



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

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

Hearing Date: April 21, 2022

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Ronald Sherr**, Special Permit  
Application Number 11668  
Accessor's Parcel Number 218-071-005  
New Harris area

**Table of Contents**

	<b>Page</b>
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	6
Maps	
Topo Map	11
Zoning Map	12
Aerial Map	13
Site Plans	14
Attachments	
Attachment 1: Recommended Conditions of Approval	15
Attachment 2: CEQA Addendum	22
Attachment 3: Applicant's Evidence in Support of the Required Findings	26
Attachment 4: Referral Agency Comments and Recommendations	79

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

## AGENDA ITEM TRANSMITTAL

<b>Hearing Date</b> April 21, 2022	<b>Subject</b> Special Permit	<b>Contact</b> Michael Holtermann
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**Project Description:** The applicant is seeking a Special Permit for an existing 9,446 square feet of cannabis cultivation and a Special Permit for restoration work in a Streamside Management Area (SMA). Irrigation for cultivation is provided by one (1) rainwater catchment pond. There are 676,000 gallons of water storage for the project, and the applicant estimates water use to total up to 250,000 gallons annually. Power is supplied by solar and wind power. The applicant proposes to process cannabis on site.

**Project Location:** The project is located in Humboldt County, in the New Harris area, on both sides of Island Mountain Road, approximately 1.5 miles northeast from the intersection of Bell Springs Road and Island Mountain Road, on the property known as 1557 Island Mountain Road.

**Present Plan Land Use Designation:** Residential Agriculture (RA40), 2017 General Plan, Density: 40 acres per unit, Slope Stability: High instability (3).

**Present Zoning:** Forestry Recreation (FR); Special Building Site: B-5 (40)

**Record Number:** PLN-11668-SP

**Assessor Parcel Number:** 218-071-005

<b>Applicant</b>	<b>Owner</b>	<b>Agent</b>
Ronald Sherr PO Box 117 Garberville, CA 95542	Ronald Sherr, Rebecca Sherr PO Box 117 Garberville, CA 95542	

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

**Major Issue:** None.

**State Appeal Status:** Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

**RONALD SHERR**

Application Number PLN-11668-SP  
Assessor's Parcel Number (APN): 218-071-005

**Recommended Zoning Administrator Action**

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

*Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit and adopt the Resolution approving the Ronald Sherr project as recommended by staff subject to recommended conditions of approval.*

**Executive Summary:**

The applicant is seeking a Special Permit to allow for an existing cultivation area of approximately 9,446 square feet (sf) comprised of 7,996 square feet of outdoor cultivation and 1,450 square feet of mixed light cultivation, appurtenant processing activities on the subject property and a Special Permit for restoration work in a Streamside Management Area (SMA) in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The subject parcel is located in the New Harris area, and the subject parcel is approximately 40 acres in size. Irrigation water is sourced from an off-stream man made pond. Estimated annual water use is 250,000 gallons, and total water storage is 676,000 gallons, including the 600,000 gallon rainwater catchment pond and hard sided tanks. The applicant proposes a maximum of eight employees will be required for the project. The applicant proposes PG&E power and generators to supply energy for the project.

**Water Resources**

Irrigation for cultivation is provided by a 600,000-gallon rainwater catchment pond. Total water storage is 676,000 gallons, and includes the 600,000-gallon rainwater catchment pond, two (2) 5,000 gallon hard sided tanks, eight (8) 2,500 gallon hard sided tanks, two (2) 3,000 gallon hard sided tanks, and one (1) 40,000 gallon hard sided tank. The applicant anticipates an annual water use of 250,000 gallons annually. Precipitation data from Garberville (approximately 11 miles northwest of the project area) shows approximately 68 inches of annual rainfall. The rainwater catchment pond with a length of 160 feet and a width of 70 feet should be capable of capturing over 400,000 gallons of rainwater in an average year. The projected rainwater catchment amounts and available water storage are capable of meeting the irrigation needs of the project while adhering to forbearance requirements. If enough rainwater is not captured to meet the irrigation needs of the project in a given year, the applicant will submit to the Planning Department a Cultivation Reduction form, and only cultivate amounts appropriate for the captured rainfall available for irrigation. 250,000 gallons of water needed to irrigate approximately 11,000 square feet is substantially more than what is typically seen (23 gallons per sf) and may be a high estimate. The project site is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits would be 87 permits and the total approved acres would be 42.58 acres of cultivation.

**Biological Resources**

A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County

WebGIS shows no mapped sensitive species onsite or within one mile of cultivation sites. Mapped critical habitat for Marbled Murrelet is mapped approximately 0.3 miles south of the subject property line.

The project consists of pre-existing cultivation areas, and no tree removal or further habitat modification is proposed as a result of project activities. The applicant has submitted a SMP to protect water quality and ensure erosion control. Due to the proximity of Marbled Murrelet habitat, a recommended condition of approval has been included to limit noise levels to 50 decibels 100 feet from noise sources (**Condition B.1**).

Several cultivation areas have historically been located in the SMA, and the applicant proposes to relocate the cultivation areas out of the SMA and into an existing currently empty cultivation area. Submittal of a restoration plan has been included as a recommended condition of approval (**Condition A.12**).

### **Access**

The project is accessed via a private driveway from Island Mountain Road, a County maintained road. The project was referred to the Department of Public Works in August of 2018, who recommended approval of the project with conditions that would require the applicant to improve visibility where the private road meets the County maintained road. Public Works has also recommended the private road be paved where it intersects with the County maintained road for a length of 50 feet and a width of 18 feet. Prior to any work occurring within the County maintained right of way, an encroachment permit will be obtained from the Public Works Department. The project has been conditioned to include these recommendations (**Conditions A.7-A.9**).

### **Tribal Consultation**

The project lies in a region of the County outside mapped ancestral territories for local tribes. The project proposal was referred to the Northwest Information Center, who recommended a Cultural Resources Investigation be prepared. The applicant submitted a Cultural Resource Investigation prepared by Nick Angeloff of Archaeological Research and Supply Company which evaluated nineteen (19) parcels (approximately 410 acres were surveyed) and included results for multiple cannabis projects. The Cultural Resources Investigation identified three prehistoric isolates. Archaeologist recommendations include no further archaeological work and enhanced inadvertent discovery protocol be implemented on parcels containing the identified isolates. The subject parcel for this project did not contain isolates, and as such standard inadvertent discovery protocol has been included as a recommended condition of approval (**Condition B.11**).

### **Geologic Suitability**

A review of WebGIS determined that the project is located within a parcel that has been classified as High Instability. The project site is located within an area that has slopes ranging between 15-30 percent. All cultivation is proposed to take place on existing graded flats.

### **Fire Safety**

The subject parcel is located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. A review of the Humboldt County WebGIS showed the subject parcel as being located in an area deemed



to have a high fire hazard severity. The project was referred to CALFIRE in November of 2017, who responded with standard comments on the project.

### **Environmental review**

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

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 22-**

**Application Number PLN-11668-SP  
Assessor's Parcel Number: 218-071-005**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Ronald Sherr Special Permit request**

**WHEREAS, Ronald Sherr**, submitted an application and evidence in support of approving a Special Permit for the operation of an existing 9,446 square foot cannabis cultivation with drying and processing activities, and a Special Permit for restoration work in the Streamside Management Area;

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

**WHEREAS**, the Humboldt County Zoning Administrator held a duly-noticed public hearing on April 21, 2022, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

**1. FINDING:**                    **Project Description:** The application is a Special Permit to allow for an existing 9,446 square feet of cannabis cultivation and appurtenant processing activities and a Special Permit for restoration work in a Streamside Management Area (SMA). Irrigation for cultivation is provided by rainwater catchment. There are 676,000 gallons of water storage for the project, and the applicant expects water use to total 250,000 gallons annually. Power is supplied by PG&E and a generator.

**EVIDENCE:**            a) Project File: PLN-11668-SP

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

**EVIDENCE:**            a) Addendum Prepared for the proposed project.  
b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could

not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

- c) The property is accessed via private driveway from Island Mountain Road, a County maintained road. Recommendations from the Department of Public Works have been included as recommended conditions of approval.
- d) The applicant has submitted a *Cultural Resource Investigation* prepared by Nick Angeloff of Archaeological Research and Supply Company which concluded the cannabis operation will not affect significant historic resources.
- e) A Notice of Applicability was obtained in compliance with the State Water Board Cannabis General Order for Waste Discharge. The applicant has included a Site Management Plan prepared by Timberland Resource Consultants dated January 2020.
- f) A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS shows no mapped sensitive species onsite or within one mile of cultivation sites. Mapped critical habitat for Marbled Murrelet is mapped approximately 0.3 miles south of the subject property line. Due to the proximity of Marbled Murrelet habitat, a recommended condition of approval has been included to limit noise levels to 50 decibels 100 feet from noise sources.

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

**4. FINDING**

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

**EVIDENCE**

- a) The Forestry Recreation Zone or FR Zone is intended to be applied to areas of the County in which general agriculture is a principally permitted use.
- b) Humboldt County Code section 314-55.4.8.2.2 allows up to 10,000 square feet of existing cannabis on a Forestry Recreation zoned parcel over 1 acre subject to approval of a Special Permit. The application for 9,446 square feet of commercial cannabis cultivation on a 40-acre parcel is consistent with this.

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

- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned FR when possible to bring them into compliance with all applicable standards and to eliminate existing violations (HCC 314-55.4.8.2.2).
  - b) APN 218-071-005 has been determined to be a legal parcel as demonstrated by Parcel Map No. 58, known as Rancho Palo Verde Subdivision, recorded in Book 1, pages 75 through 85, inclusive of Parcel Maps, Humboldt County Records.
  - c) Irrigation water for the project is provided by rainwater catchment. The applicant has water storage in amounts appropriate for the proposed water use while adhering to forbearance requirements.
  - d) The property is accessed via private driveway from Island Mountain Road, a County maintained road. Recommendations from the Department of Public Works have been included as recommended conditions of approval.
  - e) The slope of the area where cannabis will be cultivated is less than 15%.
  - f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, and more than 600 feet from any school, church, or Tribal Cultural Resource.

**6. FINDING** The cultivation of 9,446 square feet of commercial cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE**
- a) The property is accessed via private driveway from Island Mountain Road, a County maintained road. Recommendations from the Department of Public Works have been included as recommended conditions of approval.
  - b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis cultivation will not be in a location that will impact sensitive receptors 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 sizes in the area.
  - c) Cultivation meets 300-foot setbacks to residences on neighboring parcels.
  - d) Irrigation water for the project is provided by rainwater catchment.

The applicant has water storage in amounts appropriate for the proposed water use while adhering to forbearance requirements.

**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 subject parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element.

**8. FINDING**

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

**EVIDENCE**

- a) The project site is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits would be 87 permits and the total approved acres would be 42.58 acres of cultivation.

## DECISION

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

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

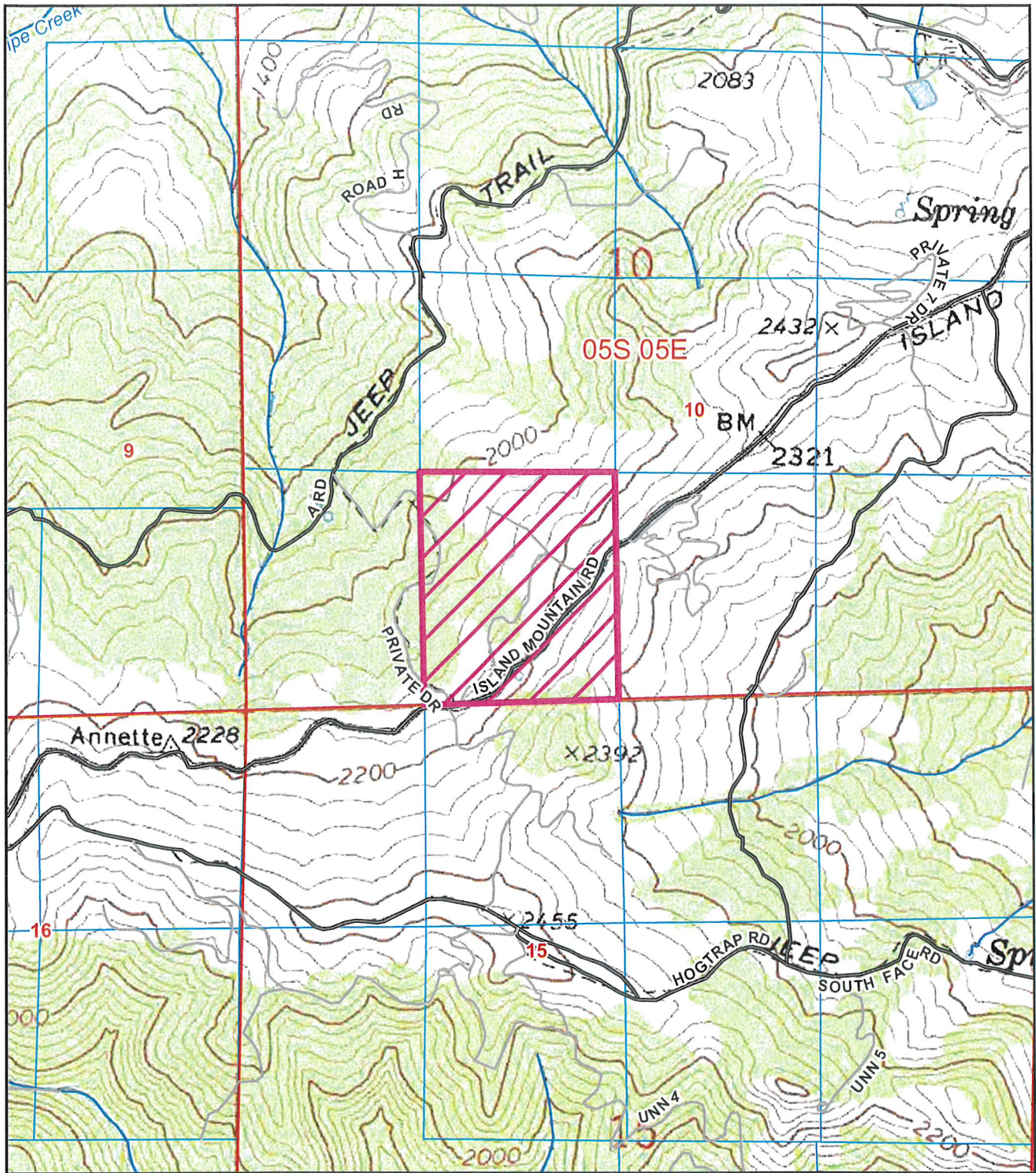
Adopted after review and consideration of all the evidence on **April 21, 2022**.

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

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John H. Ford, Zoning Administrator  
Planning and Building Department





**TOPO MAP  
PROPOSED RONALD SHERR  
NEW HARRIS AREA  
SP-16-277  
APN: 218-071-005  
T05S R05E S10 HB&M (JEWETT ROCK)**

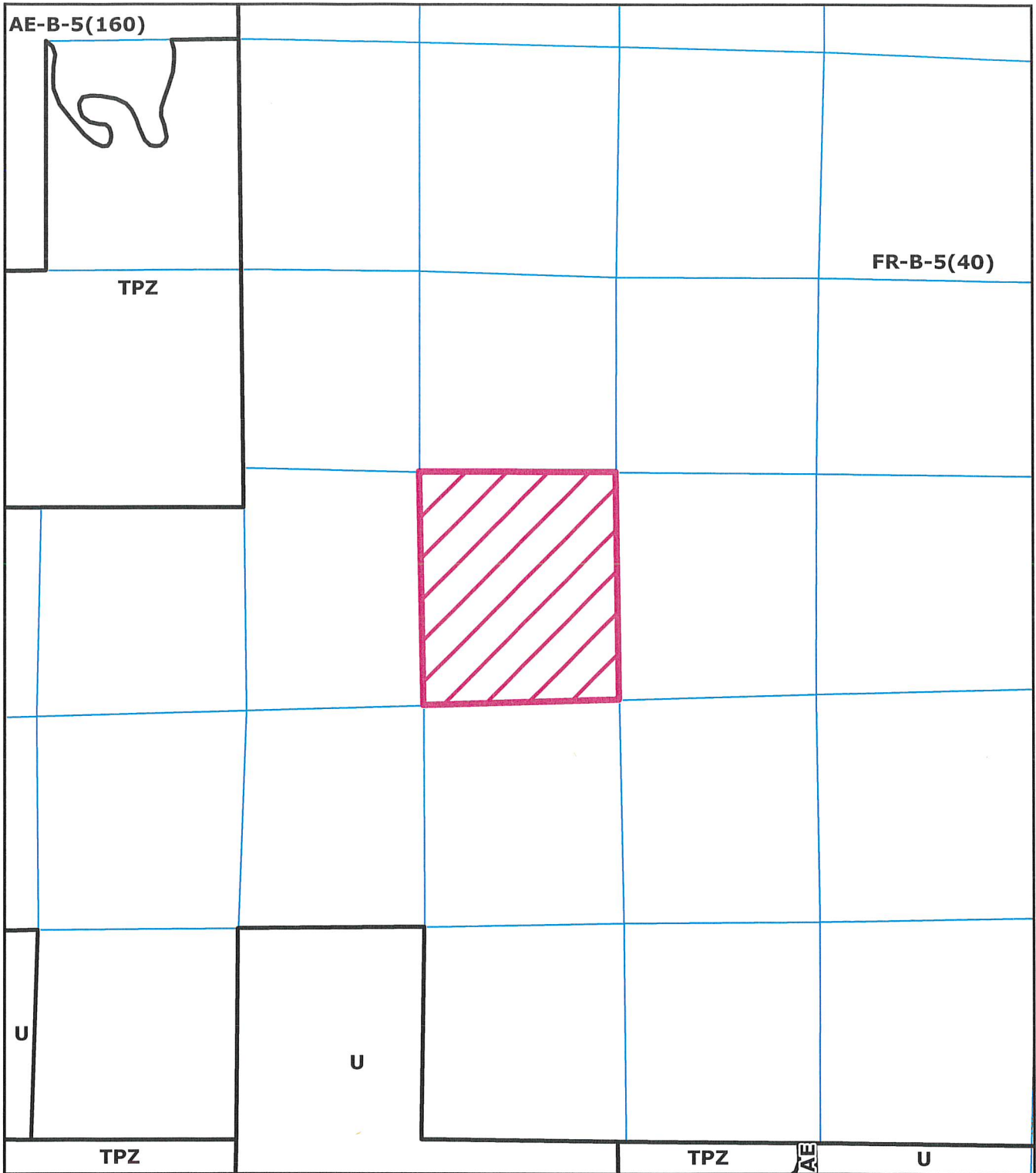
Project Area =

N


0      1,000      2,000  
Feet


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.

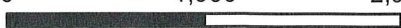




**ZONING MAP  
PROPOSED RONALD SHERR  
NEW HARRIS AREA  
SP-16-277  
APN: 218-071-005  
T05S R05E S10 HB&M (JEWETT ROCK)**

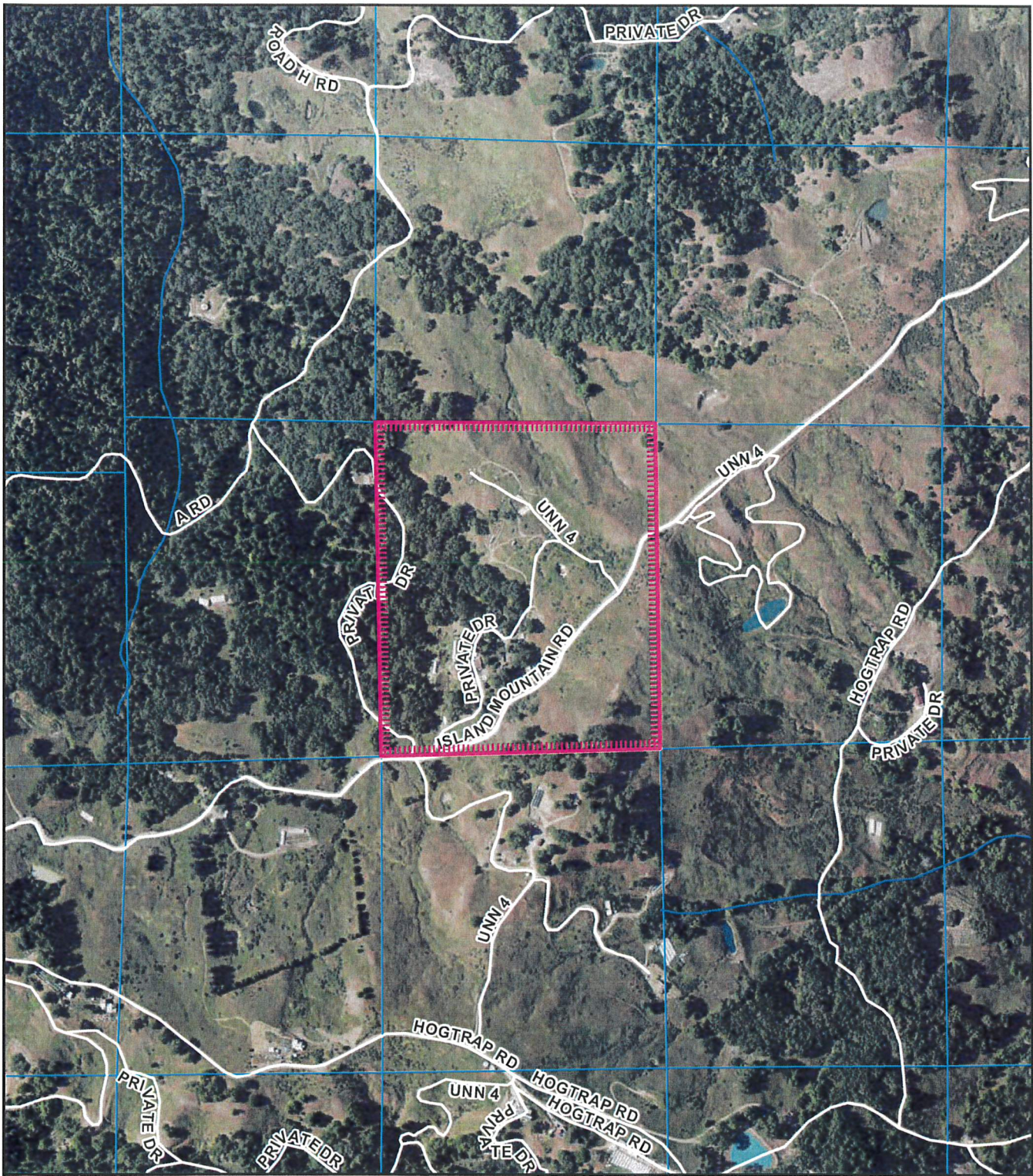
**Project Area =** 

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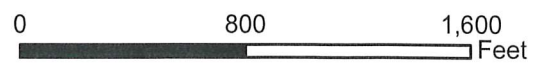


**AERIAL MAP**  
**PROPOSED RONALD SHERR**  
**NEW HARRIS AREA**  
**SP-16-277**  
**APN: 218-071-005**  
**T05S R05E S10 HB&M (JEWETT ROCK)**

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.





Sherr, Ron + Balance

450' to neighbor's house

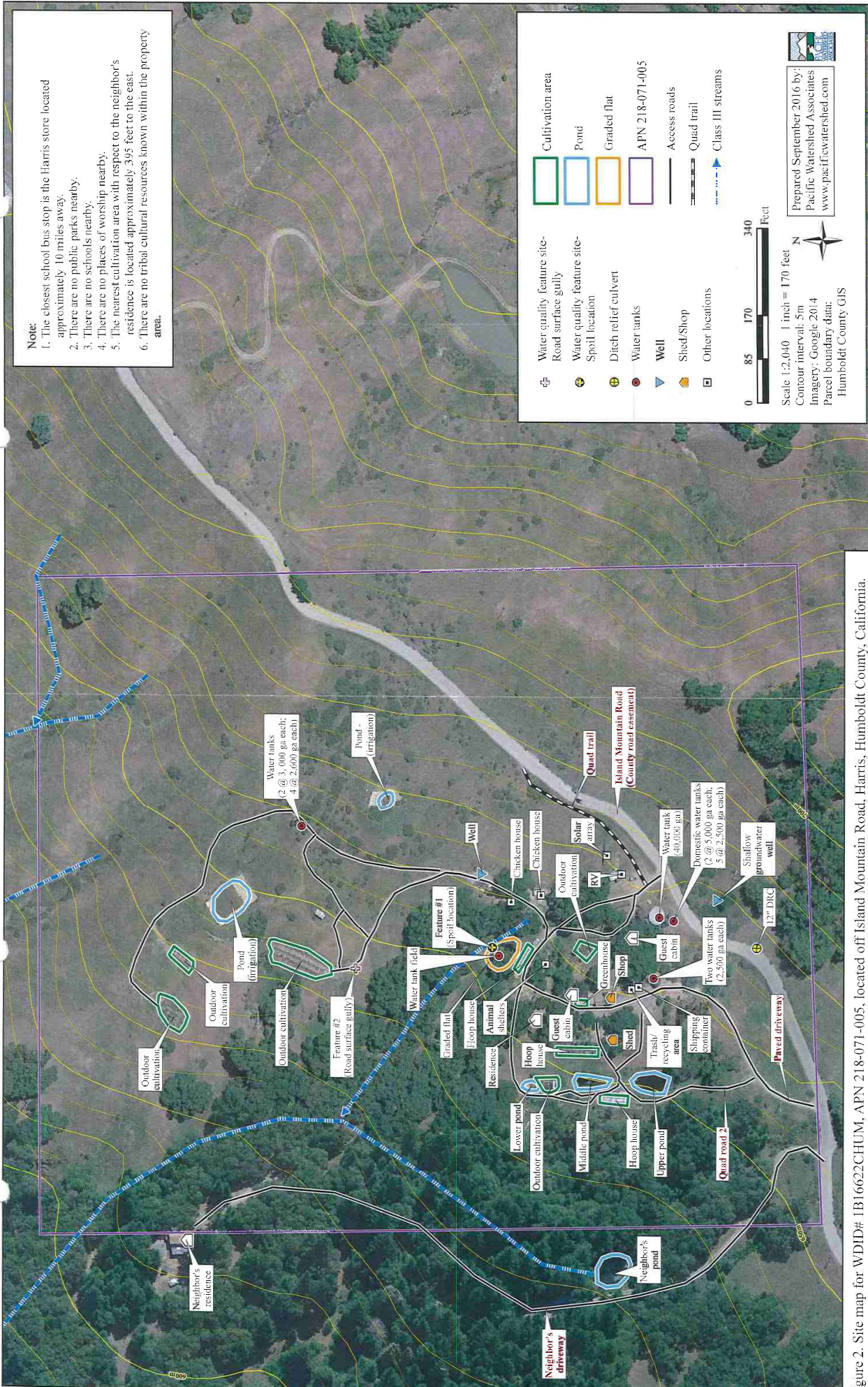


Figure 2. Site map for W/DID# IB16622CHUM, APN 218-071-005, located off Island Mountain Road, Harris, Humboldt County, California.

## 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 secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, the greenhouses, rainwater catchment pond, drying building, and all other structures with a nexus to cannabis. 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.
6. Within 60 days of effective date of permit approval, the applicant shall execute a compliance agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of approval #7 through #16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning Department before the permit may be finalized and no longer considered provisional.
7. The applicant shall ensure all fences and gates are located out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the



County right of way. Confirmation from the Department of Public Works that the work has been done will satisfy this condition.

8. The applicant shall rock the surface of the intersection where the driveway meets Island Mountain Road for a minimum of 18 feet and a length of 50 feet. An encroachment permit shall be obtained from Department of Public Works, Land Use Division prior to work within the County right-of-way. Final signoff from the Department of Public Works will satisfy this condition.
9. The applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). Final signoff from the Department of Public Works will satisfy this condition.
10. The applicant shall implement all corrective actions detailed in the Site Management Plan developed for the parcel, prepared pursuant to enrollment under the State Water Resource Control Board (SWRCB) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.
11. The applicant shall submit to the Planning Department a letter from the CDFW stating that no Lake or Streambed Alteration Agreement is required for the project, and in the event that one is needed the applicant shall submit the Final LSAA to the Planning Department and shall adhere to the work described within the Agreement.
12. The applicant shall prepare and submit a Restoration Plan addressing the removal of the identified greenhouses to the Planning Department for review and approval. The applicant shall adhere to all measures outlined in the Restoration Plan when approved by the Planning Department. Final signoff from the Planning Department will satisfy this condition.
13. Pursuant to DEH recommendations the applicant shall provide substantial documentation to verify legal nonconforming status of the two existing wells on site, retroactively permit the wells, or complete a well destruction permit for each well.
14. Within two years from the date of project approval the applicant shall upgrade the existing processing area to meet F1 Occupancy Type commercial standards.
15. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
16. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

**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 with using current auditory disturbance guidance prepared by the United States 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 lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials (on the full-sun outdoor cultivation) that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
10. If operating pursuant to a written approved compliance agreement, permittee shall abate or

cure violations at the earliest feasible date, but in no event more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violation to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.

11. 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 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

12. If the applicant elects to process cannabis at an offsite licensed third-party processing facility, documentation from licensed offsite processing service shall be kept on file by the applicant to be furnished during annual inspections.
13. The applicant shall comply with the Bullfrog Monitoring and Management Plan attached as Exhibit A to CDFW referral comments.
14. 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.
15. 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.
16. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board.
17. 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).
18. Maintain enrollment in Tier 1 or, 2 certification with State Water Quality Control Board (SRWQCB) Order WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
19. 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).

20. 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.
21. 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).
22. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
23. Pay all applicable application, review for conformance with conditions and annual inspection fees.
24. 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.
25. The master logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
26. 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

27. Pursuant to the Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
28. 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).
29. 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.
30. 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.
31. 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
32. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
33. 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.



34. 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.
35. 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.
36. 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.
37. 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 year after all appeal periods have lapsed (see "Effective Date"), except where the compliance agreement per Condition of Approval #7 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 this agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Ongoing Requirements/Development Restrictions, above.

**ATTACHMENT 2**

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

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

**APN 218-071-005; on both sides of Island Mountain Road, approximately 1.5 miles northeast from  
the intersection of Bell Springs Road and Island Mountain Road, on the property known as 1557  
Island Mountain Road.**

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

**April 2022**

## Background

### Modified Project Description and Project History –

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

The modified project involves a Special Permit that would allow for an existing outdoor cultivation area of approximately 9,446 square feet (sf), and appurtenant processing on the subject property in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The subject parcel is located in the New Harris area, and the subject parcel is approximately 43 acres in size. The 9,446 square feet of cultivation is comprised of 7,996 square feet of outdoor cannabis cultivation and 1,450 square feet of mixed light cannabis cultivation.

Irrigation for cultivation is provided by a 600,000-gallon rainwater catchment pond. Total water storage is 676,000 gallons, and includes the 600,000-gallon rainwater catchment pond, two (2) 5,000 gallon hard sided tanks, eight (8) 2,500 gallon hard sided tanks, two (2) 3,000 gallon hard sided tanks, and one (1) 40,000 gallon hard sided tank. The applicant anticipates an annual water use of 250,000 gallons annually. Precipitation data from Garberville (approximately 11 miles northwest of the project area) shows approximately 68 inches of annual rainfall. The rainwater catchment pond with a length of 160 feet and a width of 70 feet should be capable of capturing over 400,000 gallons of rainwater in an average year. The projected rainwater catchment amounts and available water storage are capable of meeting the irrigation needs of the project while adhering to forbearance requirements. If enough rainwater is not captured to meet the irrigation needs of the project in a given year, the applicant will submit to the Planning Department a Cultivation Reduction form, and only cultivate amounts appropriate for the captured rainfall available for irrigation.

The project lies in a region of the County outside mapped ancestral territories for local tribes. The project proposal was referred to the Northwest Information Center, who recommended a Cultural Resources Investigation be prepared. The applicant submitted a Cultural Resource Investigation prepared by Nick Angeloff of Archaeological Research and Supply Company which evaluated nineteen (19) parcels (approximately 410 acres were surveyed) and included results for multiple cannabis projects. The Cultural Resources Investigation identified three prehistoric isolates. Archaeologist recommendations include no further archaeological work and enhanced inadvertent discovery protocol be implemented on parcels containing the identified isolates. The subject parcel for this project did not contain isolates, and as such standard inadvertent discovery protocol has been included as a recommended condition of approval.

A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS shows no mapped sensitive species onsite or within one mile of cultivation sites. Mapped critical habitat for Marbled Murrelet is mapped approximately 0.3 miles south of the subject property line.

The project consists of pre-existing cultivation areas, and no tree removal or further habitat modification is proposed as a result of project activities. The applicant has submitted a SMP to protect water quality and ensure erosion control. Due to the proximity of Marbled Murrelet habitat, a recommended condition of approval has been included to limit noise levels to 50 decibels 100 feet from noise sources.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, increased water storage to allow for complete forbearance from water diversion during the dry season, and proper storage of fertilizers and soil amendments.

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

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

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the MND recommended mitigations. The proposal to authorize the project in compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those

identified in the MND.

Technical documents utilized in conducting this review included, but are not limited to the following:

- *Cultivation and Operations Plan* prepared by Shawn Richter, dated June, 2021.
- *Prepared Site Plan*.
- *Cultural Resource Investigation* prepared by Archaeological Research and Supply Company dated May 2018.
- *Site Management Plan* prepared by Timberland Resource Consultants dated January 6, 2020.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

### **FINDINGS**

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

### **CONCLUSION**

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

### ATTACHMENT 3

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

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by the agent– **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 the agent received March 2022– **Attached**)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above)
6. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2019-0001, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Site Management Plan (SMP) prepared by the Timberland Resource Consultants, dated January 2020– **Attached**).
7. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Conditioned)
8. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion

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

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



# Site Plan Overview and Cultivation and Operations Plan

## Applicant/Owner

Ron Sherr  
Sagebrush Farm, LLC  
1550 Island Mountain Road,  
Garberville, CA 95542

## Agent

Shawn Richter  
Email: [sr@richter-law.com](mailto:sr@richter-law.com)  
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## Table of Contents

I.	Site Plan Overview	
	1.0 – Project Information.....	3
	2.0 – Project Location.....	3
	2.1 – Zoning Classification.....	3
	2.2 – Site Topography.....	3



3.0 – Easements.....	3
4.0 – Natural Waterways.....	3
5.0 – Location and Area of Existing Cultivation.....	4
6.0 – Setbacks of Cultivation Area.....	4
7.0 – Access Roads.....	4
8.0 – Graded Flats.....	4
9.0 – Existing and Proposed Buildings.....	5
10.0 – Water Storage, Use and Watershed Protection.....	5
10.1 – Water Storage.....	5
10.2 – Water Use.....	5
10.3 – Watershed Protection.....	5
11.0 – Distances from Significant Landmarks.....	6
II. Cultivation and Operations Plan.....	6
1.0 – Water Use.....	6
2.0 – Watershed Protection.....	6
3.0 – Materials Storage.....	7
4.0 – Cultivation Activities.....	7
5.0 – Processing Practices.....	8
6.0 – Security Measures.....	8

**I. Site Plan Overview**

**1.0 Project Information**

Sagebrush Farm, LLC. (“Applicant”) is submitting this application for a Use Permit for commercial cannabis cultivation on their 40- acre farm, located near Garberville, CA (“Parcel”), Assessor’s Parcel Number 218-071-005. This application is submitted through their agent, Shawn Richter, and has been prepared in accordance with Humboldt County’s (“County”) Commercial Medical Marijuana Land Use Ordinance (“CMMLUO”).

The Use Permit would achieve the following results for the Applicant:

- a. Bring the Applicant's existing 7,996 square feet of outdoor and 1450 square feet of mixed light commercial cannabis cultivation activities in existence prior to January 1, 2016 into compliance with the County CMMLUO.
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").
- c. 940 square feet of immature plant space as identified on the Site Plan.

## **2.0 Project Location**

The Applicant's Parcel is located in the inland zone of Humboldt County near Meyers Flat, CA. The Parcel is comprised of approximately 40-acres and is identified by Assessor's Parcel Number ("APN") 218-071-005. The street address for the Parcel is 1550 Island Mountain Road Garberville, CA.

### **2.1 Zoning Classification**

The County's Zoning Classification of the Parcel is Agriculture Exclusive (AE). The CMMLUO permits existing commercial cannabis cultivation on land zoned as Agriculture Exclusive with a Use Permit.

### **2.2 Site Topography**

A map of the Parcel's topography is included as Attachment "A."

## **3.0 Easements**

No easements required.

## **4.0 Natural Waterways**

There are no natural waterways.

The water used for cannabis cultivation is gathered from 1 existing rainwater catchment ponds (1) 600,000 gallon rainwater catchment pond, and (2) 5,000 gallon water tanks, (8) 2,500 gallon water tanks, (2) 3,000 gallon water tanks, (1) 40,000 gallon water tank, the primary water source will be rain catchment and storage of such water. A Small Domestic Use Registration has been submitted with the State Water Resources Control Board Division of Water Rights.

The Applicant estimates their yearly water usage for cannabis to be 250,000 gallons and can meet that water storage requirement for the forbearance period with the 676,000 gallons of water storage from the ponds and water tanks with rain catchment capabilities which the Applicant fills from November through March.

The Applicant has a Water Resource Protection Plan ("WRRP") for the Parcel and is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier II discharger. A copy of the WRRP is included in the Other Permits, Licenses and Documents section of this application.

## **5.0 Location and Area of Existing Cultivation**

The 7,996 square feet of outdoor cannabis cultivation and 1,450 square feet of mixed light cannabis cultivation located on the Parcel was existing prior to the January 1, 2016 deadline provided by the County. The existing 7,996 square feet of outdoor cannabis cultivation and 1,450 square feet of mixed light cannabis cultivation located as provided on the Site Plan. 940 Square feet of immature plant space as locate on the Site Plan

### Cultivation Area

Cultivation Area is identified on the Site Plan.

## **6.0 Setbacks of Cultivation Area**

### Cultivation Area

Cultivation Area setbacks from the Parcel lines are in full compliance will county regulations.

## **7.0 Access Roads**

The Parcel is located on Island Mountain Road, which is maintained by the County.

## **8.0 Graded Flats**

There are no graded flats that require permitting located on the Parcel.

## **9.0 Existing and Proposed Buildings**

### Residence

The residences located on the parcel are properly permitted by Humboldt County.

### Shop

The applicant will be drying, curing and processing the cannabis in a shop to located on the parcel as provided on the Site Plan. The applicant will be drying, curing and processing the cannabis in shop as identified and located and as provided on the Site Plan.

## **10.0 Water Storage, Use and Watershed Protection**

### **10.1 Water Storage**

The water used for cannabis cultivation is gathered from 1 existing rainwater catchment ponds (1) 600,000 gallon rainwater catchment pond, (2) 5,000 gallon water tanks, (8) 2,500 gallon water tanks, (2) 3,000 gallon water tanks, (1) 40,000 gallon water tank the primary water source will be rain catchment and storage of such water. A Small Domestic Use Registration has been submitted with the State Water Resources Control Board Division of Water Rights.

The Applicant estimates their yearly water usage for cannabis to be 250,000 gallons and can meet that water storage requirement for the forbearance period with 676,000 gallons of water storage from the ponds and water tanks with rain catchment capabilities which

the Applicant fills from November through March. Applicant has two (1) 2,500-gallon hard storage water tanks designated for fire department use.

### **10.2 Water Use**

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

All water used for the cultivation of cannabis is sourced on-site from 1 existing rainwater catchment ponds (1) 600,000 gallon rainwater catchment pond, (2) 5,000 gallon water tanks, (8) 2,500 gallon water tanks, (2) 3,000 gallon water tanks, (1) 40,000 gallon water tank. A Small Domestic Use Registration has been submitted with the State Water Resources Control Board Division of Water Rights.

The Applicant estimates their yearly water usage for cannabis to be 250,000 gallons and can meet that water storage requirement for the forbearance period with 676,000 gallons of water storage from the ponds and water tanks with rain catchment capabilities which the Applicant fills from November through March. Applicant has two (1) 2,500-gallon hard storage water tanks designated for fire department use. The Applicant also two (1) 2,500-gallon hard storage water tanks designated for fire department use.

All irrigation of cannabis is completed by a timed drip irrigation system, which allows water to be monitored and distributed at an agronomic rate which prevents any over watering or run off.

### **10.3 Watershed Protection**

The Applicant has a Water Resource Protection Plan ("WRRP") for the Parcel and is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier II discharger. A copy of the WRRP is included in the Other Permits, Licenses and Documents section of this application.

### **11.0 Distances from Significant Landmarks**

There are no schools, school bus stops, places of worship, public parks or Tribal Cultural Resources within 600 feet of the cultivation site. There also are not any off-site residences within 300 feet of the cultivation site

## **II. Cultivation and Operations Plan**

### **1.0 Water Use**

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

2 existing rainwater catchment ponds (1) 600,000 gallon rainwater catchment pond, (2) 5,000 gallon water tanks, (8) 2,500 gallon water tanks, (2) 3,000 gallon water tanks, (1) 40,000 gallon water tank., the primary water source will be rain catchment and storage of such water. A Small Domestic Use Registration has been submitted with the State Water Resources Control Board Division of Water Rights.

The Applicant estimates their yearly water usage for cannabis to be 250,000 gallons and can meet that water storage requirement for the forbearance period with 676,000 gallons of water storage from the ponds and water tanks with rain catchment capabilities which the Applicant fills from November through March. Applicant has two 2,500-gallon hard storage water tanks designated for fire department use.

All irrigation of cannabis is completed by a timed drip irrigation system, which allows water to be monitored and distributed at an agronomic rate which prevents any over watering or run off.

**2.0 Watershed Protection**

The Applicant has a Water Resource Protection Plan (“WRRP”) for the Parcel and is enrolled in the Water Board’s Waiver of Waste Discharge program as a Tier II discharger. A copy of the WRRP is included in the Other Permits, Licenses and Documents section of this application.

**3.0 Materials Storage**

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. Neem oil, horticulture oil and sulfur are used to control mites and powdery mildew. These items were accepted under Legal Pest Management Practices for Marijuana Growers in California.

The applicant is currently not using any fertilizers or nutrients on his plants, but is brewing his own compost tea on site. The storage area is in need of posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter). This is outlined in the Applicant’s included Water Resource Protection Plan.

**4.0 Cultivation Activities**

Cultivation activities are outlined below per greenhouse.

Cultivation Area	Plant-Harvest 1	Plant-Harvest 2	Plant-Harvest 3	Plant-Harvest 4	Plant-Harvest 5
1-4	5/1 to 9/15	3/10 to 5/10	5/15 to 7/15	7/20 to 9/20	9/25 to 12/1
GH 1-2	1/10 to 3/10	3/15 to 5/15	5/20 to 7/20	7/25 to 9/25	9/25 to 12/5

The lighting for the greenhouses permitted for mixed light cultivation will be used when ambient light is insufficient for cultivation needs. The preference will be to use as much natural light as possible. The Parcel will be receiving on grid power, and Applicant will use grid power for cultivation needs. When the lighting needs exceed available grid power, applicant will use generator as backup power where needed. All generators used on property will comply with all

noise and pollution requirements then in effect for their operation for cannabis cultivation. Greenhouses are supplied with blackout tarps to prevent light from escaping the greenhouses during sunset hours.

## **5.0 Processing Practices**

After being harvested, the cannabis is taken into the Shop (see Site Plan) where it will be dried, cured and stored. Machine trimming will take place in the Shop building by the applicant. There be a maximum of eight (8) employees. Applicant will meet all ADA standards for the addition of employees. Applicant may also from time to time use a third party properly permitted and licensed to be a processor of cannabis. Processing will occur throughout the year, in alignment with the cultivation schedule.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

All cultivation related waste is stored in trash containers and kept on site near the Shop. When necessary, waste is taken to the nearest facility for processing. Green waste is also appropriately stored and taken to the nearest facility for processing when necessary.

The Applicant will be utilizing the California track and trace program known as Metrc and will comply with any program adopted by the state of California or Humboldt County, and will abide by all appropriate record keeping practices.

## **6.0 Security Measures**

The road/driveway accessing the Property is blocked by locked gates. Gates are of heavy steel construction and a 5/16 inch harden steel shackle combination lock is used. There are also four (4) game cameras strategically placed around the Parcel.

**Cultivation Relocation**

Cultivation located around ponds three, pond four, and pond five identified on the site management plan will be moved to cultivation area identified as CA4. This will move cultivation operations out of a streamside management area to an area that was previously disturbed and requires no additional clearing or grading. Cultivation area identified as greenhouse Two will be moved a few feet back to ensure it is out of the stream side management area.



# Site Management Plan

(Tier 1, Low Risk)

WDID - 1\_12CC419264

Humboldt County  
APN: 218-071-005-000

*Prepared by:*



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1/6/2020

TRC 465



## **Arrangement of Document Contents**

- Purpose
- Tier Designation
- Scope of Report
- Methods
- Property Description
- General Location Map
- Project Description
- Site Management Plan General Guidance Outline
- Annual Winterization Measures
- Monitoring Plan
- Site Maps
- Implementation Schedule
- Mitigation Report
- Photographs
- Statement of Limitations
- Attachments
  - Cannabis Cultivation Policy: Attachment A, SEC. 2, Term 1 through 134
  - Best Management Practices (BMPs)

**Purpose**

This Site Management Plan (SMP) has been prepared on behalf of the cannabis cultivator for the Humboldt County property identified as Assessor Parcel Number 218-071-005-000, by agreement and in response to the State Water Resources Control Board Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (General Order). The General Order implements the Cannabis Policy requirements, specifically those requirements that address waste discharges associated with cannabis cultivation activities. Cannabis cultivators covered under the General Order are subject to the requirements of the Cannabis Policy in its entirety. The Cannabis Policy provides a statewide tiered approach for permitting discharges and threatened discharges of waste from cannabis cultivation and associated activities, establishes a personal use exemption standard, and provides conditional exemption criteria for activities with a low threat to water quality.

**Tier Designation**

Tiers are defined by the amount of disturbed area. Tier 1 outdoor commercial cultivation activities disturb an area equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet). Tier 2 outdoor commercial cultivation activities disturb an area equal to or greater than 1 acre. Risk designation for Tier 1 and Tier 2 enrollees under the Cannabis Policy is based on the slope of disturbed areas and the proximity to a surface water body. Characterization is based on the risk designation summarized in Table 1 below.

**Table 1: Summary of Risk Designation**

Low Risk	Moderate Risk	High Risk
<ul style="list-style-type: none"> <li>• No portion of the disturbed area is located on a slope greater than 30 percent, and</li> <li>• All of the disturbed area complies with the setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• Any portion of the disturbed area is located on a slope greater than 30 percent, and</li> <li>• All of the disturbed area complies with the setback requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• Any portion of the disturbed area is located within the setback requirements.</li> </ul>

Thorough assessment of the project area including roads, disturbed areas, legacy features, and cultivation areas classify this enrollment into the **Tier 1, Low Risk** designation. The cultivator is currently seeking approval of county and state permits. Following approval, construction of the cultivation areas and facilities, and commencement of cultivation, tier and risk level may need to be re-evaluated.

## Scope of Report

Tier 1 and Tier 2 cannabis cultivators are required to submit and implement a Site Management Plan that describes how they are complying with the Requirements listed in Attachment A. The description shall describe how all applicable Best Practicable Treatment or Control (BPTC) measures are implemented. Cannabis cultivators within the North Coast Regional Water Quality Control Board jurisdiction are required to submit and implement Site Management Plans that describe how the Requirements are implemented property-wide, to include legacy activities. The SMP includes an Implementation Schedule to achieve compliance, but all work must be completed by the onset of the Winter Period each year. Projects designated as Moderate Risk are also required to have a Site Erosion and Sediment Control Plan to achieve the goal of minimizing the discharge of sediment off-site. Projects designated as High Risk are also required to have a Disturbed Area Stabilization Plan to achieve the goal of stabilizing the disturbed area to minimize the discharge of sediment off-site and comply with the setback requirements. The cannabis cultivator shall ensure that all site operating personnel are familiar with the contents of the General Order and all technical reports prepared for the property. Projects which have over one acre of cannabis cultivation (total canopy area) are also required to have a Nitrogen Management Plan to describe how nitrogen is stored, used, and applied to crops in a way that is protective of water quality. A copy of the General Order, and technical reports required by the General Order, shall be kept at the cultivation site. Electronic copies of these documents are acceptable. Either format of maintained documents kept on site must be immediately presentable upon request.

## Methods

The methods used to develop this SMP include both field and office components. The office component consisted of aerial photography review and interpretation, existing USGS quad map review, GIS mapping of field data, review of on-site photography points, streamflow calculations, general planning, and information gathered from the cannabis cultivator and/or landowner. The field component included mapping of all access roads, vehicle parking areas, Waters of the State, stream crossings, drainage features, cultivation sites, buildings, disturbed areas, and all other relevant site features within the project area and surrounding areas (as feasible). Cultivation areas, associated facilities, roads, and other developed and/or disturbed areas were assessed for discharges and related controllable water quality factors from the activities listed in the General Order. The field assessment also included an evaluation and determination of compliance with all applicable BPTC's per Section 2 of the General Order.

## Property Description

The property assessed is one parcel totaling approximately 40 acres located approximately 2 miles southeast of Harris, California, at an elevation of approximately 2,200 feet above sea level. The property is located in Section 10, T5S-R5E, in Humboldt County, on the Jewett Rock USGS 7.5' Quad. Map. Unnamed Class II tributaries of Pipe Creek are located on the parcel. Pipe Creek is tributary to the Eel River.



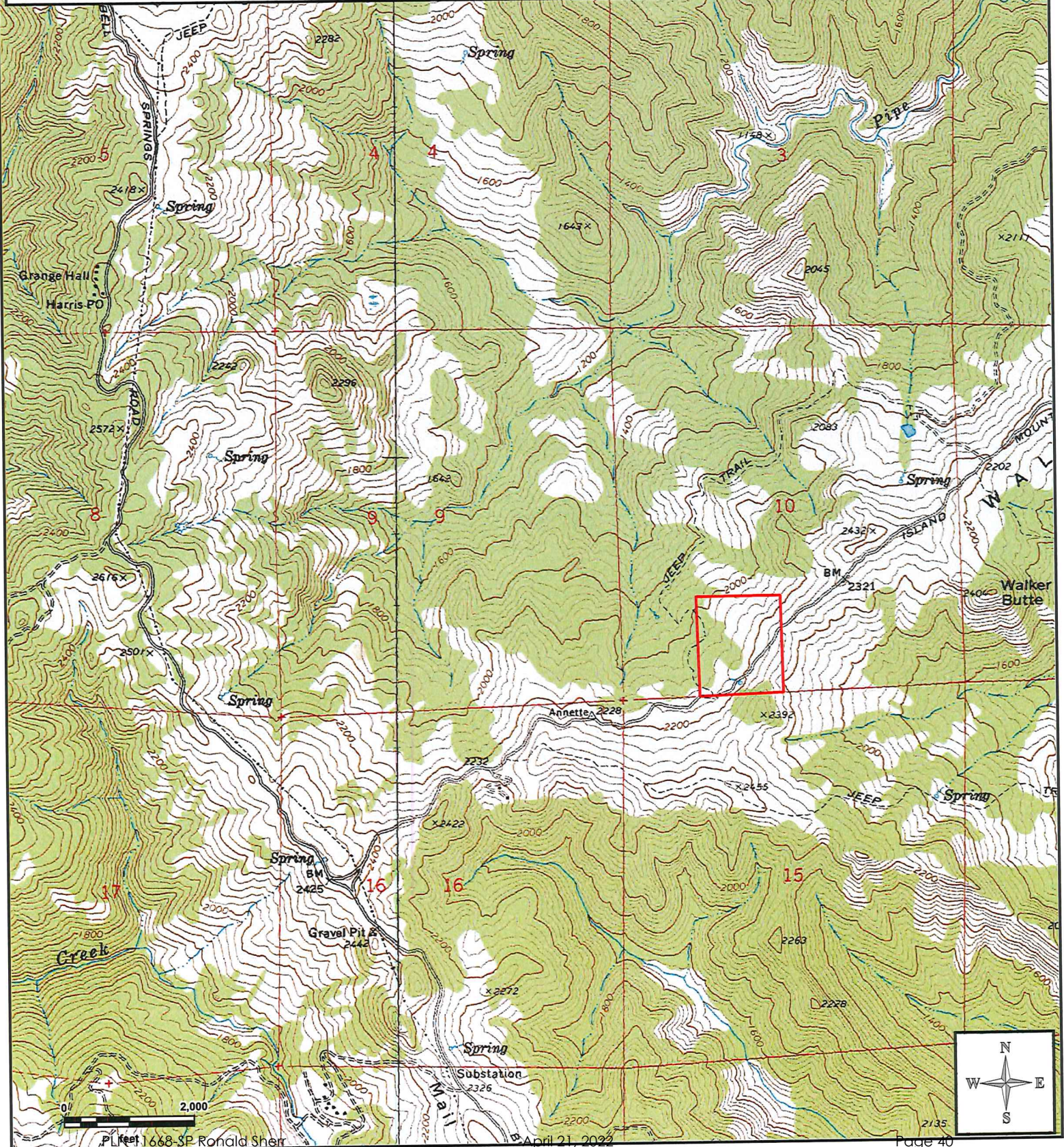
# Site Management Plan General Location Map WDID - 1\_12CC419264



 Property Boundary

Section 10; T5S-R5E; H.B.M.; Humboldt County; Jewett Rock 7.5' Quad.

TRC-465





## Project Description

Cannabis cultivation on the parcel was not active and did not occur in 2020. The cultivator is in the process of getting county approval for proposed future cultivation of approximately 7,500 ft<sup>2</sup> on the parcel. The exact dimensions and configurations of proposed cultivation areas was not known at the time of the site assessment. Mapping of cultivation areas for the purposes of this Site Management Plan followed the perimeter of the fenced outdoor cultivation areas (Areas A, B, and D), and the dimensions of the existing raised bed cultivation areas (Area C and E) that were active in 2019 or prior. This will likely result in an over statement of the cultivation areas when compared to what is being applied for currently. Table 1 shows the square footage of the cultivation areas and the approximate square footage of their associated disturbed areas, and the adjoining hillslope grade (%). Table 2 shows the distance to the nearest watercourse from the proposed cultivation areas.

This project was previously enrolled in the North Coast Regional Water Quality Control Board Order No. R1-2015-0023 under WDID-1B16622CHUM and has since enrolled with State Water Resources Control Board as WDID-1\_12CC419264. This project is being classified as Tier 1, Low Risk. Any increase in the Tier and Risk level following the county approval and commencement of the future cultivation will be reported as required.

A narrow section of three inactive cultivation areas (Area B, C, and E) established in the past are located within what is now the 50-foot-wide riparian setback established for Class III watercourses or wetland. The boundary of the riparian setback was measured in the field and marked with flagging on the ground at each of these three areas (Site 06, 08, and 16) with the cultivator present. At these sites the cultivator shall refrain from any future cannabis cultivation within the riparian setbacks, and prior to 10/15/21, remove and properly dispose of cannabis cultivation materials and cannabis related waste, and apply seed and straw to bare soils created during clean-up. At site 07, four water tanks are located in the riparian setback. At this site, the cultivator shall relocate the water tanks to a stable location outside of the riparian setback (50-feet from the Class III watercourse). See the Mitigation Report attached.

Following county approval, future development at the cultivation areas shall be planned and constructed to remain outside of riparian setbacks. The cultivator should consider boxing in the cultivation areas, and/or installing straw wattles along the edges of cultivation areas to ensure cultivation soils do not extend into the riparian setbacks. As an extra precaution, the cultivator should consider fencing off the riparian setback boundary near cultivation areas to keep the setback area off limits to cultivation activities, staging, and storage of materials. Cultivation soils or materials should not be stored where they can enter the riparian setback areas, including cultivation waste and plant waste.

Prior to 2019, a small past cultivation area and associated soil pile was located in the riparian setback (Site 03 and 04). The past cultivation area, shown on the Site Map consists of a 14' x 50' raised wooden structure on top of pier blocks. The structure supports two rows of wooden planter boxes and cultivation soil. Cultivation waste and related materials made up of wood, plastic, metal, waterlines, and debris remains at the site. A cultivation soil pile is located on stable ground near

this site. The past cultivation area and the soil pile is not currently a significant threat to water quality. At these sites, the cultivator shall refrain from future cannabis cultivation, and prior to 10/15/21, remove and properly dispose of the cannabis cultivation area, cannabis related waste, and the cultivation soil pile. The cultivator shall apply seed and straw to bare soils created during clean-up. See Mitigation Report attached.

Table 1: Cultivation Site Parameters.

Cultivation Area	Land Disturbance Area (ft <sup>2</sup> )	General Cultivation Area <sup>1</sup> (ft <sup>2</sup> )	Adjoining Hillslopes (% Grade)
Cultivation Area A	7,300	5,900	25
Cultivation Area B	10,600	9,400	25
Cultivation Area C	500	500	20
Cultivation Area D	900	800	20
Cultivation Area E	2,000	1,420	15
Totals:	21,300	18,020	

<sup>1</sup> Area refers to the total land area cultivated in the past. The total cannabis area being applied for the 2021 growing season is 7,500 ft<sup>2</sup> ft.

Table 2: Riparian and Wetland Protection and Management

Disturbed Area	Disturbance Area Distances and Riparian Setbacks <sup>2</sup>				
	Class I [Setback: 100'] <sup>2</sup>	Class II [Setback: 100']	Class III [Setback: 50']	Perennial Spring or Wetland [Setback: 50'] <sup>2</sup>	Disturbed Area Within Setbacks [ft <sup>2</sup> ]
Cultivation Area A	>200'	>200'	120'	>200'	0
Cultivation Area B	>200'	>200'	50'	>200'	530
Cultivation Area C	>200'	>200'	50'	>200'	125
Cultivation Area D	>200'	>200'	100'	>200'	0
Cultivation Area E	>200'	>200'	170'	50'	560
Total =					1,215

<sup>2</sup>This parcel was previously enrolled in RWQCB Order No 2015-0023 and as such may retain reduced setbacks that were applicable under the previous Order. Disturbed area within the setbacks [ft<sup>2</sup>] were from the past and are not proposed to be cultivated in the future.

Irrigation water for this project relies solely on two, man-made rain catchment ponds (Pond 1 and Pond 2). The capacity of both ponds together is estimated to be approximately 900,000 to 1,400,000 gallons which meets and exceeds the required irrigation demands for this project. In addition to these ponds, there is also approximately 20,000 gallons of water storage capacity in hard tanks or small bladders. Water use estimates provided by the Cannabis Cultivator are approximately 500,000 gallons.



In total there are 5 ponds on the property that are displayed and labeled on the Site Maps. Pond 1 is a man-made, plastic lined rain catchment pond. It is approximately 160 feet long and 70 feet wide with a capacity estimated at approximately 600,000 gallons to 900,000 gallons. A pond existed at this site since prior to 2005 and appears to have been enlarged to its current capacity between 2016 and 2018. It is not fed by a stream. The outflow drains to a grassy swale that lacked any visible incised channel. On the day of the assessment outflow from the pond was not present. Water from the outflow appears to disperse or go subsurface before reaching a stream, however this couldn't be determined definitively on the day of the assessment because there was no outflow and soils were not saturated. A shallow bank failure was observed on the slopes above Pond 1, however a determination on appropriate engineering or hazard risk to the environment or property is beyond the scope of this report.

Pond 2 is a man-made, rain catchment pond. It does not have a pond liner. It is approximately 90 feet long and 60 feet wide with a capacity estimated at approximately 300,000 gallons to 500,000 gallons. A pond existed at this site since prior to 2005 and appears to have been enlarged to its current capacity between 2016 and 2018. It is fed by a very small swale / Class III watercourse feature that is approximately 100 feet in length. The outflow drains to a grassy swale that lacked any incised channel on the day of the assessment. Water from the outflow appears to disperse or go subsurface before reaching a stream, however this couldn't be determined definitively on the day of the assessment because there were no outflows present and soils were not saturated. A determination on its engineering or hazard risk to the environment or property is beyond the scope of this report.

Ponds 3, 4, and 5 are all small rain catchment ponds that were likely constructed by a previous landowner many years ago as a means of water storage. These ponds are not lined and are not used by the cultivator. They are located approximately 30 feet apart and provide wildlife habitat and aesthetics. They are not fed by streams and did not appear to have a direct hydrologic connection to a stream. Pond 3 is the largest and contains water throughout the year. It is approximately 70 feet long and 30 feet wide. Pond 5 is the smallest, approximately 60 feet long and 20 feet wide and appears to be a shallow, seasonal wet area that dries up in summer.

There is currently a Point of Diversion (POD) in the form of a horizontal well in place at an established spring. The POD is used solely for domestic purposes and livestock which has approximately 100,000 gallons of dedicated water storage. The POD is not used for cannabis irrigation. There is also a groundwater well on the property that is non-operational that is shown on the Site Map. Refer to Cannabis Cultivation Policy, Att. A, Sec. 2, Term 65 through 98 (Water Storage and Use) for the full text of requirements related to surface water diversions, water storage, and water use records.

Cannabis Cultivation Policy, Att. A, Sec. 2, Term 98 states, Cannabis cultivators shall maintain daily records of all water used for irrigation of cannabis. Daily records may be calculated by the use of a measuring device or, if known, by calculating the irrigation system rates and duration of time watered (e.g., irrigating for one hour twice per day using 50 half-gallon irrigation emitters equates to 50 gallons per day (1 hour x 2 times per day x 50 irrigation emitters x 0.5 gallons per irrigation

emitter per hour) of water used for irrigation). Cannabis cultivators shall retain, for a minimum of five years, irrigation records at the cannabis cultivation site and shall make all irrigation records available for review by the Water Boards, CDFW, and any other authorized representatives of the Water Boards or CDFW.

Cannabis Cultivation Policy, Att. A, Sec. 2, - REQUIREMENTS RELATED TO WATER DIVERSIONS AND WASTE DISCHARGE FOR CANNABIS CULTIVATION, (Term 1 through 134) is included as an attachment. Requirements related to Water Storage and Use are included in Term 65 through 102.

## SITE MANAGEMENT PLAN GENERAL GUIDANCE OUTLINE

This Site Management Plan General Guidance Outline describes how the Discharger is implementing the best practical treatment or control measures (BPTC) measures listed in Attachment A of the Cannabis Cultivation Policy. The assessment of applicable BPTC measures consisted of a field examination on December 22, 2020. Anywhere applicable BPTC measures are not met on the property, descriptions of the assessments and the prescribed treatments are outlined following each associated section below.

### Summary of BPTC Measures Compliance

1. Sediment Discharge BPTC Measures Y/N
2. Fertilizer, Pesticide, Herbicide, and Rodenticide BPTC Measures Y/N
3. Petroleum Product BPTC Measures Y/N
4. Trash/Refuse, and Domestic Wastewater BPTC Measures Y/N
5. Winterization BPTC Measures Y/N

### 1. Sediment Discharge BPTC Measures

#### 1.1. Site Characteristics

- 1.1.1. Provide a map showing access roads, vehicle parking areas, streams, stream crossings, cultivation site(s), disturbed areas, buildings, and other relevant site features.

**See attached Site Map. The final dimensions and configurations of the cultivation areas was not known at the time of the site assessment. The cultivation areas shown are the remaining cultivation areas that were active in 2019 or prior. Mapping of cultivation areas followed the perimeter of the fenced outdoor cultivations areas (Areas A, B, and D), and the dimensions of the existing raised bed cultivation areas (Area C and E). This will likely result in an over statement of the cultivation areas when compared to what is being applied for currently.**

- 1.1.2. Describe the access road conditions including estimating vehicle traffic, road surface (e.g., paved, rocked, or bare ground), and maintenance activities. Describe how storm water is drained from the access road (e.g., crowned, out slope, armored ditch, culverts, rolling dips, etc.).

**The permanent road “loop” has a blacktopped surface and is in very good condition. Seasonal roads and trails have native surfaces. Vehicle traffic is very light. Maintenance such as rock surfacing is recommended on the permanent road north of Site 10 and maintenance and installation of water bars, lead-outs, and rolling dips are**

**recommended seasonally on the seasonal roads and trails north of Site 11 and 12. These are described in greater detail in the attached Mitigation Report, Site Maps, Treatment Implementation Schedule, and attached BMPs.**

- 1.1.3. Describe any vehicle stream crossing including the type of crossing (e.g., bridge, culvert, low water, etc.).

**Vehicle stream crossings are located at Site 01, 02, 10, 11, and 12 of the Site Map and described in the Mitigation Report attached.**

- 1.1.3.1. For Region 1 Dischargers, identify, discuss, and locate on the site map any legacy waste discharge issues that exist on the property.

**No legacy waste discharge issues were identified during the assessment of the property.**

- 1.2. Sediment Erosion Prevention and Sediment Capture (Moderate risk Tier 1 or Tier 2 Dischargers are required to submit a Site Erosion and Sediment Control Plan. Those Dischargers may refer to that plan rather than repeat it here)

#### 1.2.1. Erosion Prevention BPTC Measures

- 1.2.1.1. Describe the BPTC measures that have been, or will be implemented to prevent or limit erosion. Provide an implementation schedule for BPTC measures that have not yet been implemented. Identify the erosion prevention BPTC measures on a site map.

**Sites 09, 10, 11, 12, 14, and 15 on the Mitigation Report, Treatment Implementation Schedule, and the Site Maps gives the locations and includes site specific descriptions of the physical BPTC measures being prescribed.**

- 1.2.1.1.1. The description shall address physical BPTC measures, (e.g., placement of straw mulch, plastic covers, slope stabilization, soil binders, culvert outfall armoring, etc.) and biological BPTC measures (vegetation preservation/replacement, hydro seeding, etc.).

**Sites 09, 10, 11, 12, 14, and 15 on the Mitigation Report, Treatment Implementation Schedule, the Site Maps, and the attached BMPs gives the locations and includes site specific descriptions of the physical BPTC measures being prescribed. Furthermore, grass seeding and straw is recommended for bare soils created after clean-up at Sites 03, 04, 06, 08, and 16 (see Mitigation Report).**

## 1.2.2. Sediment Control BPTC Measures

1.2.2.1. Describe the BPTC measures that have been, or will be implemented to capture sediment that has been eroded. Provide an implementation schedule for BPTC measures that have not yet been implemented. Identify the sediment control BPTC measures on a site map.

**Not applicable. Currently, no BPTC measures are proposed to capture sediment that has been eroded.**

1.2.2.1.1. The description shall address physical BPTC measures, (e.g., placement of silt fences, fiber rolls, or settling ponds/areas, etc.) and biological BPTC measures (vegetated outfalls, hydro seeding, etc.).

**Not applicable. Currently, no BPTC measures are proposed to capture sediment that has been eroded.**

## 1.2.3. Maintenance Activities - Erosion Prevention and Sediment Control

1.2.3.1. Describe how the erosion prevention and sediment control BPTC measures will be monitored and maintained to protect water quality.

**Erosion prevention BPTC measures and all corresponding work shall be inspected prior to and in conjunction with winter monitoring, as described in the attached "Monitoring Plan" to ensure that proper placement and installation, remain intact and functioning prior to and throughout the Winter Period.**

1.2.3.2. Describe how any captured sediment will be either stabilized in place, excavated and stabilized on-site, or removed from the site.

**At Site 03, 04, 06, 08, and 16 cultivation spoils will be removed. Spoils material should be stored at a stable location outside of riparian setbacks and away from runoff. See the Mitigation Report, Treatment Implementation Schedule, and Site Maps regarding these sites.**

1.2.4. Erosion control BPTC measures: Describe the interim soil stabilization, if applicable and long-term BPTC measures implemented to prevent sediment transport at each identified disturbed area(s) and improperly constructed features.

**No interim soil stabilization measures are being prescribed. Long term measures are stated in the Mitigation Report, Treatment Implementation Schedule, Site Maps and attached BMPs.**

**2. Fertilizer, Pesticide, Herbicide, and Rodenticide BPTC Measures**

2.1. Provide a summary table that identifies the products used at the site, when they are delivered to the site, how they are stored, and used at the site. If products are not consumed during the growing season, describe how they are removed from the site or stored to prevent discharge over the winter season.

**See comprehensive table under 2.3.**

2.2. Provide a site map that locates storage locations.

**Fertilizers and soil amendments are stored in an on-site sealed metal structure labeled “Storage shed” on the Site Map.**

**All fertilizers, pesticides, herbicides, and rodenticides are required to be used and stored per Cannabis Cultivation Policy, Att. A, Sec. 2, - Term 103 through 115 attached.**

2.3. Describe how bulk fertilizers and chemical concentrates are stored, mixed, applied, and how empty containers are disposed.

**Fertilizer, Pesticides, and Herbicide Products used on Site**

Product	Delivery and Storage	On-site usage	How removed or stored
Bat Guano, Worm Castings, Green Sand.	Will likely be brought to the property in spring and during the season as needed. Products are required to be used and stored per Cannabis Cultivation Policy, Att. A, Sec. 2, - Term 103 through 115.	Mixed into soil before planting and as needed.	Unused products that remain on the parcel shall be removed or disposed of properly per Cannabis Cultivation Policy, Att. A, Sec. 2, - Term 103 through 115. Cannabis cultivators are required to contain and regularly remove all debris and trash associated with cannabis cultivation activities from cannabis cultivation sites.

2.4. Describe procedures for spill prevention and cleanup.

**The cannabis cultivator shall keep and use absorbent materials designated for spill containment and clean-up for use in an accidental spill. Should a spill of these materials occur, absorbent materials will be applied and cleaned up immediately following the manufacturer’s guidelines. See Cannabis Cultivation Policy, Att. A, Sec. 2, - Term 103 through 115 that is attached.**



**3. Petroleum Product BPTC Measures**

3.1. Provide a summary table that identifies the products used at the site, when they are delivered to the site, how they are stored, and used at the site. If products are not consumed during the growing season, describe how they are removed from the site or stored to prevent discharge over the winter season.

**See comprehensive table under 3.3.**

3.2. Provide a site map that locates storage locations.

**Petroleum products are stored in an on-site sealed metal structure labeled “Storage shed” on the Site Map.**

**All petroleum products are required to be used and stored per Cannabis Cultivation Policy, Att. A, Sec. 2, - Term 103 through 110, and 116 through 118 attached.**

3.3. Describe how fuels, lubricants, and other petroleum products are stored, mixed, applied, and empty containers are disposed.

**Petroleum Products**

Products used on site	When they are delivered to site	How they are stored and used	How removed or stored
Gasoline	Brought to the site as needed throughout the year in five-gallon containers.	Stored in standard 5-gallon gasoline cannisters inside of the on-site storage shed. Used to run small engines (water pump, small generators, saw, mowers, etc.)	Stored in standard 5-gallon gasoline canisters inside of the on-site storage shed, until used up on the property.
Diesel	Not used regularly.	Not stored on site. Used to power tractors or similar equipment on rare occasions.	Not stored on site. Powers tractors or similar equipment on rare occasions and used up.
Motor oil	Brought to the site as needed throughout the year in manufacturers containers.	Not stored on site in large quantities. Used to service equipment and small engines.	After oil changes, used motor oil is stored in either the container it came in or in sealed 5-gallon containers for later disposal at an appropriate disposal facility.

3.4. Describe procedures for spill prevention and cleanup.

**Any/all fuel canisters, motor oil containers, and small generators should be stored in secondary containment (e.g. drip pans, plastic totes, or sealed metal boxes) while being stored long term or not in immediate use. Adequate quantities of absorbent materials shall be stored at all locations where these types of materials are used, stored, or mixed. Should a spill of these materials occur, absorbent materials will be applied immediately and allowed enough time to absorb as much material as possible. Following treatment, absorbent materials applied as well as any contaminated soil will be removed and disposed of appropriately for the spilled material.**

#### **4. Trash/Refuse, and Domestic Wastewater BPTC Measures**

4.1. Describe the types of trash/refuse that will be generated at the site. Describe how the material is contained and properly disposed of.

**Commercial cannabis and domestic refuse will be generated at the site. The refuse is securely stored near the house and storage shed where it cannot enter any riparian setback or waters of the state, or contaminate the soil. It is taken to a waste disposal site regularly.**

4.1.1. Provide a site map that locates the trash/refuse storage locations.

**The location of the refuse storage location is near the storage shed and house on the Site Map. Upon county approval of the application, storage locations for cannabis related waste may also be near the cultivation areas shown on the attached Site Maps.**

**Cannabis cultivators are required to contain and regularly remove all debris and trash associated with cannabis cultivation activities from the cannabis cultivation site. Cannabis cultivators shall not allow litter, plastic, or similar debris to enter the riparian setback or waters of the state. See Cannabis Cultivation Policy, Att. A, Sec. 2, - Term 119, 120, and 123 attached.**

4.2. Describe the number of employees, visitors, or residents at the site.

**There are five fulltime residents. Visitors are rare and include delivery, consultants, and regulatory agencies. Cannabis cultivation on the parcel was not active. Following county approval for cannabis cultivation, employees may be added. The number is not known at this time.**

4.2.1. Describe the types of domestic wastewater generated at the site (e.g., household generated wastewater or chemical toilet).

**Domestic sewage / wastewater may be generated on site.**

4.2.2. Describe how the domestic wastewater is disposed.

4.2.2.1. Permitted onsite wastewater treatment system (e.g., septic tank and leach lines).

**There are two permitted septic systems attached to the houses on-site.**

4.2.2.2. Chemical toilets or holding tank. If so, provide the name of the servicing company and the frequency of service.

**Not applicable.**

- 4.2.2.3. Outhouse, pit privy, or similar. Use of this alternative requires approval from the Regional Water Board Executive Officer; include the approval from the Executive Officer and any conditions imposed for use of this alternative.

**Not applicable.**

- 4.2.2.3.1. Provide a site map that locates any domestic wastewater treatment, storage, or disposal area.

**House symbols on the Site Map.**

## **5. Winterization BPTC Measures**

- 5.1. Describe activities that will be performed to winterize the site and prevent discharges of waste. The description should address all the issues listed above.

**See the Annual Winterization Measures for general measures that are required to be performed prior to each Winter Period. See the Mitigation Report for measures to be taken prior to the winter period at site specific locations.**

- 5.2. Describe maintenance of all drainage or sediment capture features (e.g., drainage culverts, drainage trenches, settling ponds, etc.) to remove debris, soil blockages, and ensure adequate capacity exists.

**Existing drainage structures will be maintained or repaired as feasible and necessary with hand tools during annual winterization and monitoring. Prescribed repair and maintenance will be executed in accordance with the Mitigation Report, Annual Winterization Measures, Monitoring Plan, and the attached BMPs.**

- 5.3. Describe any revegetation activities that will occur either at the beginning or end of the precipitation season.

**See the Mitigation Report, Annual Winterization Measures, Monitoring Plan, and the attached BMPs for a description of areas requiring treatment with seed and straw mulch for erosion control prior to next winter period.**

- 5.4. If any BPTC measure cannot be completed before the onset of Winter Period, contact the Regional Water Board to establish a compliance schedule.

**See the attached Mitigation Report, Treatment Implementation Schedule, the Annual Winterization Measures, and Monitoring Plan for site descriptions, treatments, and schedule.**

- 5.5. For Region 1 Dischargers, describe any activities that will be performed to address legacy waste discharge issues. Region 6 Dischargers should consult with Regional Water Board staff to confirm if any other activities in addition to BPTCs are necessary to address legacy waste discharge issues.

**Not applicable. No legacy waste discharge issues were identified during the assessment of the property.**

TRC 465

### Annual Winterization Measures

Winterization measures consist of general cleanup and winter-preparation activities that both prepare for, and utilize, anticipated, local winter weather. In project areas that may become inaccessible during periods, or the entirety, of the winter, additional winterization procedures and precautions may be required due to the potential absence of winter monitoring.

- Any exposed soils resulting from winterization activities shall be seeded and straw mulched.
- Any/all areas of exposed soils in and around cultivation areas be seeded and either straw mulched with weed free straw or woodchips.
- All existing culvert inlets, interiors, and outlets shall be cleared of any existing or potential obstructions to include; debris upstream of the culvert such as sediment, loose, moveable rocks, and raftable, small, woody debris.
- Damage or wear resulting from vehicular use to road surfaces (such as rutting or wheel tracks) and/or road surfacing (such as rock) that would impair road surface drainage or drainage features (such as outsloping, waterbars, rolling dips, etc.) shall be repaired prior to the Winter Period.
- All existing surface drainage features and sediment capture features shall be maintained if needed to ensure continued function through the Winter Period.
- All fertilizers and petroleum products will be stored in an area located outside of riparian setbacks, completely sealed, placed in a secondary containment (liquids), and stored in a manner that prevents contact with precipitation and surface runoff.
- Chemical toilets will be removed from the property until need resumes the following cultivation season, or at a minimum serviced and left unused during periods when not in use.
- Water storage tank lids shall be appropriately closed to prevent the access of wildlife.
- All refuse/trash shall be removed and disposed of appropriately.
- All inorganic material capable of being transported by wind or rain shall be secured and stored appropriately.

### Monitoring Plan

Cannabis cultivators shall regularly inspect and maintain the condition of access roads, access road drainage features, and watercourse crossings. At a minimum, cannabis cultivators shall perform inspections prior to the onset of fall and winter precipitation and following storm events that produce at least 0.5 in/day or 1.0 inch/7 days of precipitation. See Required Monitoring tables below for site specific monitoring and reporting requirements. Cannabis cultivators are required to perform all of the following maintenance:

- Remove any wood debris that may restrict flow in a culvert.
- Remove sediment that impacts access road or drainage feature performance.
- Place any removed sediment in a location outside the riparian setbacks and stabilize the sediment.
- Maintain records of access road and drainage feature maintenance for annual reporting.

Cannabis cultivators that are operating in areas that are, or may become, inaccessible during winter months due to extreme weather such as snow, road closures, seasonal access roads to the property, or any other such conditions shall make additional efforts to enhance winterization measures in the absence of monitoring during storm events.

#### Monitoring Requirements

(Tier 1, Low Risk, < 1 acre of cultivation)

Monitoring Requirement	Description
Winterization Measures Implemented	Report winterization procedures implemented, any outstanding measures, and the schedule for completion.
Tier Status Confirmation	Report any changes in the tier status.
Third Party Identification	Report any change in third party status as appropriate.

#### Annual Reporting

Annual Reports shall be submitted to the North Coast Regional Water Quality Control Board by March 1<sup>st</sup> following the year being monitored. Annual Reporting for this enrollment shall be submitted by March 1<sup>st</sup>, 2021 and report on monitoring done during the 2020 calendar year. Annual reporting is required each subsequent year of enrollment.

# Site Management Plan

## Site Map WDID - 1\_12CC419264



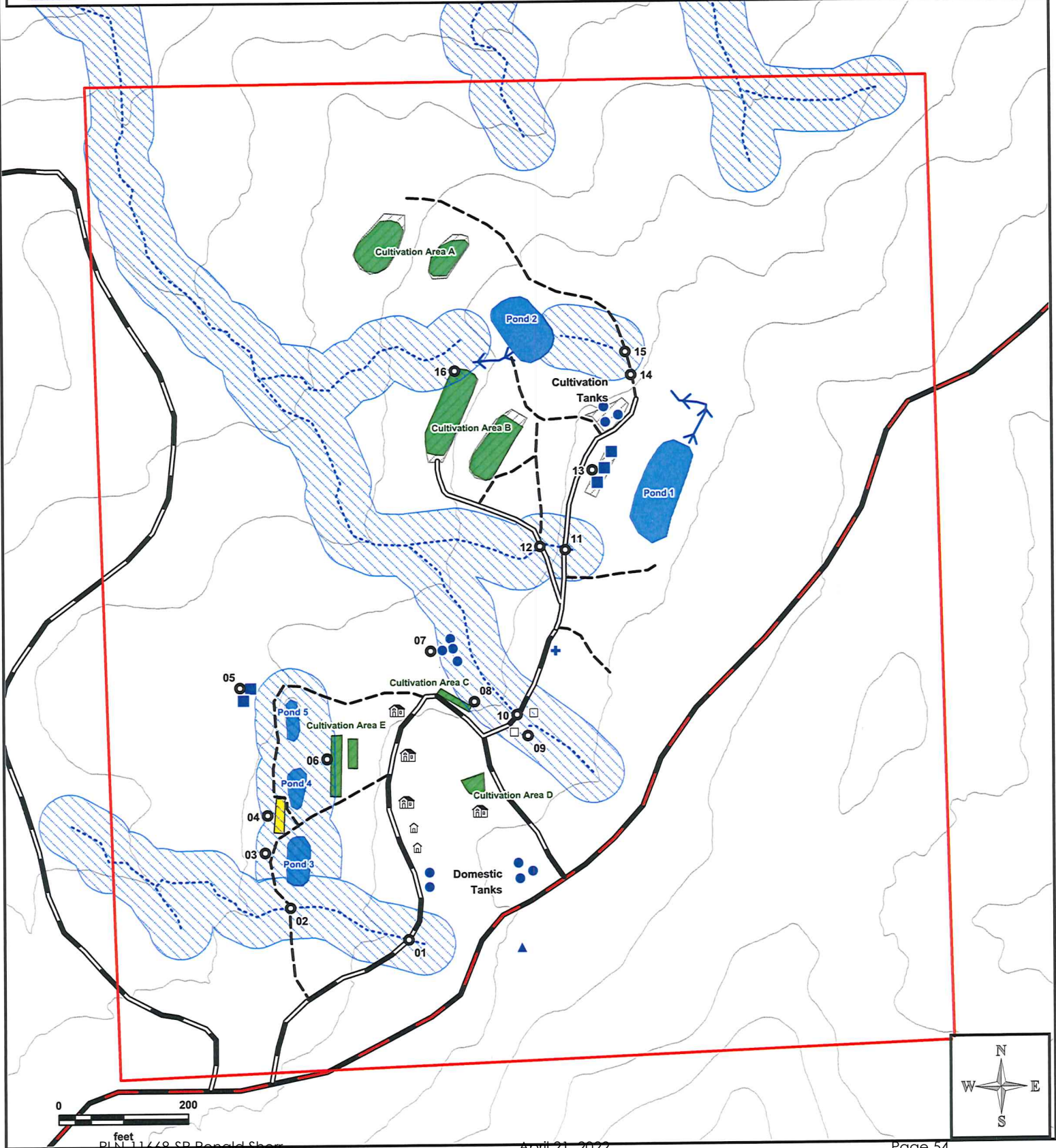
- Property Boundary
- Cultivation Area
- Disturbed Area
- Past Cultivation Area

- Watercourses**
- Class III
  - Pond Overflow
  - Pond
  - Riparian Area

- Site
- POD (Domestic Use)
- Tank
- Bladder
- + Well (Non-operational)
- House
- Storage Shed
- Chicken Coop

- Roads**
- County Permanent
  - Seasonal
  - Trail

TRC-465



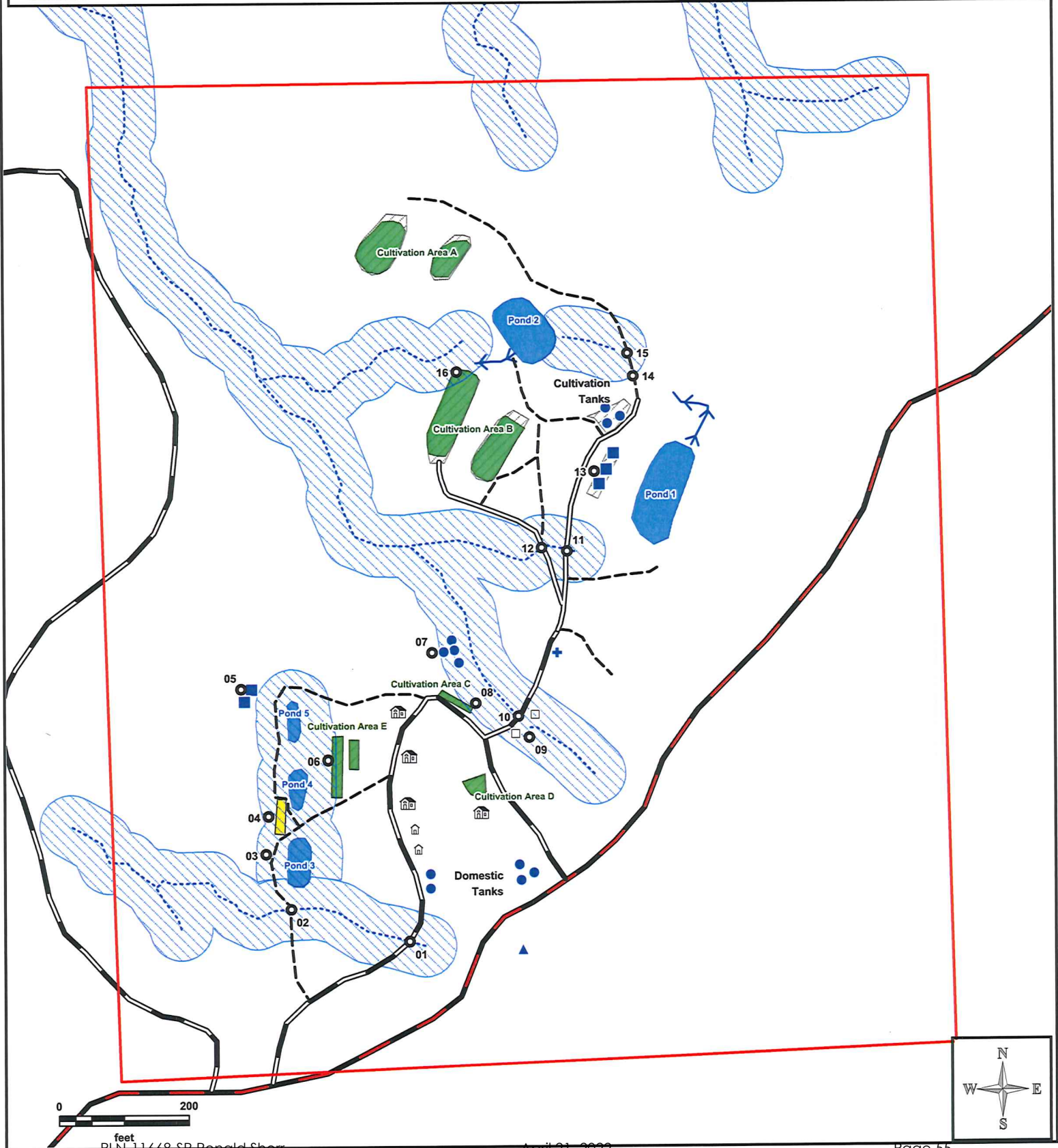


# Site Management Plan

## Site Map WDID - 1\_12CC419264



TRC-465





# Site Management Plan

## Site Map WDID - 1\_12CC419264



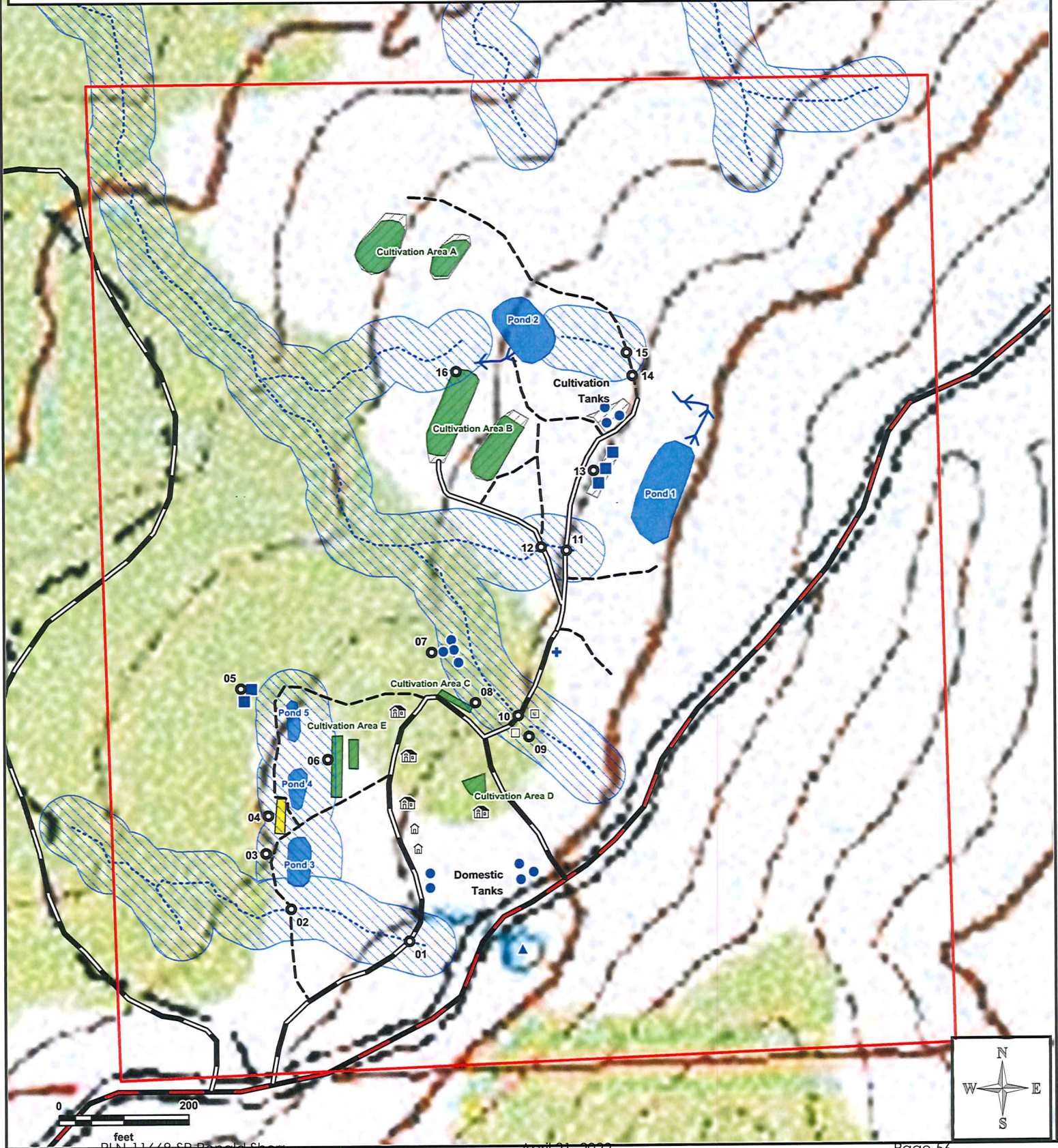
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- County
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  - Trail

TRC-465





# Site Management Plan

## Site Map WDID - 1\_12CC419264



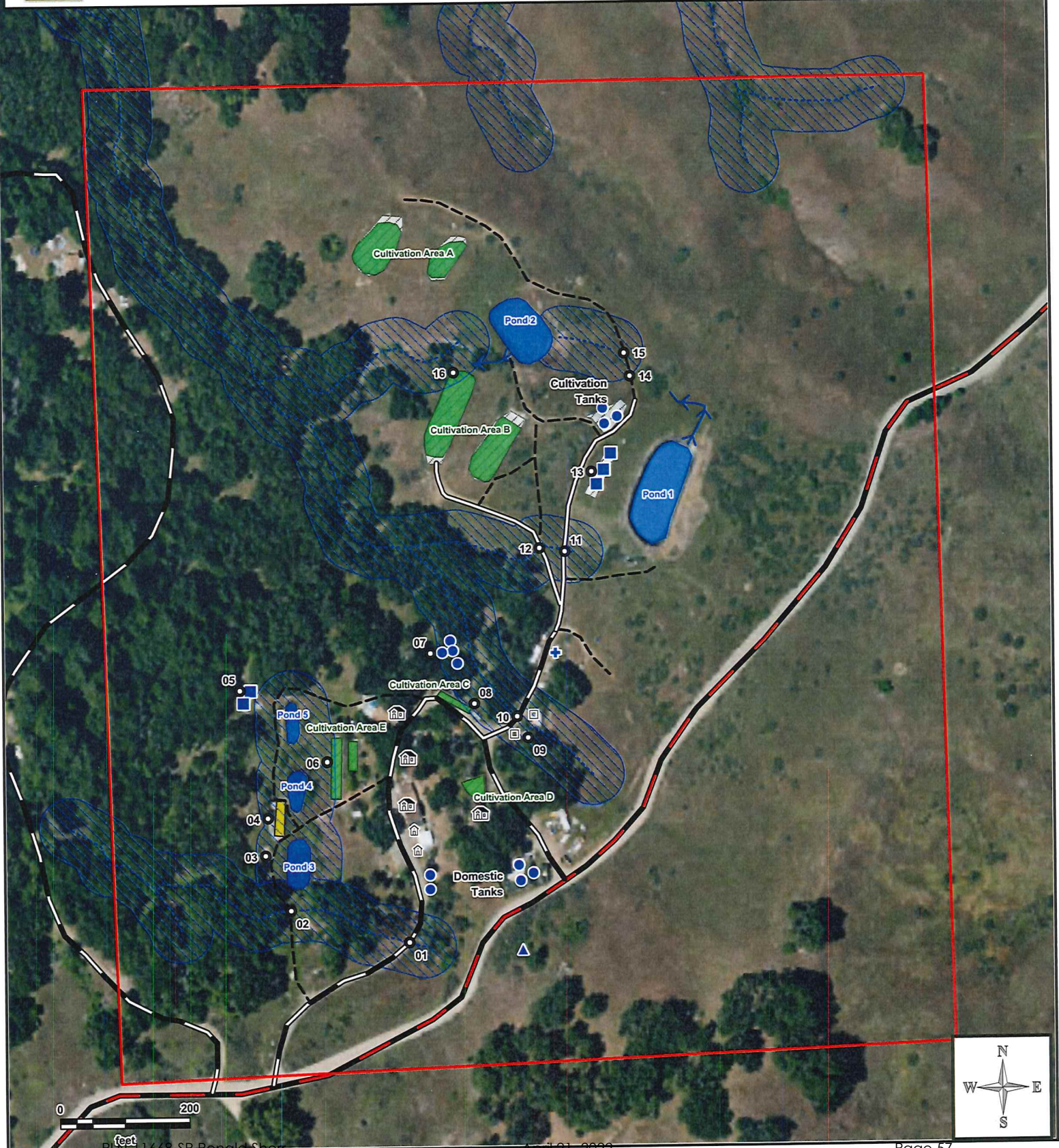
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- Storage Shed
- Chicken Coop

- Roads**
- County
  - Permanent
  - Seasonal
  - Trail

TRC-465







## Treatment Implementation Schedule

Unique Point	Proposed Work Completion Date
Site 01	As required
Site 02	As required
Site 03	Prior to 10/15/21
Site 04	As required
Site 05	As required
Site 06	As required
Site 07	Prior to 10/15/21
Site 08	As required
Site 09	Prior to 10/15/21
Site 10	As required
Site 11	As required
Site 12	As required
Site 13	As required
Site 14	Prior to 11/15/21
Site 15	Prior to 11/15/21
Site 16	As required
Seasonal Roads and Trails	As required



Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Treatment Priority	Date Completed
Site 01	-123.607878 40.031985	Permanent	X	X	X	As required	
<p><b>Current Condition:</b> Existing 12-inch diameter culvert crossing of a Class III watercourse along the permanent road. The culvert is functioning but is slightly undersized for the estimated 100-year peak streamflow at this location. The crossing is a low risk of becoming clogged because the watercourse is too small to move significant woody material. The crossing is located on the blacktop surfaced, permanent driveway into the landowner's residence and has a low diversion potential.</p>						<p><b>Prescribed Action:</b> Monitor and provide routine maintenance. Ensure that the culvert inlet is clear and free of any obstructions at all times. Further treatment at this crossing should be consistent with a valid CDFW LSA Agreement that is currently in preparation, in which replacement, final culvert diameter, and timing is not yet determined. Work in a stream, such as culvert replacement, also requires applying for and receiving Water Quality Certification under the Statewide Cannabis General Order. Replacement of the crossing is low priority.</p>	
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Treatment Priority	Date Completed
Site 02	-123.608529 40.032119	Trail	X	X	X	As required	
<p><b>Current Condition:</b> Existing 12-inch diameter culvert crossing of a Class III watercourse along the access trail. The culvert is functioning but is slightly undersized for the estimated 100-year peak streamflow at this location. The crossing is a low risk of becoming clogged because the watercourse is too small to move significant woody material.</p>						<p><b>Prescribed Action:</b> Monitor and provide routine maintenance. Ensure that the culvert inlet is clear and free of any obstructions at all times. Further treatment at this crossing should be consistent with a valid CDFW LSA Agreement that is currently in preparation, in which replacement and final culvert diameter, or decommissioning, and timing is not yet determined. Work in a stream, such as culvert replacement, also requires applying for and receiving Water Quality Certification under the Statewide Cannabis General Order. Replacement of the crossing is low priority.</p>	
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Treatment Priority	Date Completed
Site 03	-123.608668 40.032351	Trail	X	-	-	Prior to 10/15/21	
<p><b>Current Condition:</b> Cultivation soil pile located within the riparian setback. The pile is located on stable ground and is not currently a significant threat to water quality.</p>						<p><b>Prescribed Action:</b> Remove the soil pile and dispose of properly, or relocate or reuse outside of the riparian setback. Apply seed and straw to bare areas created within the setback during removal. Spoils should be stored at stable locations outside of riparian setbacks.</p>	
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Treatment Priority	Date Completed
Site 04	-123.608587 40.032504	-	X	-	-	As required	
<p><b>Current Condition:</b> A past cultivation area consisting of a 14' x 50' raised wooden structure on top of pier blocks. The structure supports two rows of wooden planter boxes and cultivation soil. Cultivation waste and related materials made up of wood, plastic, metal, waterlines, and debris remains at the site.</p>						<p><b>Prescribed Action:</b> Refrain from future cannabis cultivation at this location. Prior to 10/15/21, remove and properly dispose of the cannabis cultivation area and cannabis related waste at the Past Cultivation Area at Site 04. Apply seed and straw to bare soils created during clean-up. Per Cannabis Cultivation Policy, Att. A, Sec. 2, Term 119 - Cannabis cultivators shall contain and regularly remove all debris and trash associated with cannabis cultivation activities from the cannabis cultivation site.</p>	



# SMP - Mitigation Report

WDID# - 1\_12CC419264

Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Treatment Priority	Date Completed
Site 05	-123.608808 40.033045	-	X	-		As required	
<p>Current Condition: Four empty, 3,000 gallon capacity bladders.</p>						<p>Prescribed Action: Remove and refrain from use of water storage bladders at this location. Bladder use is permitted per Cannabis Cultivation Policy: Attachment A, Term 87 and 88 (attached), that states in part, Bladders shall be sited to minimize the potential for water to flow into a watercourse in the event of a catastrophic failure. Cannabis cultivators shall not use water storage bladders unless the bladder is safely contained within a secondary containment system with sufficient capacity to capture 110 percent of a bladder's maximum possible contents in the event of bladder failure (i.e., 110 percent of bladder's capacity). Secondary containment systems shall be of sufficient strength and stability to withstand the forces of released contents in the event of catastrophic bladder failure...</p>	
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Treatment Priority	Date Completed
Site 06	-123.60833 40.032748	Cultivation Area	X	-	-	As required	
<p>Current Condition: Western half of an inactive cultivation area is located within the riparian setback. It consists of a 14' x 80' raised wooden structure on top of pier blocks. The structure supports two rows of wooden planter boxes and cultivation soil. Cultivation waste and related materials made up of wood, plastic, metal, waterlines, and debris remains at the site.</p>						<p>Prescribed Action: Refrain from any future cannabis cultivation within the riparian setback at this location. Prior to 10/15/21, remove and properly dispose of the cannabis cultivation materials and cannabis related waste at Site 06. Apply seed and straw to bare soils created during clean-up. Per Cannabis Cultivation Policy, Att. A, Sec. 2, Term 119 - Cannabis cultivators shall contain and regularly remove all debris and trash associated with cannabis cultivation activities from the cannabis cultivation site.</p>	
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Treatment Priority	Date Completed
Site 07	-123.60776 40.033201	-	X	-	-	Prior to 10/15/21	
<p>Current Condition: Four water tanks located in the riparian setback.</p>						<p>Prescribed Action: Relocate the water tanks at Site 07 to a stable location outside of the riparian setback (50-feet from the Class III watercourse). See Cannabis Cultivation Policy, Att. A, Term 90 (attached).</p>	
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Treatment Priority	Date Completed
Site 08	-123.607519 40.032989	Cultivation Area	X	-	-	As required	
<p>Current Condition: Eastern quarter of an inactive cultivation area is located within the riparian setback. It consists of a 10' x 50' raised wooden structure on top of pier blocks. The structure supports two rows of wooden planter boxes and cultivation soil. Cultivation waste and related materials made up of wood, plastic, metal, waterlines, and debris remains at the site.</p>						<p>Prescribed Action: Refrain from any future cannabis cultivation within the riparian setback at this location. Prior to 10/15/21, remove and properly dispose of the cannabis cultivation materials and cannabis related waste at Site 08. Apply seed and straw to bare soils created during clean-up. Per Cannabis Cultivation Policy, Att. A, Sec. 2, Term 119 - Cannabis cultivators shall contain and regularly remove all debris and trash associated with cannabis cultivation activities from the cannabis cultivation site.</p>	





# SMP - Mitigation Report

WDID# - 1\_12CC419264

Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Treatment Priority	Date Completed
Site 09	-123.607223 40.032845	-	X	-	-	Prior to 10/15/21	
<p>Current Condition: Chicken pens located adjacent to the road in a swale feature of a small, interrupted Class III watercourse.</p>						<p>Prescribed Action: Relocate the chicken pens and associated materials to an area outside of the riparian setback (50-feet from the Class III watercourse). Apply seed and straw to bare soils created during clean-up and allow the area to become vegetated.</p>	
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Treatment Priority	Date Completed
Site 10	-123.607284 40.032934	Permanent	X	X	X	As required	
<p>Current Condition: Existing ford crossing of a small, interrupted Class III watercourse along a natural dip in the permanent road. The crossing feature appears as a very minor rolling dip across the road surface and flows from the watercourse appear to be very seldom and are not causing erosion of the road fills.</p>						<p>Prescribed Action: Monitor and provide routine maintenance. Ensure that the existing dip remains open and does not become filled with road material. Prior to 10/15/21 rock the northern approach and drain the road surface via lead-outs or rolling dips for 100 feet north from Site 10. Further treatment at this site, and the adjacent chicken pen area at Site 10, should be consistent with a valid CDFW LSA Agreement that is currently in preparation, in which installation of a rocked ford crossing or a permanent culvert crossing is not yet determined. Work in a stream also requires applying for and receiving Water Quality Certification under the Statewide Cannabis General Order.</p>	
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Treatment Priority	Date Completed
Site 11	-123.607019 40.033631	Seasonal	X	X	X	As required	
<p>Current Condition: Existing 8-inch diameter culvert crossing of a Class III watercourse along the seasonal road. The culvert is functioning but is undersized for the estimated 100-year peak streamflow at this location. The crossing is a low risk of becoming clogged because it is located just below the head of the Class III watercourse and it is located in open grassland with no woody material.</p>						<p>Prescribed Action: Monitor and provide routine maintenance. Ensure that the culvert inlet is clear and free of any obstructions at all times. Further treatment at this crossing should be consistent with a valid CDFW LSA Agreement that is currently in preparation, in which replacement and final culvert diameter, or rocked ford installation, and timing is not yet determined. Work in a stream, such as crossing replacement, also requires applying for and receiving Water Quality Certification under the Statewide Cannabis General Order.</p>	
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Treatment Priority	Date Completed
Site 12	-123.607159 40.033645	Seasonal	X	X	X	As required	
<p>Current Condition: Existing ford crossing of a Class III watercourse along the seasonal road located near the top of a Class III watercourse. The crossing feature is not a significant erosion threat and flows from the watercourse appear to be very seldom.</p>						<p>Prescribed Action: Monitor and provide routine maintenance. Ensure that the existing ford crossing remains open and does not become filled with road material. Further treatment at this site should be consistent with a valid CDFW LSA Agreement that is currently in preparation, in which installation of a rocked ford crossing or a permanent culvert crossing is not yet determined. Work in a stream also requires applying for and receiving Water Quality Certification under the Statewide Cannabis General Order.</p>	



# SMP - Mitigation Report

WDID# - 1\_12CC419264

Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Treatment Priority	Date Completed
Site 13	-123.606871 40.033966	-	X	-	-	As required	
Current Condition: Six empty, 3,000 gallon capacity bladders.						Prescribed Action: This site is a suitable location for the current storage of these bladders. However prior to filling bladders, secondary containment is required. Per Cannabis Cultivation Policy: Attachment A, Term 87 and 88 (attached), Bladders shall be sited to minimize the potential for water to flow into a watercourse in the event of a catastrophic failure. Cannabis cultivators shall not use water storage bladders unless the bladder is safely contained within a secondary containment system with sufficient capacity to capture 110 percent of a bladder's maximum possible contents in the event of bladder failure (i.e., 110 percent of bladder's capacity). Secondary containment systems shall be of sufficient strength and stability to withstand the forces of released contents in the event of catastrophic bladder failure...	
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Treatment Priority	Date Completed
Site 14	-123.606659 40.034368	Trail	X	-	-	Prior to 11/15/21	
Current Condition: Runoff from above the road gets diverted along the road to the natural dip location at Site 15.						Prescribed Action: Install a rocked rolling dip per the attached BMPs.	
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Treatment Priority	Date Completed
Site 15	-123.60669 40.034465	Trail	X	-	-	Prior to 11/15/21	
Current Condition: Runoff from the road to the south drains at a natural dip in the road surface.						Prescribed Action: Install a rocked rolling dip per the attached BMPs.	
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Treatment Priority	Date Completed
Site 16	-123.60763 40.034384	Cultivation Area	X	-	-	As required	
Current Condition: Northern portion of an inactive cultivation area is located within the outer half of the riparian setback. It consists of a fenced, outdoor cultivation area containing soil filled, wooden planter boxes on the ground. Cultivation waste and related materials made up of wood, plastic, metal, waterlines, and debris remains at the site.						Prescribed Action: Refrain from any future cannabis cultivation within the riparian setback at this location. Prior to 10/15/21, remove and properly dispose of the cannabis cultivation materials and cannabis related waste at Site 16. Apply seed and straw to bare soils created during clean-up. Per Cannabis Cultivation Policy, Att. A, Sec. 2, Term 119 - Cannabis cultivators shall contain and regularly remove all debris and trash associated with cannabis cultivation activities from the cannabis cultivation site.	
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Treatment Priority	Date Completed
Seasonal Roads and Trails		Access	X	X	-	As required	
Current Condition: Seasonal roads and trails north of Site 11 and 12 are dirt surfaced and require periodic maintenance.						Prescribed Action: Install or maintain water bars, lead-outs, and/or rolling dips along seasonal roads and trails prior to 10/15 of any year as needed to drain the road surfaces and prevent rutting.	

## Photographs



*Photo shows the area around Pond 1. Water from the outflow appears to disperse or go subsurface before reaching a stream. See the Mitigation Report for details and prescribed actions needed at Site 11, 13, 14, and 15. Photo date 12/15/2020.*



## Photographs

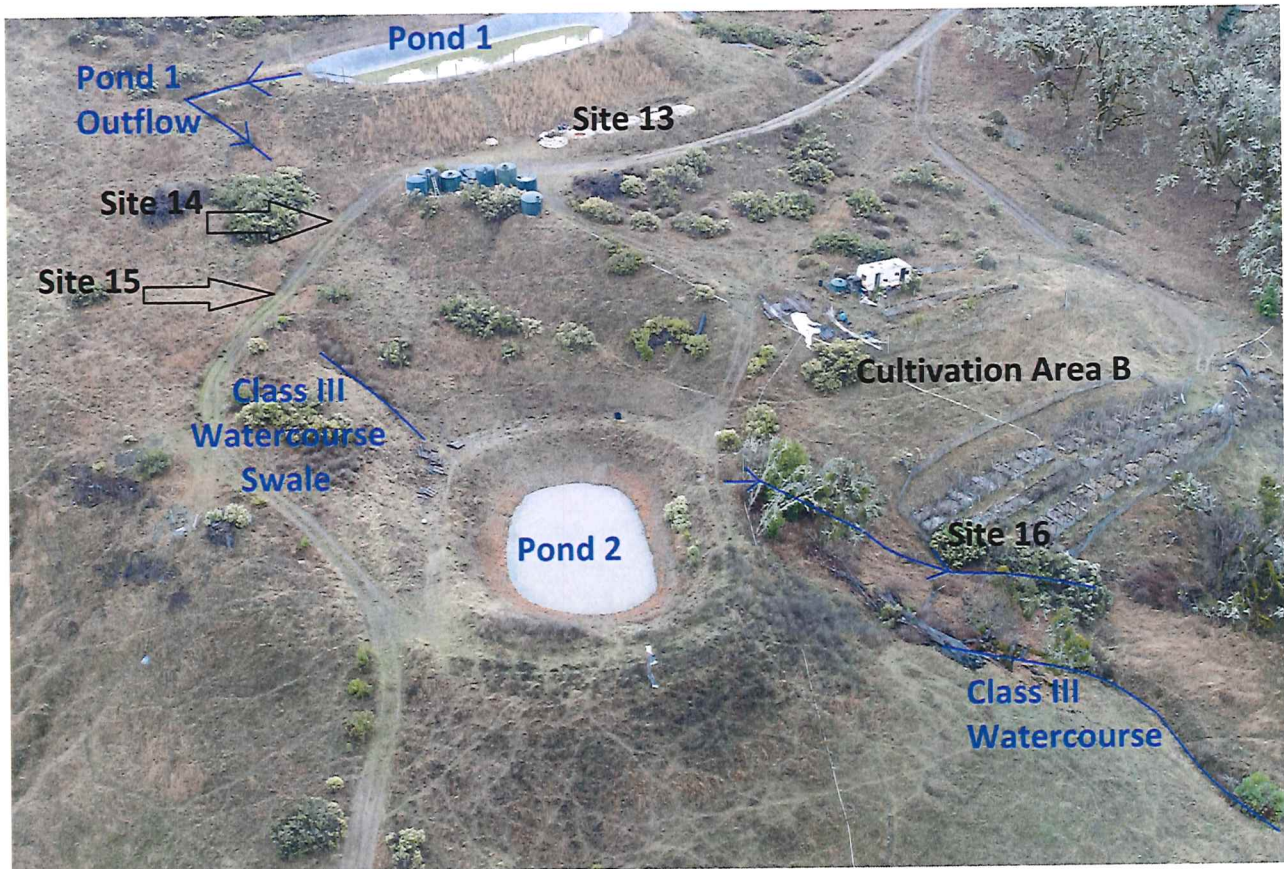


Photo shows the area around Pond 2. Water from the outflow appears to disperse or go subsurface before reaching a stream. See the Mitigation Report for details and prescribed actions needed at Site 13, 14, 15, and 16. At Site 16, the cultivator shall refrain from any future cannabis cultivation within the riparian setbacks, and prior to 10/15/21 remove and properly dispose of cannabis cultivation materials and cannabis related waste, and apply seed and straw to bare soils created during clean-up. The boundary of the riparian setback was measured in the field and marked with flagging. Photo date 12/15/2020.



## Photographs



Photo shows the area around Pond 03, 04, 05, and 06. See the Mitigation Report for details and prescribed actions needed at these sites. At Site 06, the cultivator shall refrain from any future cannabis cultivation within the riparian setbacks, and prior to 10/15/21 remove and properly dispose of cannabis cultivation materials and cannabis related waste, and apply seed and straw to bare soils created during clean-up. The boundary of the riparian setback was measured in the field and marked with flagging on the ground.. Photo date 12/15/2020.



## Photographs



*Photo shows the area around Sites 07, 08, 09, and 10. See the Mitigation Report for details and prescribed actions needed at these Sites. At Site 08, the cultivator shall refrain from any future cannabis cultivation within the riparian setbacks, and prior to 10/15/21 remove and properly dispose of cannabis cultivation materials and cannabis related waste, and apply seed and straw to bare soils created during clean-up. At Site 07, relocate the water tanks to a stable location outside of the riparian setback (50-feet from the Class III watercourse). The boundary of the riparian setback was measured in the field and marked with flagging on the ground. Photo date 12/15/2020.*



**STATEMENT OF CONTINGENT AND LIMITING CONDITIONS CONCERNING  
THE PREPARATION AND USE OF REPORTS ADDRESSING GENERAL  
WASTE DISCHARGE REQUIREMENTS UNDER ORDER WQ 2019-0001-DWQ**

**Prepared by Timberland Resource Consultants**

1. This document has been prepared for the property within APN 218-071-005-000, in Humboldt County, for enrollment in the General Waste Discharge Order WQ 2019-0001-DWQ.
2. Timberland Resource Consultants does not assume any liability for the use or misuse of the information in this document.
3. The information is based upon conditions apparent to Timberland Resource Consultants at the time inspection(s) were conducted. Changes due to land use activities or environmental factors occurring after inspection, have not been considered in this document.
4. The information regarding water use estimates and water sources is based upon figures provided in previous permitting documents and reports, and through communication with the Client at the time of the inspection. Any conditions not provided by the Client or apparent to Timberland Resource Consultants at the time of the inspection were not considered.
5. Maps, photos, and any other graphical information presented in this report are for illustrative purposes. Their scales are approximate, and they are not to be used for locating and establishing boundary lines.
6. The conditions presented in this document may differ from those made by others or from changes on the property occurring after inspections were conducted. Timberland Resource Consultants does not guarantee this work against such differences.
7. Timberland Resource Consultants did not conduct an investigation on a legal survey of the property.
8. Persons using this document are advised to contact Timberland Resource Consultants prior to such use.
9. Timberland Resource Consultants will not discuss this document or reproduce it for anyone other than the Client for which this document was prepared without authorization from the Client.



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Ron Pelletier

**Timberland Resource Consultants**

**TRC 465**

# ATTACHMENTS

## SECTION 2 – REQUIREMENTS RELATED TO WATER DIVERSIONS AND WASTE DISCHARGE FOR CANNABIS CULTIVATION

The following Requirements apply to any water diversion or waste discharge related to cannabis cultivation.

### Land Development and Maintenance, Erosion Control, and Drainage Features

#### Limitations on Earthmoving

#	TERM
1.	<p>Cannabis cultivators shall not conduct grading activities for cannabis cultivation land development or alteration on slopes exceeding 50 percent grade, or as restricted by local county or city permits, ordinances, or regulations for grading, agriculture, or cannabis cultivation; whichever is more stringent shall apply.</p> <p>The grading prohibition on slopes exceeding 50 percent does not apply to site mitigation or remediation if the cannabis cultivator is issued separate WDRs or an enforcement order for the activity by the Regional Water Board Executive Officer.</p>
2.	<p>Finished cut and fill slopes, including side slopes between terraces, shall not exceed slopes of 50 percent and should conform to the natural pre-grade slope whenever possible.</p>
3.	<p>Cannabis cultivators shall not drive or operate vehicles or equipment within the riparian setbacks or within waters of the state unless authorized under 404/401 CWA permits, a CDFW LSA Agreement, coverage under the Cannabis Cultivation General Order water quality certification, or site-specific WDRs issued by the Regional Water Board. This requirement does not prohibit driving on established, maintained access roads that are in compliance with this Policy.</p>
4.	<p>Cannabis cultivation land development and access road construction shall be designed by Qualified Professionals. Cannabis cultivators shall conduct all construction or land development activities to minimize grading, soil disturbance, and disturbance to aquatic and terrestrial habitat.</p>
5.	<p>The cannabis cultivator shall control all dust related to cannabis cultivation activities to ensure dust does not produce sediment-laden runoff. The cannabis cultivator shall implement dust control measures, including, but not limited to, pre-watering of excavation or grading sites, use of water trucks, track-out prevention, washing down vehicles or equipment before leaving a site, and prohibiting land disturbance activities when instantaneous wind speeds (gusts) exceed 25 miles per hour. Cannabis cultivators shall grade access roads in dry weather while moisture is still present in soil to minimize dust and to achieve design soil compaction, or when needed use a water truck to control dust and soil moisture.</p>

Construction Equipment Use and Limitations

#	TERM
6.	<p>Cannabis cultivators shall not conduct grading activities for cannabis cultivation land development or alteration on slopes exceeding 50 percent grade, or as restricted by local county or city permits, ordinances, or regulations for grading, agriculture, or cannabis cultivation; whichever is more stringent shall apply.</p> <p>The grading prohibition on slopes exceeding 50 percent does not apply to site mitigation or remediation if the cannabis cultivator is issued separate WDRs or an enforcement order for the activity by the Regional Water Board Executive Officer.</p>
7.	<p>Cannabis cultivators shall stage and store equipment, materials, fuels, lubricants, solvents, or hazardous or toxic materials in locations that minimize the potential for discharge to waters of the state. At a minimum, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>a) Designate an area outside the riparian setback for equipment storage, short-term maintenance, and refueling. Cannabis cultivator shall not conduct any maintenance activity or refuel equipment in any location where the petroleum products or other pollutants may enter waters of the state as per Fish and Game Code section 5650 (a)(1).</li> <li>b) Frequently inspect equipment and vehicles for leaks.</li> <li>c) Immediately clean up leaks, drips, and spills. Except for emergency repairs that are necessary for the safe transport of equipment or vehicles to an appropriate repair facility; performing equipment or vehicle repairs, maintenance, and washing onsite is prohibited.</li> <li>d) If emergency repairs generate waste fluids, ensure they are contained and properly disposed or recycled off-site.</li> <li>e) Properly dispose of all construction debris off-site.</li> </ul> <p>Use dry cleanup methods (e.g., absorbent materials, cat litter, and/or rags) whenever possible. Sweep up, contain, and properly dispose of spilled dry materials.</p>

Erosion Control

#	TERM
8.	<p>The cannabis cultivator shall use appropriate erosion control measures to minimize erosion of disturbed areas, potting soil, or bulk soil amendments to prevent discharges of waste. Fill soil shall not be placed where it may discharge into surface water. If used, weed-free straw mulch shall be applied at a rate of two tons per acre of exposed soils and, if warranted by site conditions, shall be secured to the ground.</p>



#	TERM
9.	<p>The cannabis cultivator shall not plant or seed noxious weeds. Prohibited plant species include those identified in the <a href="http://www.cal-ipc.org/paf/">California Invasive Pest Plant Council's database</a>, available at: <a href="http://www.cal-ipc.org/paf/">www.cal-ipc.org/paf/</a>. Locally native, non-invasive, and non-persistent grass species may be used for temporary erosion control benefits to stabilize disturbed land and prevent exposure of disturbed land to rainfall. Nothing in this term may be construed as a ban on cannabis cultivation that complies with the terms of this Policy.</p>
10.	<p>Cannabis cultivators shall incorporate erosion control and sediment detention devices and materials into the design, work schedule, and implementation of the cannabis cultivation activities. The erosion prevention and sediment capture measures shall be effective in protecting water quality.</p> <ul style="list-style-type: none"> <li>• Interim erosion prevention and sediment capture measures shall be implemented within seven days of completion of grading and land disturbance activities, and shall consist of erosion prevention measures and sediment capture measures including: <ul style="list-style-type: none"> <li>○ Erosion prevention measures are required for any earthwork that uses heavy equipment (e.g., bulldozer, compactor, excavator, etc.). Erosion prevention measures may include surface contouring, slope roughening, and upslope storm water diversion. Other types of erosion prevention measures may include mulching, hydroseeding, tarp placement, revegetation, and rock slope protection.</li> <li>○ Sediment capture measures include the implementation of measures such as gravel bag berms, fiber rolls, straw bale barriers, properly installed silt fences, and sediment settling basins.</li> </ul> </li> <li>• Long-term erosion prevention and sediment capture measures shall be implemented as soon as possible and prior to the onset of fall and winter precipitation. Long-term measures may include the use of heavy equipment to reconfigure access roads or improve access road drainage, installation of properly-sized culverts, gravel placement on steeper grades, and stabilization of previously disturbed land.</li> </ul> <p>Maintenance of all erosion protection and sediment capture measures is required year-round. Early monitoring allows for identification of problem areas or underperforming erosion or sediment control measures. Verification of the effectiveness of all erosion prevention and sediment capture measures is required as part of winterization activities.</p>

#	TERM
11.	Cannabis cultivators shall only use geotextiles, fiber rolls, and other erosion control measures made of loose-weave mesh (e.g., jute, coconut (coir) fiber, or from other products without welded weaves). To minimize the risk of ensnaring and strangling wildlife, cannabis cultivators shall not use synthetic (e.g., plastic or nylon) monofilament netting materials for erosion control for any cannabis cultivation activities. This prohibition includes photo- or bio-degradable plastic netting.
12.	Cultivation sites constructed on or near slopes with a slope greater than or equal to 30 percent shall be inspected for indications of instability. Indications of instability include the occurrence of slope failures at nearby similar sites, weak soil layers, geologic bedding parallel to slope surface, hillside creep (trees, fence posts, etc. leaning downslope), tension cracks in the slope surface, bulging soil at the base of the slope, and groundwater discharge from the slope. If indicators of instability are present, the cannabis cultivator shall consult with a Qualified Professional to design measures to stabilize the slope to prevent sediment discharge to surface waters.
13.	For areas outside of riparian setbacks or for upland areas, cannabis cultivators shall ensure that rock placed for slope protection is the minimum amount necessary and is part of a design that provides for native plant revegetation. If retaining walls or other structures are required to provide slope stability, they shall be designed by a Qualified Professional.
14.	Cannabis cultivators shall monitor erosion control measures during and after each storm event that produces at least 0.5 in/day or 1.0 inch/7 days of precipitation, and repair or replace, as needed, ineffective erosion control measures immediately.

#### Access Road/Land Development and Drainage

#	TERM
15.	Access roads shall be constructed consistent with the requirements of California Code of Regulations Title 14, Chapter 4. The <a href="#">Road Handbook</a> describes how to implement the regulations and is available at <a href="http://www.pacificwatershed.com/PWA-publications-library">http://www.pacificwatershed.com/PWA-publications-library</a> . Existing access roads shall be upgraded to comply with the Road Handbook.
16.	Cannabis cultivators shall obtain all required permits and approvals prior to the construction of any access road constructed for cannabis cultivation activities. Permits may include section 404/401 CWA permits, Regional Water Board WDRs (when applicable), CDFW LSA Agreement, and county or local agency permits.



#	TERM
17.	Cannabis cultivators shall ensure that all access roads are hydrologically disconnected to receiving waters to the extent possible by installing disconnecting drainage features, increasing the frequency of (inside) ditch drain relief as needed, constructing out-sloped roads, constructing energy dissipating structures, avoiding concentrating flows in unstable areas, and performing inspection and maintenance as needed to optimize the access road performance.
18.	New access road alignments should be constructed with grades (slopes) of 3- to 8-percent, or less, wherever possible. Forest access roads should generally be kept below 12-percent except for short pitches of 500 feet or less where road slopes may go up to 20-percent. These steeper access road slopes should be paved or rock surfaced and equipped with adequate drainage. Existing access roads that do not comply with these limits shall be inspected by a Qualified Professional to determine if improvements are needed.
19.	Cannabis cultivators shall decommission or relocate existing roads away from riparian setbacks whenever possible. Roads that are proposed for decommissioning shall be abandoned and left in a condition that provides for long-term, maintenance-free function of drainage and erosion controls. Abandoned roads shall be blocked to prevent unauthorized vehicle traffic.
20.	If site conditions prohibit drainage structures (including rolling dips and ditch-relief culverts) at adequate intervals to avoid erosion, the cannabis cultivator shall use bioengineering techniques <sup>13</sup> as the preferred measure to minimize erosion (e.g., live fascines). If bioengineering cannot be used, then engineering fixes such as armoring (e.g., rock of adequate size and depth to remain in place under traffic and flow conditions) and velocity dissipaters (e.g., gravel-filled “pillows” in an inside ditch to trap sediment) may be used for problem sites. The maximum distance between water breaks shall not exceed those defined in the Road Handbook.
21.	Cannabis cultivators shall have a Qualified Professional design the optimal access road alignment, surfacing, drainage, maintenance requirements, and spoils handling procedures.
22.	Cannabis cultivators shall ensure that access road surfacing, especially within a segment leading to a waterbody, is sufficient to minimize sediment delivery to the wetland or waterbody and maximize access road integrity. Road surfacing may include pavement, chip-seal, lignin, rock, or other material appropriate for timing and nature of use. All access roads that will be used for winter or wet weather hauling/traffic shall be surfaced. Steeper access road grades require higher quality rock (e.g., crushed angular versus river-run) to remain in place. The use of asphalt grindings is prohibited.
23.	Cannabis cultivators shall install erosion control measures on all access road approaches to surface water diversion sites to reduce the generation and transport of sediment to streams.

<sup>13</sup> [A Primer on Stream and River Protection for the Regulator and Program Manager: Technical Reference Circular W.D. 02-#1, San Francisco Bay Region, California Regional Water Board \(April 2003\)](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stream_wetland/streamprotectioncircular.pdf)  
[http://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/stream\\_wetland/streamprotectioncircular.pdf](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stream_wetland/streamprotectioncircular.pdf)

#	TERM
24.	Cannabis cultivators shall ensure that access roads are out-sloped whenever possible to promote even drainage of the access road surface, prevent the concentration of storm water flow within an inboard or inside ditch, and to minimize disruption of the natural sheet flow pattern off a hill slope to a stream.
25.	If unable to eliminate inboard or inside ditches, the cannabis cultivator shall ensure adequate ditch relief culverts to prevent down-cutting of the ditch and to reduce water runoff concentration, velocity, and erosion. Ditches shall be designed and maintained as recommended by a Qualified Professional. To avoid point-source discharges, inboard ditches and ditch relief culverts shall be discharged onto vegetated or armored slopes that are designed to dissipate and prevent runoff channelization. Inboard ditches and ditch relief culverts shall be designed to ensure discharges into natural stream channels or watercourses are prevented.
26.	Cannabis cultivators shall ensure that access roads are not allowed to develop or show evidence of significant surface rutting or gulying. Cannabis cultivators shall use water bars and rolling dips as designed by a Qualified Professional to minimize access road surface erosion and dissipate runoff.
27.	Cannabis cultivators shall only grade ditches when necessary to prevent erosion of the ditch, undermining of the banks, or exposure of the toe of the cut slope to erosion. Cannabis cultivators shall not remove more vegetation than necessary to keep water moving, as vegetation prevents scour and filters out sediment.
28.	Access road storm water drainage structures shall not discharge onto unstable slopes, earthen fills, or directly to a waterbody. Drainage structures shall discharge onto stable areas with straw bales, slash, vegetation, and/or rock riprap.
29.	Sediment control devices (e.g., check dams, sand/gravel bag barriers, etc.) shall be used when it is not practical to disperse storm water before discharge to a waterbody. Where potential discharge to a wetland or waterbody exists (e.g., within 200 feet of a waterbody) access road surface drainage shall be filtered through vegetation, slash, other appropriate material, or settled into a depression with an outlet with adequate drainage. Sediment basins shall be engineered and properly sized to allow sediment settling, spillway stability, and maintenance activities.

Drainage Culverts (See also Watercourse Crossings)

#	TERM
30.	Cannabis cultivators shall regularly inspect ditch-relief culverts and clear them of any debris or sediment. To reduce ditch-relief culvert plugging by debris, cannabis cultivators shall use 15- to 24-inch diameter pipes, at minimum. In forested areas with a potential for woody debris, a minimum 18-inch diameter pipe shall be used to reduce clogging. Ditch relief culverts shall be designed by a Qualified Professional based on site-specific conditions.
31.	Cannabis cultivators shall ensure that all permanent watercourse crossings that are constructed or reconstructed are capable of accommodating the estimated 100-year flood flow, including debris and sediment loads. Watercourse crossings shall be designed and sized by a Qualified Professional.

Cleanup, Restoration, and Mitigation

#	TERM
32.	Cannabis cultivators shall limit disturbance to existing grades and vegetation to the actual site of the cleanup or remediation and any necessary access routes.
33.	<p>Cannabis cultivators shall avoid damage to native riparian vegetation. All exposed or disturbed land and access points within the stream and riparian setback with damaged vegetation shall be restored with regional native vegetation of similar native species. Riparian trees over four inches diameter at breast height shall be replaced by similar native species at a ratio of three to one (3:1). Restored areas must be mulched, using at least 2 to 4 inches of weed-free, clean straw or similar biodegradable mulch over the seeded area. Mulching shall be completed within 30 days after land disturbance activities in the areas cease. Revegetation planting shall occur at a seasonally appropriate time until vegetation is restored to pre-cannabis or pre-legacy condition or better.</p> <p>Cannabis cultivators shall stabilize and restore any temporary work areas with native vegetation to pre-cannabis cultivation or pre-legacy conditions or better. Vegetation shall be planted at an adequate density and variety to control surface erosion and re-generate a diverse composition of regional native vegetation of similar native species.</p>
34.	Cannabis cultivators shall avoid damage to oak woodlands. Cannabis cultivator shall plant three oak trees for every one oak tree damaged or removed. Trees may be planted in groves in order to maximize wildlife benefits and shall be native to the local county.
35.	<p>Cannabis cultivators shall develop a revegetation plan for:</p> <ul style="list-style-type: none"> <li>• All exposed or disturbed riparian vegetation areas,</li> <li>• any oak trees that are damaged or removed, and</li> <li>• temporary work areas.</li> </ul> <p>Cannabis cultivators shall develop a monitoring plan that evaluates the revegetation plan for five years. Cannabis cultivators shall maintain annual inspections for the purpose of assessing an 85 percent survival and growth of revegetated areas within a five-year period. The presence of exposed soil shall be documented for three years following revegetation work. If the revegetation results in less than an 85 percent success rate, the unsuccessful vegetation areas shall be replanted. Cannabis cultivators shall identify the location and extent of exposed soil associated with the site; pre- and post-revegetation work photos; diagram of all areas revegetated, the planting methods, and plants used; and an assessment of the success of the revegetation program. Cannabis cultivators shall maintain a copy of the revegetation plan and monitoring results onsite and make them available, upon request, to Water Boards staff or authorized representatives. An electronic copy of monitoring results is acceptable in Portable Document Format (PDF).</p>



#	TERM
36.	Cannabis cultivators shall revegetate soil exposed as a result of cannabis cultivation activities with native vegetation by live planting, seed casting, or hydroseeding within seven days of exposure.
37.	Cannabis cultivators shall prevent the spread or introduction of exotic plant species to the maximum extent possible by cleaning equipment before delivery to the cannabis cultivation site and before removal, restoring land disturbance with appropriate native species, and post-cannabis cultivation activities monitoring and control of exotic species. Nothing in this term may be construed as a ban on cannabis cultivation that complies with the terms of this Policy.

### Stream Crossing Installation and Maintenance

#### Limitations on Work in Watercourses and Permanently Poned Areas

#	TERM
38.	Cannabis cultivators shall obtain all applicable permits and approvals prior to doing any work in or around waterbodies or within the riparian setbacks. Permits may include section 404/401 CWA permits, Regional Water Board WDRs (when applicable), and a CDFW LSA Agreement.
39.	Cannabis cultivators shall avoid or minimize temporary stream crossings. When necessary, temporary stream crossings shall be located in areas where erosion potential and damage to the existing habitat is low. Cannabis cultivators shall avoid areas where runoff from access roadway side slopes and natural hillsides will drain and flow into the temporary crossing. Temporary stream crossings that impede fish passage are strictly prohibited on permanent or seasonal fish-bearing streams.
40.	Cannabis cultivators shall avoid or minimize use of heavy equipment <sup>14</sup> in a watercourse. If use is unavoidable, heavy equipment may only travel or work in a waterbody with a rocky or cobbled channel. Wood, rubber, or clean native rock temporary work pads shall be used on the channel bottom prior to use of heavy equipment to protect channel bed and preserve channel morphology. Temporary work pads and other channel protection shall be removed as soon as possible once the use of heavy equipment is complete.

<sup>14</sup> Heavy equipment is defined as machinery or vehicles, typically used in the building and construction industry (e.g., bulldozers, excavators, backhoes, bobcats, tractors, etc.).

#	TERM
41.	Cannabis cultivators shall avoid or minimize work in or near a stream, creek, river, lake, pond, or other waterbody. If work in a waterbody cannot be avoided, activities and associated workspace shall be isolated from flowing water by directing the water around the work site. If water is present, then the cannabis cultivator shall develop a site-specific plan prepared by a Qualified Professional. The plan shall consider partial or full stream diversion and dewatering. The plan shall consider the use of coffer dams upstream and downstream of the work site and the diversion of all flow from upstream of the upstream dam to downstream of the downstream dam, through a suitably sized pipe with intake screens that protect and prevent impacts to fish and wildlife. Cannabis cultivation activities and associated work shall be performed outside the waterbody from the top of the bank to the maximum extent possible.

Temporary Watercourse Diversion and Dewatering: All Live Watercourses

#	TERM
42.	Cannabis cultivators shall ensure that coffer dams are constructed prior to commencing work and as close as practicable upstream and downstream of the work area. Cofferdam construction using offsite materials, such as clean gravel bags or inflatable dams, is preferred. Thick plastic may be used to minimize leakage, but shall be completely removed and properly disposed of upon work completion. If the coffer dams or stream diversion fail, the cannabis cultivator shall repair them immediately.
43.	When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, the cannabis cultivator shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code section 5937.
44.	Gravity flow is the preferred method of temporarily dewatering or diverting water. If a pump is used, the cannabis cultivator shall ensure that the pump is operated at the rate of flow that passes through the cannabis cultivation site. Pumping rates shall not dewater or impound water on the upstream side of the coffer dam. When a diversion pipe is used, it shall be protected from cannabis cultivation activities and maintained to prevent debris blockage.
45.	Cannabis cultivators shall only divert water such that water does not scour the channel bed or banks at the downstream end. Cannabis cultivators shall divert flow in a manner that prevents turbidity, siltation, and pollution and provides flows to downstream reaches. Cannabis cultivators shall provide flows to downstream reaches during all times that the natural flow would have supported aquatic life. Flows shall be of sufficient quality and quantity, and of appropriate temperature to support fish and other aquatic life both above and below the diversion. Block netting and intake screens shall be sized to protect and prevent impacts to fish and wildlife.

#	TERM
46.	Once water has been diverted around the work area, cannabis cultivators may dewater the site to provide an adequately dry work area. Any muddy or otherwise contaminated water shall be pumped to a settling tank, dewatering filter bag, or upland area, or to another location approved by CDFW or the appropriate Regional Water Board Executive Officer prior to re-entering the watercourse.
47.	Upon completion of work, cannabis cultivators shall immediately remove the flow diversion structure in a manner that allows flow to resume with a minimum of disturbance to the channel substrate and that minimizes the generation of turbidity.

### Watercourse Crossings

#	TERM
48.	Cannabis cultivators shall ensure that watercourse crossings are designed by a Qualified Professional.
49.	Cannabis cultivators shall ensure that all access road watercourse crossing structures allow for the unrestricted passage of water and shall be designed to accommodate the estimated 100-year flood flow and associated debris (based upon an assessment of the streams potential to generate debris during high flow events). Watercourse crossings shall be designed and sized by a Qualified Professional. Consult <a href="#">CAL FIRE 100 year Watercourse Crossings document</a> for examples and design calculations, available at: <a href="http://calfire.ca.gov/resource_mgt/downloads/100%20yr%20revised%208-08-17%20(final-a).pdf">http://calfire.ca.gov/resource_mgt/downloads/100%20yr%20revised%208-08-17%20(final-a).pdf</a> .
50.	Cannabis cultivators shall ensure that watercourse crossings allow migration of aquatic life during all life stages supported or potentially supported by that stream reach. Design measures shall be incorporated to ensure water depth and velocity does not inhibit migration of aquatic life. Any access road crossing structure on watercourses that support fish shall be constructed for the unrestricted passage of fish at all life stages, and should use the following design guidelines: <ul style="list-style-type: none"> <li>• CDFW's <i>Culvert Criteria for Fish Passage</i>;</li> <li>• CDFW's <i>Salmonid Stream Habitat Restoration Manual, Volume 2, Part IX: Fish Passage Evaluation at Stream Crossings</i>; and</li> <li>• National Marine Fisheries Service, Southwest Region <i>Guidelines for Salmonid Passage at Stream Crossings</i>.</li> </ul>
51.	Cannabis cultivators shall conduct regular inspection and maintenance of stream crossings to ensure crossings are not blocked by debris. Refer to <a href="#">California Board of Forestry Technical Rule No. 5</a> available at: <a href="http://www.calforests.org/wp-content/uploads/2013/10/Adopted-TRA5.pdf">http://www.calforests.org/wp-content/uploads/2013/10/Adopted-TRA5.pdf</a> .



## 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.

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Note	<b>Attached</b>
Division Environmental Health	✓	Conditional Approval	<b>Attached</b>
Public Works, Land Use Division	✓	Conditional Approval	<b>Attached</b>
California Department of Fish & Wildlife	✓	Conditional Approval	<b>Attached</b>
Northwest Information Center	✓	Comments	On file and confidential
Ag Commissioner		No Response	
Regional Water Quality Control Board		No Response	
CalFIRE	✓	Conditional Approval	<b>Attached</b>
County Counsel		No Response	
District Attorney		No Response	
Sheriff		No Response	
Southern Humboldt Joint Unified School District		No Response	
Division of Water Resources		No Response	
North Coast Unified AQMD		No Response	



HUMBOLDT COUNTY  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION  
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541



11/28/2017

**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Southern Humboldt JT Unified School, Humboldt County Sheriff, SWRCB- Division of Water Rights

**Applicant Name** Ronald Sherr **Key Parcel Number** 218-071-005-000  
**Application (APPS#)** 11668 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-277

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 12/13/2017** Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested Conditions Attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.
- Other Comments: \_\_\_\_\_

DATE: 2/21/18 PRINT NAME: Rudy Marenghi

218-071-005



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
BUILDING DIVISION

3015 H STREET EUREKA CA 95501  
PHONE: (707) 445-7245 FAX: (707) 445-7446

Building Division's Referral Comments for Cannabis Operations:

Application No.: 45394/11668  
Parcel No.: 218-071-005  
Case No.: SP16-277

The following comments apply to the proposed project, (check all that apply).

- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- Existing operation appears to have expanded, see comments: \_\_\_\_\_  
\_\_\_\_\_
- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- Other Comments: Revise plot plan to show GH south of guest cabin to be south of shop, a 10x20 nursery on the east side of the hoop house north of the shed, all cultivation areas with their dimensions, and all setbacks.  
\_\_\_\_\_

Name: Rudy Marenghi

Date: 2/21/18

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects, (CUP, SP, ZCC) Case number.



HUMBOLDT COUNTY  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION  
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

PROJECT REFERRAL TO: Health and Human Services Environmental  
Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Southern Humboldt JT Unified School, Humboldt County Sheriff, SWRCB- Division of Water Rights

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Applicant Name Sagebrush Farm Key Parcel Number 218-071-005-000

Application (APPS#) 11668 Assigned Planner Keenan Hilton (707) 268-3722 Case Number(s) SP16-277

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

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We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions:

Two wells are shown on the site plan provided. **Legalize or destroy the wells:** Provide documentation to verify legal non-conforming status, retroactively permit the wells or complete a well destruction permit for each well.

\*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those program.

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Response Date: 8/15/2018 Recommendation By: Joey Whittlesey





DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491  
BUSINESS 445-7652  
ENGINEERING 445-7377  
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 267-9540  
PARKS 445-7651  
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KF*

DATE: 08-15-2018

RE:

Applicant Name	Ronald Sherr
APN	218-071-005
APPS#	11668
CASE#	SP16-277

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

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// END //

**Exhibit "A"**

**Public Works Recommended Conditions of Approval**

(All checked boxes apply)

APPS # 11668

**COUNTY ROADS- FENCES & ENCROACHMENTS:**

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

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

**COUNTY ROADS- DRIVEWAY (PART 1):**

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

**COUNTY ROADS- DRIVEWAY (PART 2):**

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

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

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

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

**COUNTY ROADS- DRIVEWAY (PART 3):**

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

**COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**

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

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

**COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**

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

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

**COUNTY ROADS- PRIVATE ROAD INTERSECTION:**

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

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

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

**COUNTY ROADS- ROAD EVALUATION REPORT(S):**

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

// END //



**California Department of Fish and Wildlife  
CEQA: Project Referral Comments**

Applicant: Ronald Sherr		Date: 4/12/2019	
APPS No.: 11668	APN: 218-071-005	DFW CEQA No.: 2017-1044	Case No.: SP16-277
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Proposed: <input type="checkbox"/> Outdoor (SF): 7,500	

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions below.
- Applicant needs to submit additional information. Please see the list of items below.
- Recommend Denial. See comments below.

**Please provide the following information prior to Project Approval:** *(All supplemental information requested shall be provided to the Department concurrently)*

- If the applicant has submitted a Notification of Lake or Streambed Alteration (LSA) to CDFW, include the LSA project number (e.g. 1600-2017-XXXX-R1) or a copy of the Notification.
- Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.
- If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.

**Please note the following information and/or requested standard conditions of Project approval:**

- The referral materials state that there is an existing pond(s) designated as water sources for this project. CDFW requests:
  - That the applicant comply with the attached CDFW Bullfrog Management Plan (**Exhibit A**). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
  - That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.
- 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.

- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to [david.manthorne@wildlife.ca.gov](mailto:david.manthorne@wildlife.ca.gov) .

Sincerely,

California Department of Fish and Wildlife  
619 2nd Street  
Eureka, CA 95501



## **EXHIBIT A.**

### **BULLFROG MONITORING AND MANAGEMENT PLAN**

#### **GENERAL BULLFROG INFORMATION**

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California and poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to be prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

#### **MONITORING**

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of five total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey effort must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night\* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of five total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

\*Day time monitoring can also be conducted to aid detection but is not required under this plan.

#### **SUCCESS CRITERIA**

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successfully implemented if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going

efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

## MANAGEMENT METHODS

Two removal methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by email at [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov).

### Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of **two** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

### Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

### Pond Dewatering

In order to prevent and/or control infestations, annual pond dewatering may be appropriate, under the condition that the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure

potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

## REPORTING

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

## APPENDIX A. BULLFROG REFERENCE PHOTOS



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).



The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and **the underside of the bullfrogs hind legs are not shaded pink or red.**





**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**



Humboldt – Del Norte Unit  
118 Fortuna Blvd.  
Fortuna, CA 95540  
Website: www.fire.ca.gov  
(707) 726-1272

Ref: 7100 Planning  
Date: December 4, 2017

John Ford, Director  
Humboldt County Planning and Building Department – Planning Division  
3015 H Street  
Eureka, CA 95501

**Attention:** Cannabis Planner  
**Applicant:** Sherr, Ronald  
**APN:** 218-071-005-000  
**Area:** New Harris  
**Case Numbers:** SP16-277

**Humboldt County Application #:** 11668  
**Type of Application:** Special Permit  
**Date Received:** 11/29/2017  
**Due Date:** 12/13/2017

**Project Description:** An application for a Special Permit for 7,500 square foot (SF) existing outdoor medical cannabis cultivation. Water source is five (5) onsite rainwater catchment ponds and a well. Water storage onsite is 533,900 gallons between five (5) catchment ponds and twelve (12) hard tanks. Processing would be performed onsite. Power source is solar and wind electricity.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion  
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

## FIRE SAFE

### **General:**

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

### **Local Responsibility Areas:**

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

### **State Responsibility Areas:**

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
  - a) California Fire Code (CFC) — for overall design standards
  - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
  - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
  - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:
  - During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.
  - During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.
  - There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.
  - Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

## RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.



## **CANNABIS PROJECTS**

### **Local Responsibility Areas:**

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

### **State Responsibility Areas:**

Should this project include State Responsibility Area (SRA) lands, the following are CAL FIRE's minimum input.

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

### **General Recommendations:**

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.
5. Humboldt County Ordinance 55.4.11(u) (a) states; "Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise." Failure to shield artificial light during the night creates a light pollution that is easily mistaken for a fire. As a result, a CAL FIRE wildland fire response may be initiated and ultimately terminated as a false alarm. This false alarm may result in citation and/or fine to the violator.



**From:** [Lake, M. Isaac@CALFIRE](mailto:Lake.M.Isaac@CALFIRE)  
**To:** [Planning Clerk; HUU.CEOA@CALFIRE](mailto:Planning.Clerk:HUU.CEOA@CALFIRE)  
**Subject:** APN: 218-071-005-000 Sherr, Ronald APPS#11668  
**Date:** Thursday, January 04, 2018 2:57:46 PM

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No additional comments from B-1211

*M. Isaac Lake*

Battalion Chief

**CAL FIRE**

**HUMBOLDT-DEL NORTE UNIT**

Battalion 1

Alderpoint~Garberville~Thorn

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[MLake@fire.ca.gov](mailto:MLake@fire.ca.gov)