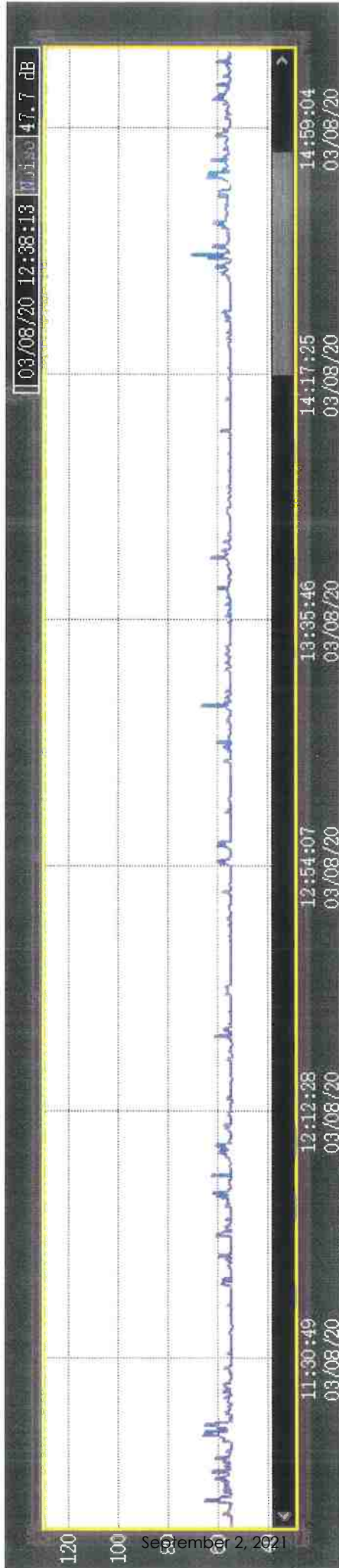










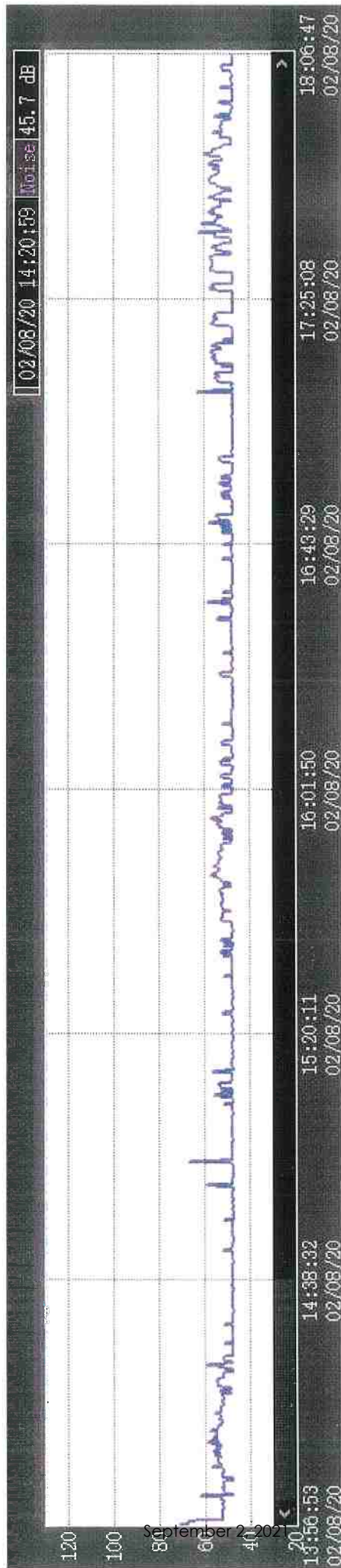


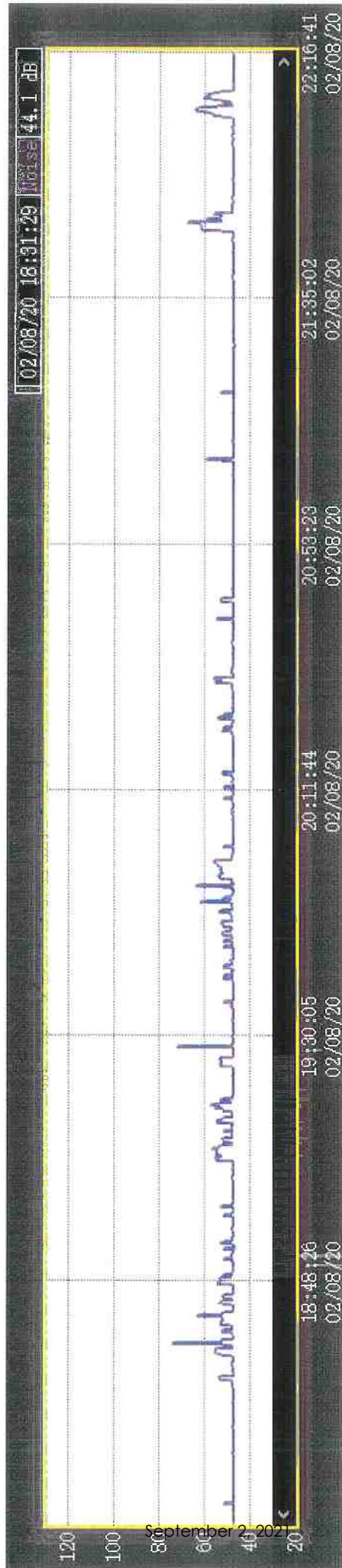
Log 2 – West Property Line Gate

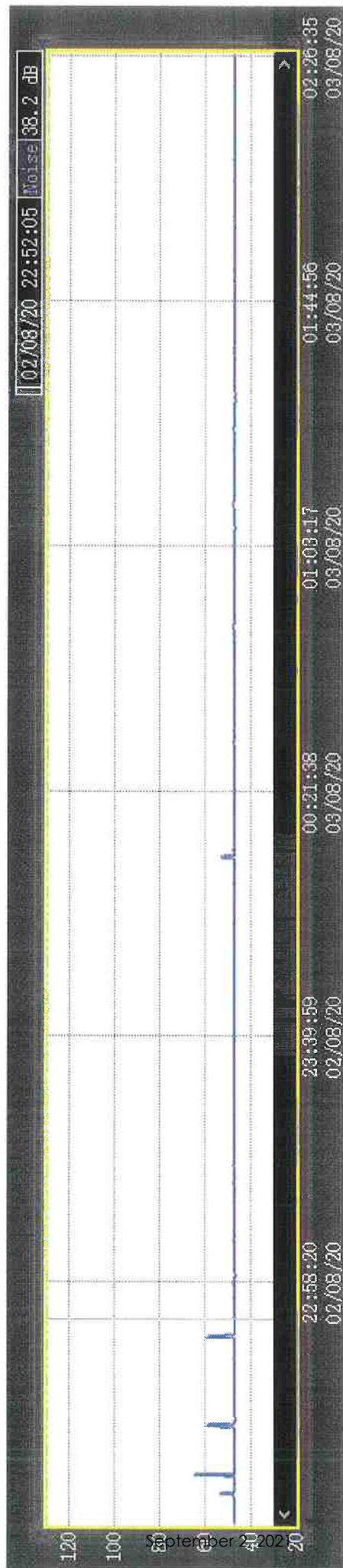
Notes: Spikes in noise over 60 decibels measured at several intervals, most likely due to passing vehicular traffic on Old Mattole Road.

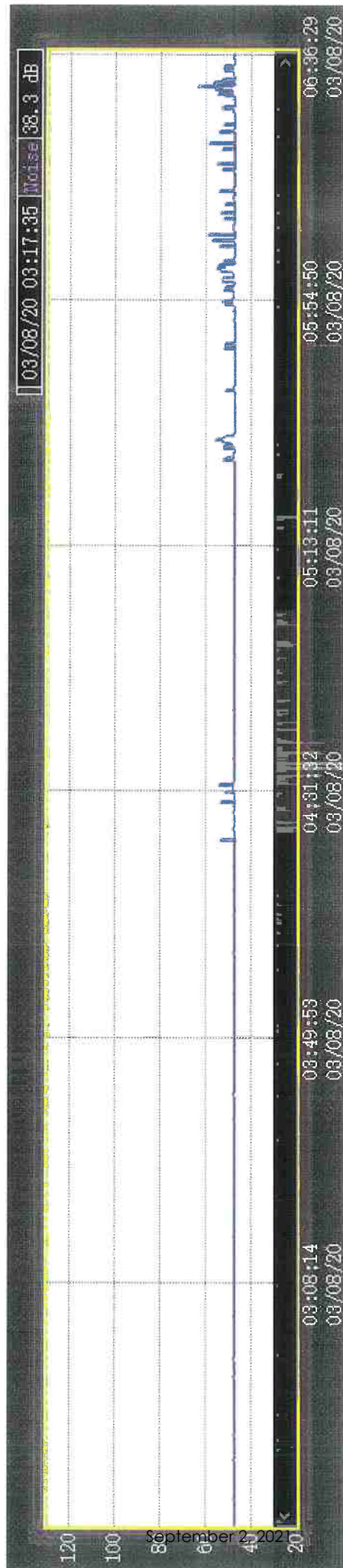
Observed ambient noise: Moderate to mild wind, rustline grass and branches

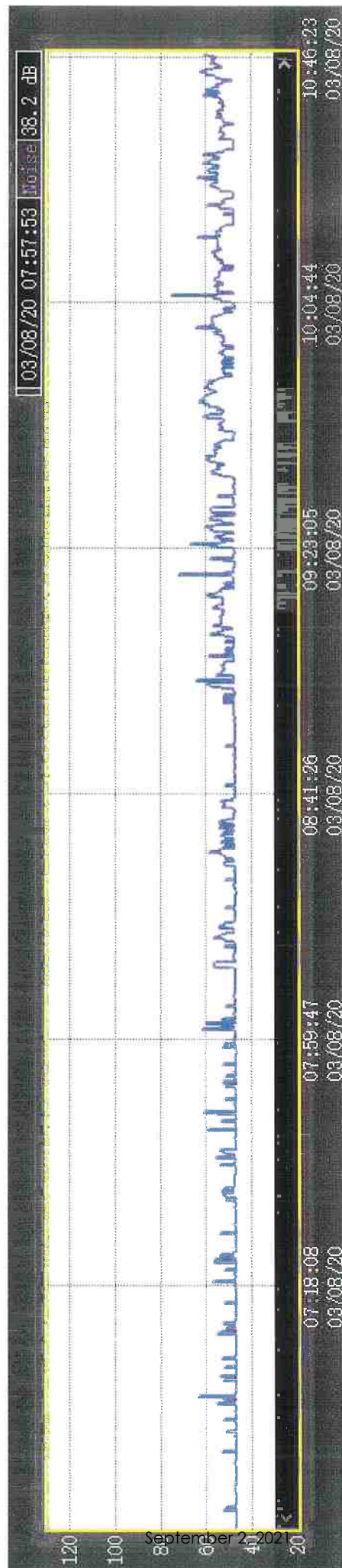
Notes: Average baseline decibel reading of **39**

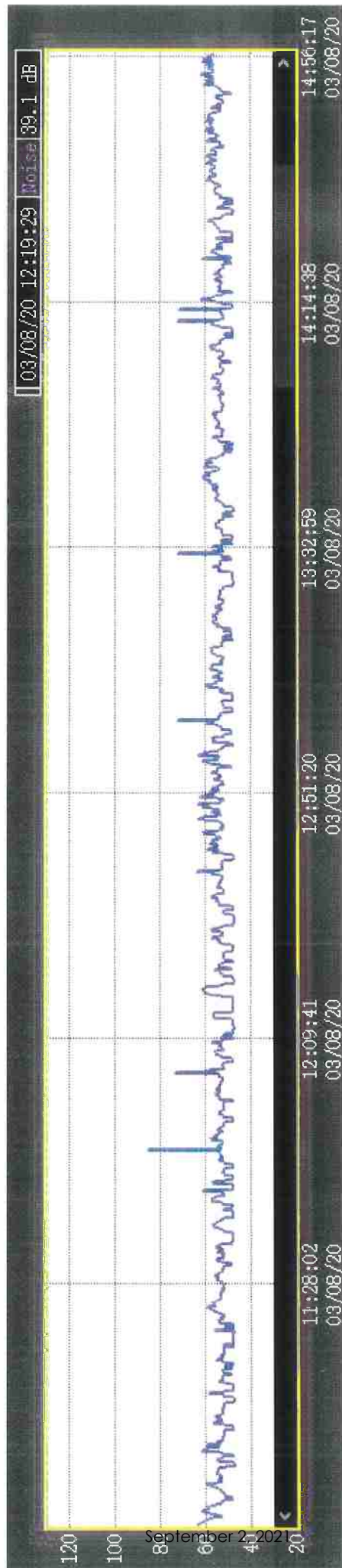








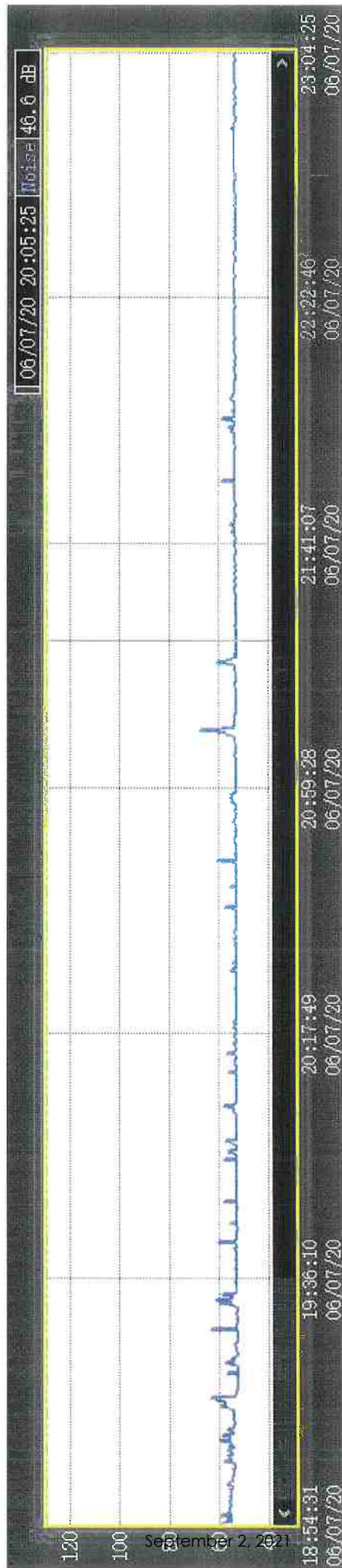


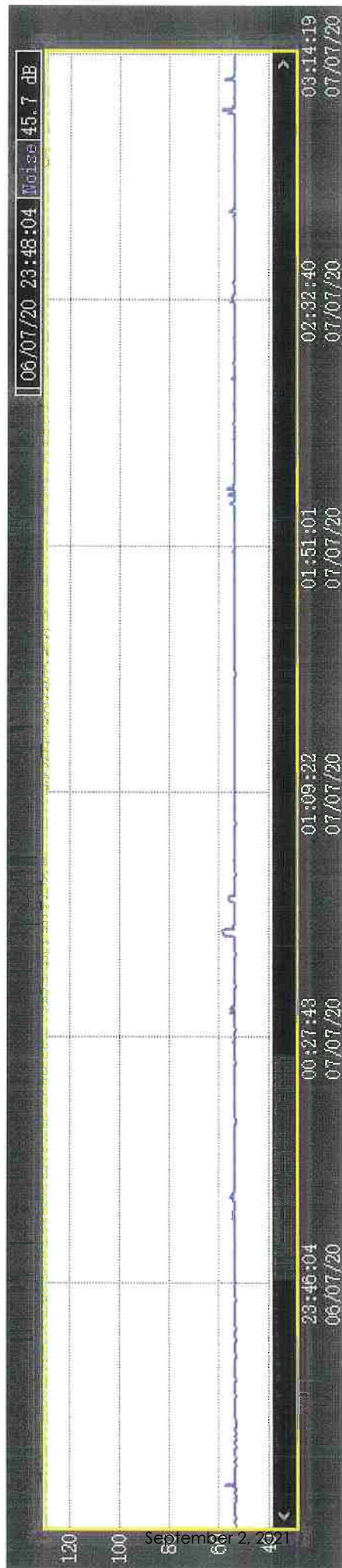


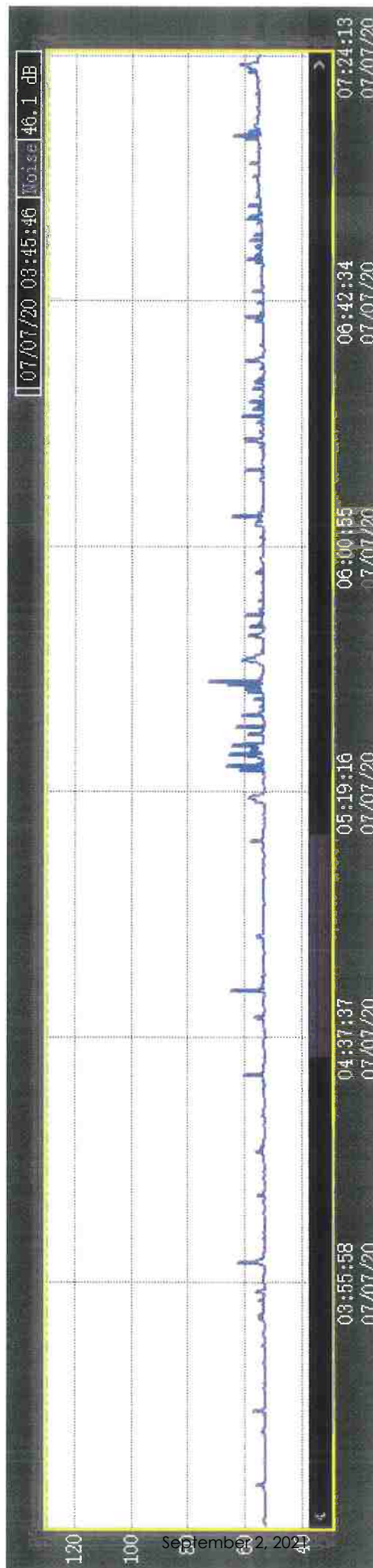
Log 3 – East Property Line

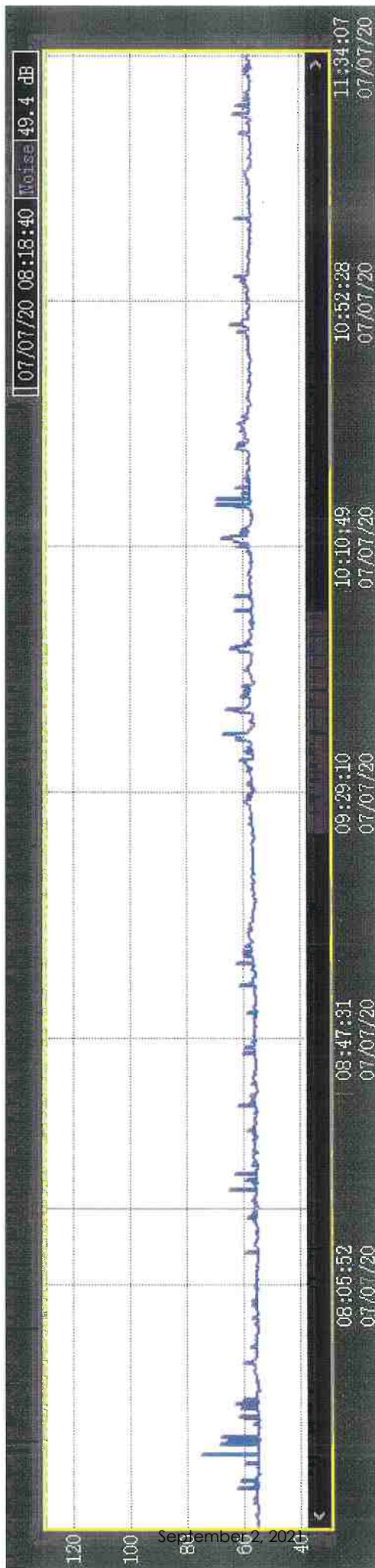
Notes: Moderate wind, sensor in area with tall rustling grass and fencing in poor condition creaking at high winds..

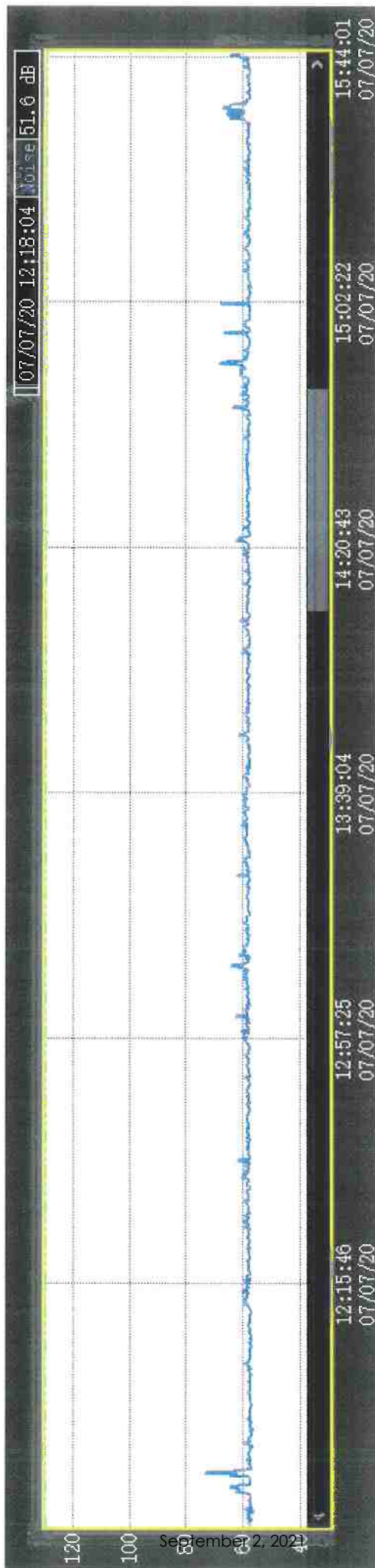
Notes: Average baseline decibel reading of **45 to 46 decibels**

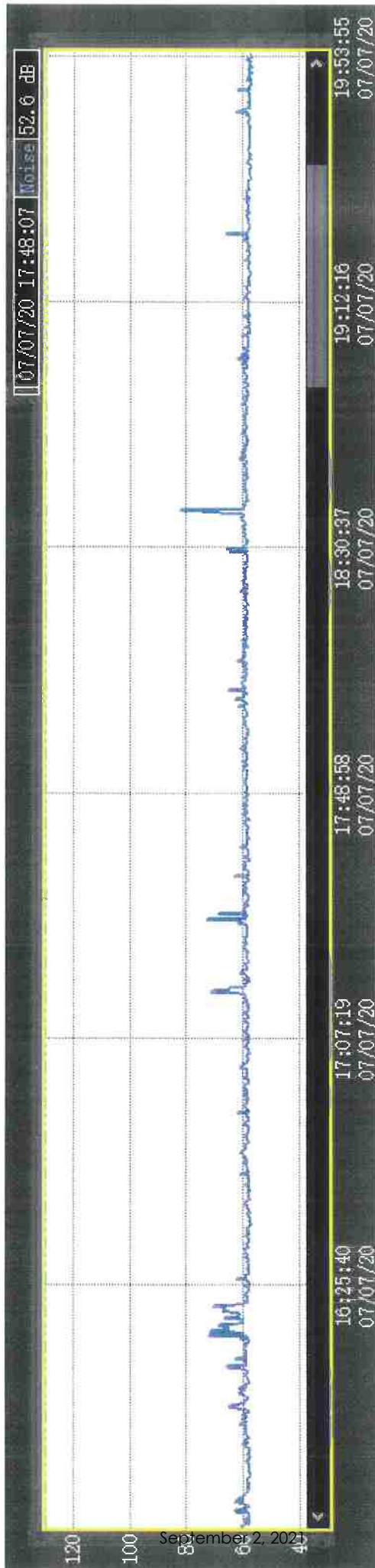












INVASIVE SPECIES CONTROL PLAN

Assessor Parcel Number (APN):
104 – 261 – 006 & 105 – 021 – 011



Prepared For:

Rainmaker Properties, LLC

5725 Old Mattole Road
Petrolia, CA

Prepared By:

Naiad
Biological
Consulting



PO Box 121
Samoa, CA 95564
naiadbiological@gmail.com

Date Prepared:

May 28th, 2020

Certification: I hereby certify that the statements furnished in this report present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

X 

Mason London, MS Biology

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Section 1 Introduction

1.1 Purpose and Need

Section 55.4.12.16 of the Humboldt County Commercial Cannabis Land Use Ordinance (CCLUO), Ordinance 2599, states that “[i]t is the responsibility of a certificate or permit holder to work to eradicate invasive species. As part of any application, the existence of invasive species on the project parcel need to be identified, including the type(s) of invasive plant species, where they are located, and a plan to control their spread. All invasive plant species shall be removed from the cultivation site and associated infrastructure using measures appropriate to the species. Removal shall be confirmed during subsequent annual inspection. Corrective action may be required if invasive species are found to have returned.”

1.2 Biologist’s Qualifications

The Invasive Species Control Plan was prepared by Mason London. Mason holds a Master’s of Science in Biology with a concentration in aquatic ecology from Humboldt State University. Mason also has 10 collective years of experience working professionally as a botanist, wildlife biologist, and aquatic ecological research scientist. Mason has worked in both Northern California and Southern Oregon targeting and eradicating invasive species for nonprofit land stewardship councils and government agencies.

1.3 Invasive Species Information

Not all non-native species are necessarily invasive species. For a species to be considered non-native, it means it has been introduced with human help (intentionally or accidentally) to a new place or new type of habitat where it was not previously found. Whereas, according to the USDA National Invasive Species Information Center, Executive Order 13112 (February 1999), “[a]n invasive species is defined as a species that is 1) non-native (or alien) to an ecosystem under consideration **and** 2) whose introduction causes or is likely to cause economic or environmental harm or harm to human health.”

The invasive species list used for this Invasive Species Control Plan was derived from the California Invasive Plant Council (Cal-IPC), as required by the Humboldt County Board of Supervisors, in the Mitigation Monitoring and Reporting Program – Proposed Amendments to Humboldt County Code Regulating Commercial Cannabis Activities (Mitigation 3.4-3b: Invasive plant species).

1.4 Assessment and Control Options

A physical survey of the parcels, to determine the scope of the present invasive species, will create a comprehensive starting point for management techniques. Several control options exist for eradicating invasive species; including biological, mechanical and chemical.

1.4.1 Biological Eradication

This option is generally used as a first line of defense for control of invasive species. The reintroduction of native species can, in some cases, create a host for insects and microorganisms which will feed on the invasive species and/or create an environment which will discourage new growth of the invasive plant. Because of this, competitive planting of non-invasive species can help to cultivate an environment which will discourage new growth of invasive plants.

Many invasive species become introduced to an area after a recent disturbance. By using native grasses or plants, in a restoration style planting or seeding, many invasive species will become unable to establish and entrench the exposed soils.

1.4.2 Mechanical Eradication

This option is the most common short-term option for the eradication of invasive species. Hand pulling, or with use of tools such as a weed wrench, can be done easily during certain times of year when the soils are still moist, and roots are easily removed. Depending on the species, it can be important to remove the entire root because some species can regenerate from roots left in the soil. Other species need to be removed before their seeds fully mature in order to not promote aerial spreading of fertile seeds. In some of these cases, the removed plant matter will need to be removed from the property since some seeds are able to mature on a plant even when the plant has been removed from the ground. This method is ideal for populations of invasive plants that are smaller and can be easily managed with hands or hand tools.

For populations of invasive plants that cannot be easily or affectively managed by hand, use of weed whackers, tractors, or cutting tools may be required to eradicate or control the spread of certain species.

1.4.3 Chemical Eradication

This method is considered only as a last resort, if at all, since most commercial cannabis projects are operating under organic and/or natural growing techniques that never include the use of chemicals.

1.5 Project Description

The proposed project, responsible for this Invasive Species Control Plan request, consists of the cultivation of approximately 22,584 ft² of mixed-light cannabis in one location within an open field which has been used to graze cattle for the last 150 years or more (Map 2). A grading plan is being submitted in association with this project in order to level out the project site location to better suit cultivation operation. The parcel also has 20,976 ft² of preexisting permitted mixed-light cannabis cultivation existing over three (3) separate sites (Map 2).

Section 2 Methods

2.1 Field Observations and Parcel Description

On May 7th, 2020 the parcels of proposed cultivation (APNs: 104-261-006 & 105-021-011) were visited in order to observe the presence of invasive species (Map 1). The project area is located in Section 30, Township 1 South, Range 2 West (S30, T1S, R2W) of the Humboldt Base and Meridian (HBM) and in the Petrolia 7.5-minute USGS quadrangle (Quad code: 4012433). The parcel occurs within the McNutt Gulch watershed (CDFW Region: 1), which is a coastal stream draining into the Pacific Ocean approximately 6.50 miles south of Cape Mendocino. The center location of this parcel is 40°21'01.1"N 124°19'48.9"W. The elevation of the center of the proposed project site is approximately 495 feet (~150 meters) above sea level (Google Earth Pro, 2020).

2.2 Invasive Species Assessment

The Cal-IPC Inventory was used to determine invasive species of concern for the site visit investigation. The *Weed Control in Natural Areas in the Western United States* (UC Davis Weed Research and information Center, 2013) was utilized to determine specific species information and adequate eradication and management methods, as recommended by Cal-IPC.

Section 3 Results

3.1 Parcel Habitat

The main habitat investigated within the parcel for the project area consists of a large open hilltop where the proposed project site occurs (Figure 1). During the field survey other surrounding habitats on the parcel, described in more detail in Section 4.1.1, were also investigated for habitat quality and species presence. A wetland feature and watercourses on the parcel were also investigated and measured for adequate buffered setback from the proposed project site.

3.2 Observed Invasive Species

Many non-native species were observed during the site visit investigation throughout the project sites and the surrounding area, however, only a few invasive species were observed.

The invasive species observed in the parcels where the projects occur, listed on the CAL-IPC inventory, were:

Scientific Name	Common Name	CAL-IPC Invasiveness Rank
<i>Cirsium vulgare</i>	bull thistle	Moderate
<i>Rumex crispus</i>	curly dock	Limited
<i>Carduus pycnocephalus</i>	Italian thistle	Moderate
<i>Rumex acetosella</i>	sheep sorrel	Moderate
<i>Geranium dissectum</i>	cutleaf geranium	Limited
<i>Hedera helix</i>	English ivy	High
<i>Briza maxima</i>	big quaking-grass	Limited
<i>Mentha pulegium</i>	pennyroyal	High

3.3 Invasive Species Information, Management and Removal Recommendations

3.3.1 Bull thistle (*Cirsium vulgare*)

Cirsium vulgare (Figure 2) was observed in isolated populations throughout the margins of the open field habitat and surrounding some of the preexisting cultivation sites (Map 2). *Cirsium vulgare* is found everywhere in the United States, favors disturbed areas including rangeland, pastures, forest clear-cuts, roadsides and waste areas, and can also be seen in foothills, dry meadows and riparian areas. This species was introduced from Europe.

Cirsium vulgare is not palatable to livestock and reduces the forage potential of infested pasture. Once *Cirsium vulgare* becomes established it can easily outcompete native plants.

Cirsium vulgare is considered to have ranking of *Moderate Invasiveness* by the Cal-IPC Inventory. The most feasible method of eradication for this species is by mechanical methods. According to the Weed Report from the Weed Control in Natural Areas in the Western United States, *Cirsium vulgare* can be effectively removed by “[t]illage, hoeing, and hand pulling... as long as they are done before flowering to prevent seed production. Any mechanical or physical control measure that severs the root below the soil surface is very effective...[however], the plant must be cut off below the soil surface and no leaves should remain attached, or the plant will recover.”

The removed plants should be bagged up and removed from the property to make sure plant material and fertile seeds do not promote repropagation.

3.3.2 Curly dock (*Rumex crispus*)

Rumex crispus (Figure 3) is found throughout the United States, including every western state. This species can be found in ditches, roadsides, wetlands, meadows, riparian areas, alfalfa and pasture fields, orchards and other disturbed moist areas. *Rumex crispus* was found in a few isolated populations within the wetland habitat north of the proposed project site (Map2). This species can be competitive and outcompete more desirable vegetation for water, nutrients and light. The Cal-IPC Inventory considers *Rumex crispus* to have ranking of *Limited Invasiveness*.

According to the Weed Report, from the Weed Control in Natural Areas in the Western United States, “[c]urly dock are difficult to control by hand-pulling because of their deep taproot.” It is stated that “[c]ontinual mowing before seeding can be effective in reducing seed production.” The applicant is recommended to mow *Rumex crispus* early in the season in order to suppress the seeds reaching maturity. Due to the low numbers of observed individuals, the applicant has a very good chance at successfully combating the spread of this species.

3.3.3 Italian thistle (*Carduus pycnocephalus*)

Carduus pycnocephalus (Figure 4) was observed in isolated populations throughout the of the open field habitat. It is likely that this species exists in greater number throughout the parcel, but was not observed during the site visit. *Carduus pycnocephalus* is native to Europe and the Mediterranean region, and can be found throughout the western United States in disturbed open sites, roadsides, pastures, annual grasslands, and waste areas. This species is given the ranking of *Moderate Invasiveness* by the Cal-PIC Inventory.

The recommended mechanical eradication, by the Weed Report from the Weed Control in Natural Areas in the Western United States, for this species is to remove when they are small “by cutting.” To be effective with this

method, one must “...use a sharpened shovel at the top of the root crown. Grubbing hoes must cut the plants 2 to 4 inches below ground level to prevent resprouting from dormant axillary buds.” It is also noted that “[m]owing the plant during flowering can greatly reduce seed production, though a single mowing is seldom sufficient due to the wide differences in the maturity of plants in a natural population.” If one does plan to control by mowing, this process should “wait till plants bolt and are about the flower.”

3.3.4 Sheep sorrel (*Rumex acetosella*)

Rumex acetosella (Figure 5) was observed throughout the grazed field habitats. *Rumex acetosella* is originally native to Europe and favors agricultural lands, pastures, fields, roadsides, garden, landscaped areas, grasslands and open grazed lands. It can be found invading habitats such as riparian corridors, moist woodlands, forest margins, coastal habitats and a wide variety of disturbed sites. *Rumex acetosella* occurs nearly worldwide and can displace native grasses and forbs. This species is given the ranking of *Moderate Invasiveness* by the Cal-PIC Inventory.

The mechanical eradication that is recommended by the Weed Report from the *Weed Control in Natural Areas in the Western United States*, is to carefully remove by hand. The report explains that controlling this species “...can be difficult because of its creeping rhizomes and long-lived seeds, but is most effective when infestations are caught early.” The report points out that “[p]lants are too short to be affected by mowing...” so the applicant may need to administer repetitive hand pulling to prioritize eradication efforts and assure that *Rumex acetosella* does not recolonize the grazed fields.

3.3.5 Cutleaf geranium (*Geranium dissectum*)

Geranium dissectum (Figure 6) was observed in clusters throughout the grazed field habitats. It is likely that this species exists in greater number throughout other habitats on the parcel, but was not observed during the site visit. *Geranium dissectum* found on roadsides, field, pastures, orchards, vineyards, landscape areas, waste places, turf, disturbed open woodlands, shrublands, and other plant communities and occasionally crop fields. This species is unpalatable to livestock except during the early growth stages. This species is given the ranking of *Limited Invasiveness* by the Cal-PIC Inventory.

The recommended mechanical eradication, by the Weed Report from the *Weed Control in Natural Areas in the Western United States*, for this species is to be “... pulled, dug, or cultivated before they produce flowers and seeds.” It is recommended that the applicant pulls the individual plants out of the ground in spring before the seed matures and remove the vegetation from the site.

3.3.6 English Ivy (*Hedera helix*)

Hedera helix (Figure 7) was observed growing up a few Douglas Fir (*Pseudotsuga menziesii*) trees within the forested habitat to the northwest of the proposed project site. *Hedera helix* is originally native to Europe and introduced to the United States as an ornamental. It can be found invading habitats such as riparian corridors, moist woodlands, forest margins, coastal habitats and a wide variety of disturbed sites. *Hedera helix* grows vigorously in forests where nothing else seems able to compete and inhibits regeneration of understory plants. This species is given the ranking of *High Invasiveness* by the Cal-PIC Inventory.

The mechanical eradication that is recommended by the Weed Report from the *Weed Control in Natural Areas in the Western United States*, is to clarify remove by hand. The report explains that “[w]hen the plant carpets the forest floor, individual stems can be readily pulled off the ground; however, it is essential to remove all runners. If off-site removal is not possible, all plant parts must be placed off the ground in such a way that they can dry out. Repeat removal efforts over multiple years may allow desirable vegetation to colonize the area.” The report warns that “[b]ecause ivy can resprout and establish from stem fragments, mowing or cutting is not recommended.” It is also noted that “[c]utting ivy off before it flows will reduce seed production and deplete the plant’s energy reserves.”

3.3.7 Big quaking-grass (*Briza maxima*).

Briza maxima (Figure 8) was observed throughout the open field habitat (Map 2). It is likely that this species exists in greater numbers throughout other habitats on the parcel, but was not observed during the site visit. *Briza maxima* is a winter annual grass and is found in coastal ranges throughout of California. This species is given the ranking of *Limited Invasiveness* by the Cal-PIC Inventory.

The mechanical eradication that is recommended by the Weed Report from the *Weed Control in Natural Areas in the Western United States*, is to till or pull the species “just before viable seed production.” This is the only mechanical control recommendation that is considered to be “excellent,” meaning that in general its success in eradicating the species is greater than 95%. Other “good” mechanical control recommendations, meaning its success of eradication is 80-95%, include grazing, prescribed burning, and mowing or cutting “...before seed drop[s].”

3.3.8 Pennyroyal (*Mentha pulegium*)

Mentha pulegium (Figure 8) was only observed in the wetland habitat north of the project site (Map 2). *Mentha pulegium* is common as an obligate wetland indicator species in seasonally inundated soils of valleys and bottomlands, usually below 1,640 feet elevation. The presence of these species is not always representative of a

wetland. This parcel is located within the USACE Land Resource Region A (LRR:A) within the western mountains, valleys and coast region. LRR:A, or the northwest forests and coast sub region, often experiences frequent and heavy rainfall events that create ample opportunities for wetland vegetation to propagate.

Even though pennyroyal is considered uncommon in much of California, it occurs in the sierra foothills, Central Valley, and most coastal counties from the Mexican border to Oregon. Pennyroyal favors disturbed sites, seeps, stream sides, vernal pools, marches and ditches. This species is given the ranking of *High Invasiveness* by the Cal-PIC Inventory.

According to the Weed Report, from the *Weed Control in Natural Areas in the Western United States*, “[p]ennyroyal infestations can be suppressed by manual removal of individual plants and small patches before flowering... below-ground reproductive tissues should be severed approximately 3 inches below the soil surface when the plants are beginning to bolt.”

The report goes on to explain that “[t]illage can be an effective control strategy for rosettes and bolting plants.” This species should be combated in order to prevent any potential spreading, though is probably not a major concern due to its isolation to the mesic habitat.

It is recommended that this species be left alone in its current habitat in order to not disturb the wetland by any irradiation measures.

Section 4 Conclusion and Recommendations

The applicant can control the spread of the invasive species previously listed if the recommended mitigation and control methods are followed. If the applicant follows the “early detection rapid response” approach before the plants can flower and seed, the current state of the cultivation area should be easily treatable. Due to the clustering of the invasive species observed within the proposed project site locations, and given that many of these species do not favor the surrounding forested habitat, the applicant can halt the invasion of these species spreading throughout the surrounding habitats if action is taken.

Section 5 References

California Invasive Plant Council (Cal-IPC) Inventory: <https://www.cal-ipc.org/plants/inventory/>. Accessed May 2020.

Easter, J (2004). California Vegetation/Wildlife Habitat Regions. Accessed May 2020

Ordinance No. 2599, amending sections 314-55.4, 314-55.3.11.7, 314-55.3.7 and 314-55.3.15 of Chapter 4 of Division 1 of Title III of the County Code (CCLUP for Areas Outside the Coastal Zone). Board of Supervisors, County of Humboldt, State of California, May 2018. Accessed June 2019.

Trinity County Zoning Ordinance 315 (Sections 1-40). Retrieved May 2020, from <https://www.trinitycounty.org/Trinity-County-Zoning-Ordinance>

Weed Control in Natural Areas in the Western United States. UC Davis Weed Research and Information Center, 2013. Accessed January 2020.

Appendix A: Photos



Figure 1. The dominate habitat investigated during the invasive species site visit.



Figure 2. Bull Thistle basal rosette.



Figure 3. Curly dock (*Rumex crispus*).



Figure 4. Italian thistle circled in red.



Figure 5. The red buds of sheep sorrel



Figure 6. Cutleaf geranium circled in red



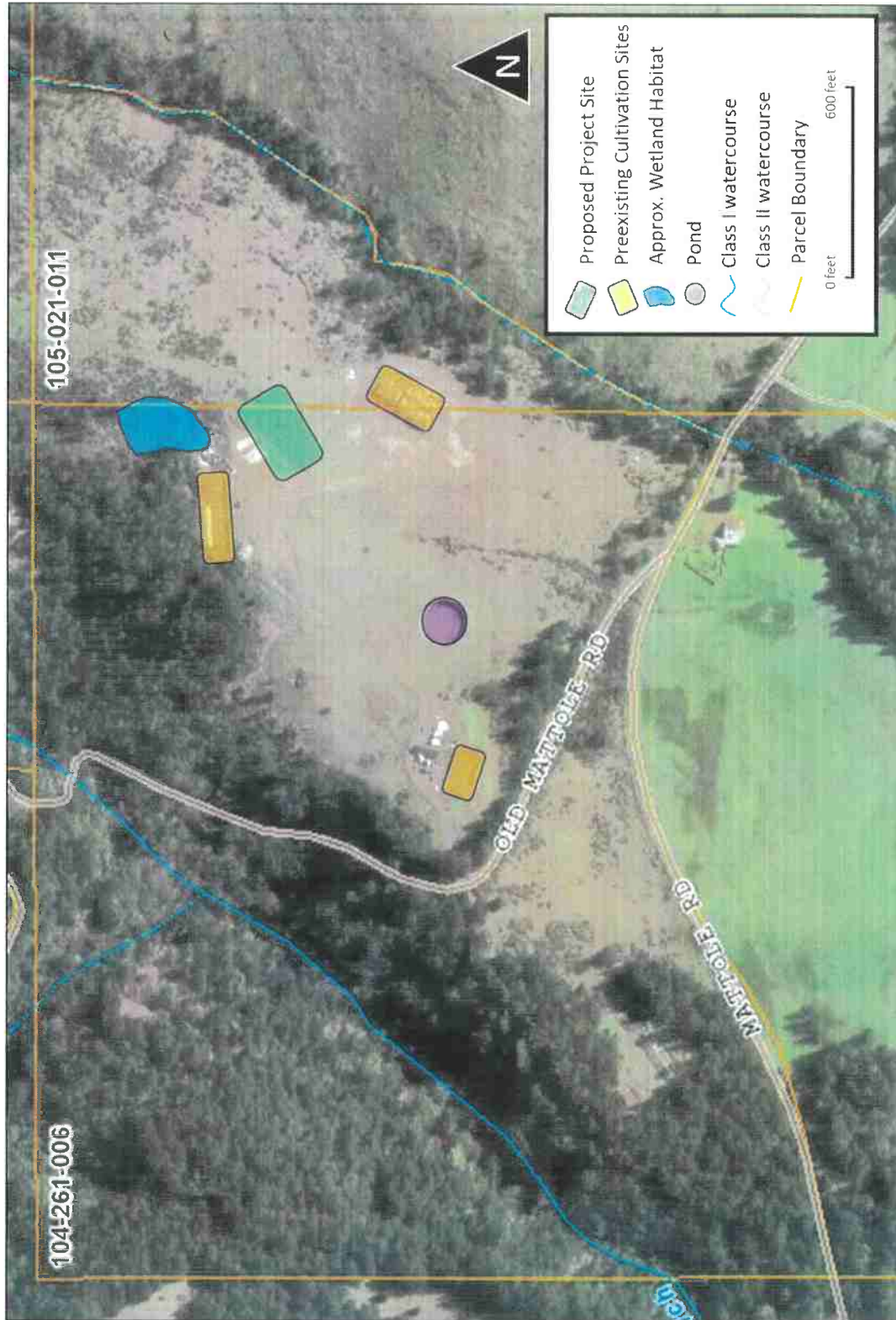
Figure 7. English ivy (circled in red) growing up a dead Douglas fir tree.



Figure 8. big quaking-grass circled in red.



Figure 9. Pennyroyal circled in red.



Map 1. The parcels investigated with the project site locations for reference. This is not a wetland delineation, so the boundary of the wetland is approximated as well. See the associated Biological Assessment Report for more detail regarding the survey path taken during the field survey. (This is not a boundary survey, property

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

RECEIVED

APR 16 2018

CDFW-NR
EUREKA OFFICE



STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2017-0610-R1
McNutt Gulch, Tributary to the Mattole River and the Pacific Ocean

David Brite
Brite Water Diversion Project
2 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on September 12, 2017 and revised on January 12, 2018, with additional information provided on March 2, 2018 that the Permittee intends to complete the projects described herein.

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

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

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

PROJECT LOCATION

The projects to be completed is located within the Mattole River watershed, approximately 4 miles west of the town of Petrolia, County of Humboldt, State of California. The project is located in Section 29 and 30, T1S, R 2E, Humboldt Base and Meridian; in the Petrolia U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 104-261-006 and 105-021-011; latitude 40 20 59.6 N and longitude -124 20 00.2 W at the point of diversion (POD).

PROJECT DESCRIPTION

The project is limited to 2 encroachments (Table 1). One encroachment is for a water diversion from McNutt Gulch. Water is diverted through a 1 inch poly pipe using an inline solar and gas powered pump to storage for domestic household and cannabis

cultivation use. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The other encroachment is for a water diversion from a drilled water well near McNutt Gulch. Water is diverted to storage for cannabis cultivation use. Work for the water diversion will include use and maintenance of the water well diversion infrastructure.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD-1	40 20 59.6 N/-124 20 00.2 W	Water diversion from McNutt Gulch. Water is diverted through a 1" line by a solar/gas powered in line pump to storage for Household Domestic use.
POD-2	40 20 59.6 N/-124 20 00.2 W	Water is diverted from a drilled well adjacent to McNutt Gulch and stored for cannabis cultivation use

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey (*Entosphenus tridentata*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-Legged Frog (*Rana boylei*), Coastal Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*) amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic, riparian and native plant species.

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

Impacts to water quality:

- increased water temperature
- reduced instream flow
- temporary increase in fine sediment transport

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

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

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

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

- damage to aquatic habitat and function

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW allows the Permittee or representatives to participate in the inspection. This condition does not apply to CDFW enforcement personnel.
- 1.7 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and

the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.

2. Avoidance and Minimization Measures

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on September 12, 2017 and revised on January 12, 2018, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification and those submitted separately on March 2, 2018.
- 2.2 Incidental Take. This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

Vegetation Management

- 2.3 Minimum Vegetation Removal. No native riparian vegetation shall be removed from the bed, bank or channel of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.

Water Diversion

- 2.4 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute (gpm)** at any time.
- 2.5 Bypass Flow. The Permittee shall pass **90% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.6 Seasonal Diversion Minimization. For the direct diversion from McNutt Gulch (POD-1), no more than **150 gallons per day** shall be diverted during the low flow season **April 1 to December 14 and this water shall be used for domestic household use only**. Permittee is permitted to divert an increased amount of water for domestic household use only **December 15 through March 31** provided water conservation measures are applied and water shall be diverted only if the Permittee can adhere to conditions 2.4 and 2.5 of this Agreement. For the diversion from the well (POD-2) Permittee shall confine the period of diversion to **December 15 through March 31** provided water conservation measures are applied and water shall be diverted only if the Permittee can adhere to conditions 2.4 of this Agreement.

- 2.7 **Measurement of Diverted Flow.** Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.7.1 The date and time diversion occurred.
 - 2.7.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
 - 2.7.3 Permittee shall make available for review at the request of the department the daily diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).
- 2.8 **Water Management Plan.** The Permittee shall submit a Water Management Plan no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 2.9 **Intake Structure.** No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.10 **Intake Structure Placement.** Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.
- 2.11 **Intake Screening.** The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.11.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.

- 2.11.2 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
- 2.11.3 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.
- 2.11.4 The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be placed in pool habitat.
- 2.12 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.13 Diversion Intake Removal. Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- 2.14 Heavy Equipment Use. No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.15 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.16 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.
- 2.17 Water Storage Maintenance. WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. The Permittee shall install any other measures necessary to prevent exorbitant use or waste of water. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
- 2.18 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as

appropriate for the water diversion and water storage. The application for this registration is found at:

http://www.swrcb.ca.gov/waterrights/publications/forms/forms/docs/sdu_registration.pdf.

Reservoirs

- 2.19 No Stocking. Stocking of fish, wildlife, or plant of any kind, in any Waters of the State, including reservoirs, shall be prohibited without written permission from the department pursuant to Section 6400 of the Fish and Game Code.
- 2.20 Invasive Species Management for Reservoirs. Permittee shall implement an invasive species management plan prepared by a Biologist for any existing or proposed reservoir. The plan shall include, at a minimum, an annual survey for invasive aquatic species, including the American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*). The Biologist, if appropriate, shall implement eradication measures if invasive aquatic species are identified as part of the survey.
- 2.20.1 Bullfrog Management Plan. If bullfrogs are observed, they shall be appropriately managed. Management of bullfrogs, including annual draining and drying of ponds, shall follow the guidelines in Exhibit A. A copy of the annual monitoring report, shall be submitted to CDFW in accordance with the reporting measures described in Exhibit A and below (Reporting Measure 3.5)
- 2.21 Off-stream reservoirs. Shall be appropriately designed, sized, and managed to contain any diverted water in addition to precipitation and storm water runoff, without overtopping. The Permittee shall install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. The spillway shall be designed and placed to allow for a minimum of two-feet of freeboard.
- 2.22 Seasonal Diversion Minimization. To minimize adverse impacts to native pond breeding amphibians (when present) the following diversion minimizations apply: From November 1 to March 31, the Permittee shall divert water at a rate no greater than the rate of water flowing into the pond (i.e., water diversion shall not decrease the pond depth). From April 1 – September 1, when native larval amphibians are present, the Permittee shall cease diverting water once the pond volume is one third of the maximum pond volume. To comply with this measure; the Permittee shall establish a fixed visual marker(s) (e.g., stage plate) in the pond as a reference for water level thresholds.
- 2.23 Wildlife Entrapment Prevention. The Permittee shall install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements:

installed at no greater than 2:1 slope, securely fixed at the upslope end, made of solid material (e.g. wood), and be a minimum length of 1.5 times the radius of the pond. A notice of completed work, with supplemental pictures, shall be submitted to CDFW by December 31, 2018.

3. Reporting Measures

- 3.1 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.8) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2018**.
- 3.2 Water Management Plan. The Permittee shall submit a **Water Management Plan** (condition 2.9) within **60 days** from the effective date of this agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.3 Invasive Species Management for Reservoirs. The Permittee shall submit all required documents described in the Invasive Species Management for Reservoirs (condition 2.20) including subsection 2.20.1, **Bullfrog Management Plan** (Exhibit A) no later than **December 31** of each year. The Bullfrog Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

CONTACT INFORMATION

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

To Permittee:

David Brite
321 S. Main Street
Sebastopol, CA 95472
707-498-3755
rainmakerproperties@outlook.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0610-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and

subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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


AUTHORIZATION

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

CONCURRENCE

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

FOR David Brite



David Brite

4/1/18
Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Cheri Sanville

Senior Environmental Scientist Supervisor

4/18/18
Date

Prepared by: T.O. Smith, February 6, 2018 and revised on March 7, 2018.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



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

Applicant Name: Rainmaker Properties LLC APN: 104-261-006

Planning & Building Department Case/File No.: 16276

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

From Road (Cross street): Mattole Road

To Road (Cross street): Gate

Length of road segment: ~0.25 miles Date Inspected: 06/25/20

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

Check one of the following:

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

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

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

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

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

Steve Luu
Signature

12-20-20
Date

Steve Luu
Name Printed

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



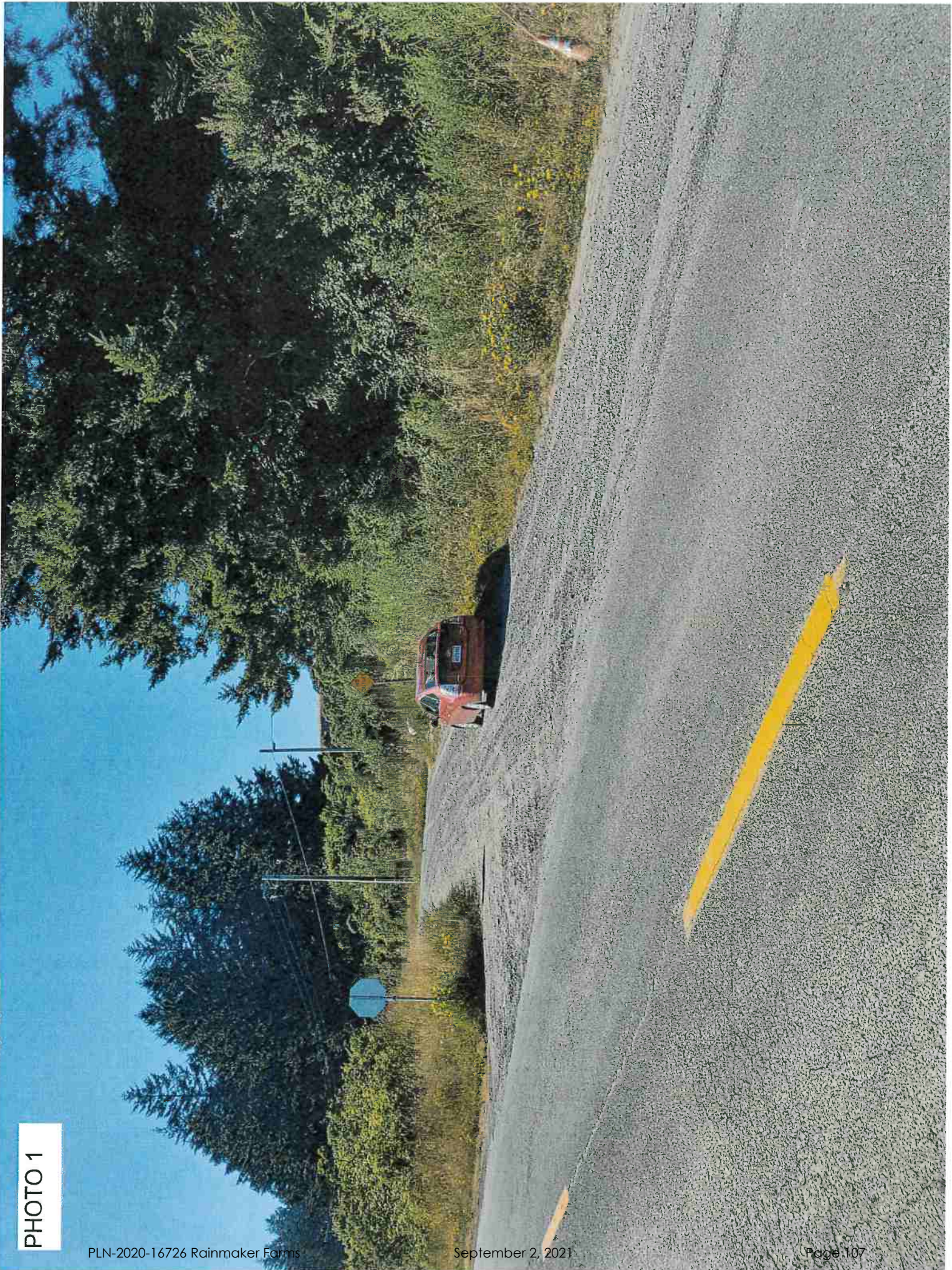


PHOTO 1

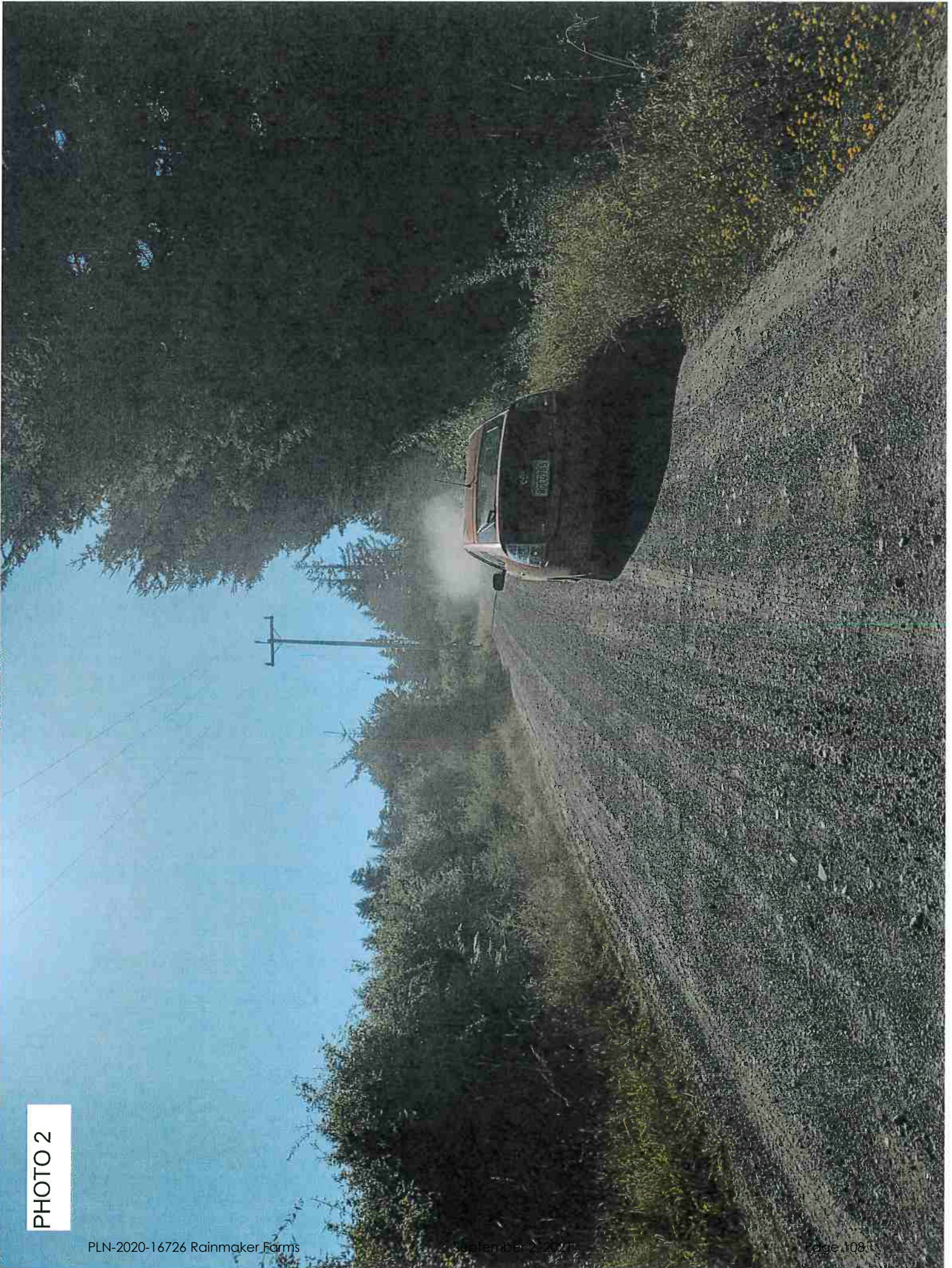


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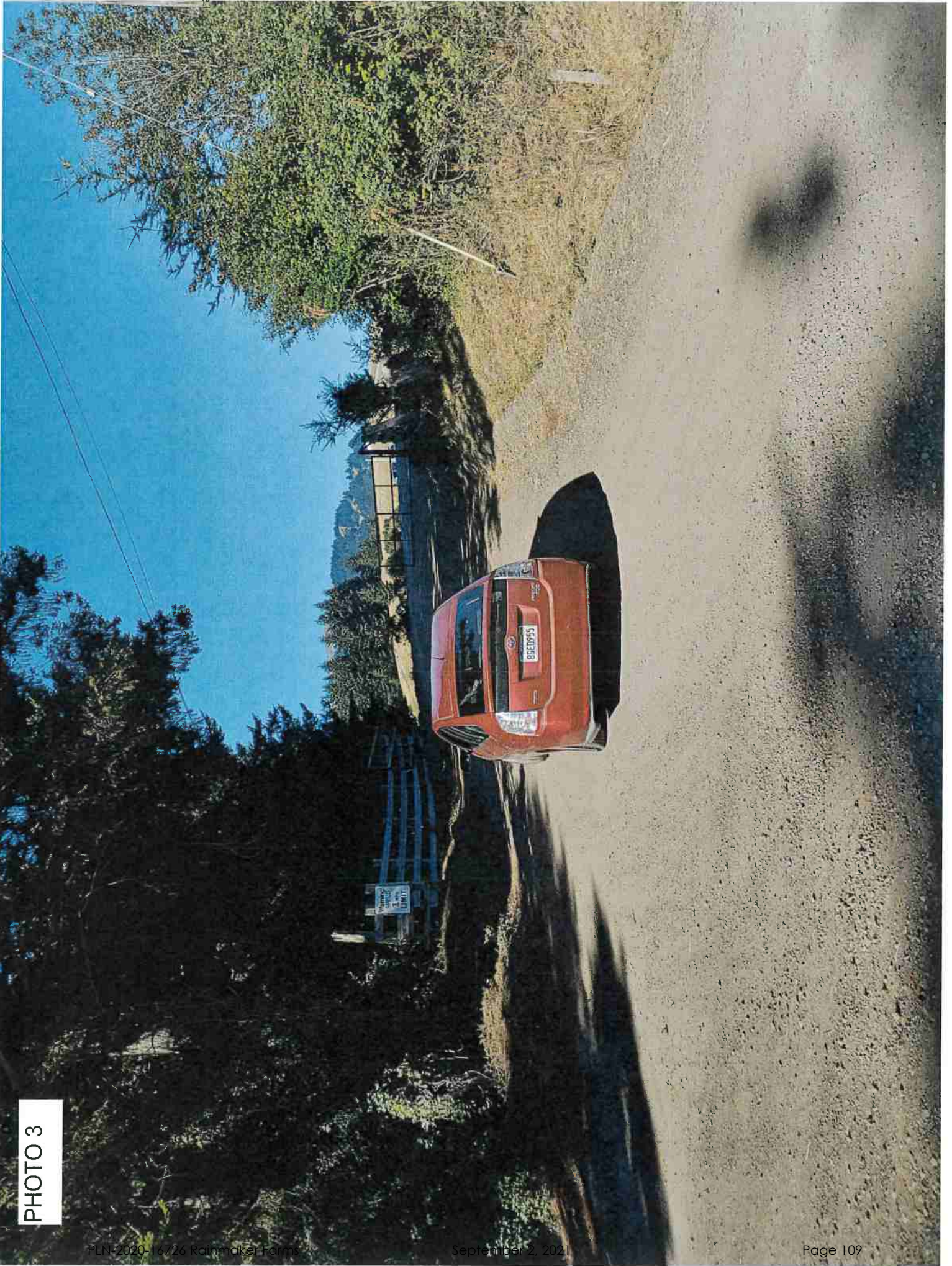


PHOTO 3

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	On File
Environmental Health	✓	Approval	Attached
Public Works, Land Use Division	✓	Approval	Attached
CAL FIRE	✓	No comment	On file
California Department of Fish & Wildlife		No Response	
Northwest Information Center	✓	Comments	On file and confidential
Bear River Band	✓	Comments	On file and confidential
Intertribal Sinkyone Wilderness Council		No Response	
Petrolia Fire Protection District	✓	Comments	Attached
NCUAQMD		No Response	
Mattole Union School District		No Response	
Humboldt County Sheriff	✓	Approval	On file
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	
PG&E		No Response	



Attachment for Commercial Medical Marijuana (CMM) Clearances/Permits

Applications for CMM Clearances and/or Permits are reviewed by the Division of Environmental Health (DEH) for compliance with regulations intended to protect public health and the environment. Individuals preparing a CMM Permit Application are encouraged to provide information addressing the items listed below, as applicable, to assist DEH with a timely review. If the requested information is already provided in a complete operations manual submitted to the Planning Division, provide the page and section numbers where it is located.

Name of Business: RAINMAKER FARMS Primary Contact Person: David Hill
 Site Address: 25725 Old Market Rd Phone: 707-498-3355
 APN: 107-201-0012 & 115-021 Email: David@rainmakerfarms.com

General Project Description (cultivation, processing, manufacturing, seasonal vs year round etc.):
Cultivation - Seasonal

Wastewater (page ___ section ___)

- Connected to public sewer: Onsite waste water system: X - septic
- Number of Employees: average 5 peak operations: 15
- Hours of Operation shifts per day: average 10 peak operations: 10
- Additional flow from processing: ___ GPD Description of effluent: ___
- Describe the proposed and existing wastewater generating structures and methods of effluent disposal:
KITCHEN, SHOWERS, BATHROOMS

Water Source (page ___ section ___)

- Describe and show the water source(s) available on the property and what they serve:

Public Water System	Approved Surface
Well Permit Number(s)	Water Description: ___
	Unapproved Surface
Unpermitted Well	Water Description: ___
No Existing Water Source	X Other: <u>Pond</u>
Spring	
- Describe the approximate daily water demand for the current and projected uses on the property and method used to calculate demand: DAILY DATA COLLECTED AND ENTERED INTO SPREADSHEET

Consumer Protection (page ___ section ___)

- List/Describe any food production or service: ___
- Describe and show on site plan, any existing or proposed kitchen infrastructure: ___

Note: DEH does not currently regulate edible cannabis products. Any other food production may require a Plan Check and permitting.

Hazardous Materials (page ____ section ____)

- List/describe production/cultivation machinery (e.g. generator, tractor, OHV, trimmer, heaters etc.): 2-Backup Generators, 7-propane HEATERS, 1-tractor
1-Hot water boiler system
- Equipment Maintenance/Service (e.g., changing oil, antifreeze, etc.): Onsite or Offsite
- List/describe fuel/oil(s) used or produced onsite (e.g. gasoline, diesel, propane, other?): Provide amounts and storage method(s): Gasoline - 250 gallon tank, Diesel - 1000 gallon tank
Propane - 3-1000 gallon tank
- List/describe all compressed gases, cleaners, solvents and sanitizers (including, but not limited to, household chemicals, bleach and alcohol). Provide amounts and storage method(s):
5 gallons - Sanimate, 1-2 gallons bleach, 1 gallon - simple green
- List/describe fertilizers, soil amendments and biocides (including organic ones). Provide amounts and storage method/area: Corvus edge Mico, Grow, Bloom
Chester-Boons, Plant therapy *Attach Safety Data Sheets (SDS)

Solid Waste/Recycling (page ____ section ____)

- List/describe the different anticipated solid waste/recycling, composting products and anticipated amounts: Truck to dump - 100 lbs week,
200 square foot compost area for cannabis material
 - Describe, and show on the site plan, the designated area for storage of recycling and solid waste (containers stored outside must be covered): Dump trailer w/cover
 - Describe waste removal plan including frequency and destination
 - Garbage (1x/week) town dump 1x week
 - Recycling(x/month) " " (avoid nuisances including odors and vermin.)
 - Hauling via Garbage Recycling Service or Self Haul
 - Preferred permitted solid waste/recycling facility: Fortuna
- Ⓢ Old Soil is removed at recycles at Fortuna Facility
Note: Spent growth medium with no further agricultural use is considered solid waste. It must be stored under cover until it can be hauled to a waste facility.



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

11/23/2020

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, FPD: Petrolia, RWQCB, NCUAQMD, School District: Mattole Union, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkiyone Wilderness Council, NWIC, PGE

Applicant Name Rainmaker Properties LLC **Key Parcel Number** 104-261-006-000

Application (APPS#) PLN-2020-16726 **Assigned Planner** Stephen Luther 707-268-3737

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

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

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

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

Return Response No Later Than: 12/8/2020

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

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

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

Other Comments: Previous development permits required driveway entrance to be surfaced to county standards. work has been completed as of 8/13/2018.

DATE: 12-16-2020 PRINT NAME: KEN FRESID



Petrolia Volunteer Fire Department



P.O. Box 169
Petrolia, CA 95558
707 629-3558 • fax: 707 629-3587

April 2nd 2021

County of Humboldt Planning and Building Department

RE: Rainmaker Properties Fire Inspection

Dear Planning Clerk

Apps 16726

After inspecting APN #104-261-006-00 and APN #105-021-011-00 I find that Rainmaker properties meets or exceeds our fire water supply and emergency vehicle access requirements at those locations.

Cordially

Travis Howe, chief

Petrolia Fire Department



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



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- Recommend Conditional Approval. Suggested conditions attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.

Other Comments:

*we request water storage planned for 2.5' N/F
Fire truck with a direct access for fire engines*

DATE: 11/27/2020

PRINT NAME: Travis Howe