



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: January 20, 2022

To: Humboldt County Planning Commission

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

Subject: **Green Crows, LLC Conditional Use Permit**
Record Number PLN-11976-CUP
Assessor's Parcel Number (APN) 033-120-013
1360 Red Rock Road, Garberville

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Please contact Jordan Mayor, Senior Biologist and Contract Planner, at 707-683-4711 or by email at jordan.mayor@icf.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date January 20, 2022	Subject Conditional Use Permit	Contact Jordan Mayor
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Project Description: Green Crows, LLC, seeks a Conditional Use Permit for continued cultivation of up to 14,814 square feet (SF) of outdoor and mixed-light cannabis cultivation, in addition to 1,481 SF of outdoor propagation, in two distinct garden areas. The cultivation area further to the west (Lower Flat) and accessed via Fish Canyon Road would contain 4,816 SF of cultivation outdoors. The cultivation area further to the east (Upper Flat) and accessed via Red Rock Road would contain 1,840 SF of mixed-light cultivation within a greenhouse and 8,158 SF of cultivation outdoors. Cultivation activities extend from March to November. There would be one harvest annually for the immediate future; proposed mixed-light cultivation activities would support up to three harvests annually only if Pacific Gas and Electric Company (PG&E) power lines are developed. Annual water use is 163,600 gallons based on existing outdoor cultivation. Water for irrigation use is provided by a rain catchment system. There are 219,000 gallons of water storage in a series of hard-sided tanks and bladders. The applicant is currently processing in three structures totaling 800 SF on the Upper Flat and one structure of 100 SF on the Lower Flat. The applicant is proposing infrastructure replacements/additions, including processing and storage structures, a propagation greenhouse, and a residence. One member-owner and a maximum of four employees are required during peak operations. A 2,000-watt solar system supplies all power for cultivation activities. Two generators are stored onsite for emergency use only. The parcel is furnished with portable toilets.

Project Location: The project is located in Humboldt County in the Benbow area, on the west side of Red Rock Road, approximately 1.6 miles south from the intersection of Fairway Drive and Red Rock Road, on the property known as 1360 Red Rock Road (APN: 033-120-013).

Present Plan Land Use Designations: Residential Agriculture (RA); 2017 General Plan; Density 20-160 acres per unit; Slope Stability: High Instability (3)

Present Zoning: Agriculture Exclusive (AE); Planned Unit Development (P)

Record Number: PLN-11976-CUP

Assessor's Parcel Number: 033-120-013

Applicant

Green Crows, LLC
P. O. Box 534
Garberville, CA 95542

Owner

Jonathan Crough
667 Fir Lane
Garberville, CA 95542

Agent

Fellow Farmers Environmental
1928 Central Avenue, #108
McKinleyville, CA 95519

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of the State CEQA Guidelines.

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

Major Issues: None

Recommended Commission Action

1. Describe the application as a public hearing.
2. Request that staff present the project.
3. Open the public hearing and receive testimony; and
4. Close the hearing and adopt the Resolution to take the following actions:

Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines, make all of the required findings for approval of the Conditional Use Permit, and approve the Green Crows, LLC, Conditional Use Permit as recommended by staff subject to the recommended conditions.

Executive Summary:

Green Crows, LLC, seeks a Conditional Use Permit for continued cultivation of 14,814 square feet (SF) of cannabis cultivation consisting of 1,840 SF of mixed-light and 11,314 SF of outdoor cannabis cultivated in two distinct areas on the 20-acre parcel. Up to 1,481 feet of appurtenant nursery space is also proposed to support the operation. The Lower Flat cultivation area to the west, accessed via Fish Canyon Road, would contain 4,816 SF of cultivation in outdoor full-sun raised beds. The Upper Flat cultivation area to the east, accessed via Red Rock Road, would contain 9,998 SF of cultivation consisting of 1,840 SF of cultivation in four mixed-light greenhouses and 8,158 SF of full-sun outdoor cultivation that would be slightly reorganized to allow for a proposed residence and fire-safe turnaround. Cultivation activities extend from April to October. For the immediate future, the applicant will only harvest one cycle per year utilizing only natural light, with the exception of supplemental lighting that will support nursery activities. A 2,000-watt solar system supplies all power for cultivation activities. Two generators are stored onsite for emergency use only. Mixed-light cultivation activities would support up to three harvests annually only if Pacific Gas and Electric Company (PG&E) power lines are developed along Red Rock Road to the project area. In the absence of PG&E power, the applicant will abstain from mixed-light cultivation as a condition of approval (COA #6).

The applicant is proposing to add three sheds for drying or storage to the Lower Flat (800 SF, 384 SF, and 288 SF) and to develop a 1,600-SF drying building and 2,400-SF commercial multiuse structure to the Upper Flat for a total proposed buildout of 5,472 SF for commercial cannabis processing. In addition, the applicant is planning to build a 4,800-SF two-story house with garage on the Upper Flat. In summary, new proposed development on the two existing graded flats (new buildings or expansion of existing greenhouses) would total approximately 13,153 SF, all of which would be permitted as conditions of approval (COAs #7-9). One member-owner and a maximum of four employees would be required during peak operations once the commercial processing facility is constructed. The parcel is furnished with portable toilets. Currently all harvested, dried, cured, and bucked cannabis flower will be transported offsite by a licensed transporter for additional processing. Should processing occur onsite, it will occur in proposed structures designed to meet all applicable commercial building codes and regulations. Security measures for the project would encompass, at a minimum, locked containment for product storage, locked gate(s) at entries into the property, and surveillance and monitoring camera systems at all gates and scattered throughout cultivation areas.

Timber Conversion

A Timber Conversion Evaluation Report (**Attachment 3**) was prepared by Thomas Blair, RPF, on July 2, 2019, which documents how approximately 0.6 acre of previously unauthorized timber conversion occurred between 2009 and 2012. The two timber conversion sites on the parcel are below the 3-acre conversion exemption maximum and took place prior to the CEQA baseline evaluated for the CMMLUO. One recommendation was provided to bring the site into compliance with the California Forest Practice

Act, and this has been made a condition of approval (COA #10). The subject parcel is a pre-existing site that is not proposing expansion or tree removal.

Water Resources

Annual water use is currently 163,600 gallons (11 gallons/SF/year) for the outdoor cultivation but would increase to 229,600 gallons (15.5 gallons/SF/year) if mixed-light cultivation is undertaken (pending PG&E power drop). Water for irrigation is entirely provided by a rain catchment system described in a Water Catchment System report, which details the existence of 4,182 SF of rain interception area from gutters on existing buildings and greenhouses that are capable of collecting 180,000 gallons of water in a typical rain year (**Attachment 3**). The Cultivation and Operations Plan and Site Plan updated in October 2021 (**Attachment 3**) indicates that there are 219,000 gallons of existing water storage (hard tanks and bladders) on the parcel. Total storage will be expanded to capture rainfall from all proposed structures that would result in a modeled capture more than 400,000 gallons each rainy season. In the case of an extremely low rainfall year, the applicant proposes to plant the crop later in the summer to offset water usage, based on real-time calculations of projected water availability as a condition of approval (COA #11). The existing 70,000 gallons of water stored between four bladders identified on the 2021 Site Plan will be replaced with up to 120,000 gallons of water storage tanks positioned in the same locations (three on Lower Flat, one on Upper Flat), which would result in a total of 339,000 gallons of rainwater capture storage. This conversion to hard tank storage will be documented with submission of a revised Site Plan as showing their final location as a condition of approval (COA #12), and all water storage use from tank farms will be monitored in accordance with the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy (COA #13).

The project site is also supported by a diversion from Fish Creek that acts as an emergency domestic water supply and is labeled as "not in use" on the revised 10/01/2021 Site Plan. Diversion from Fish Creek, an Environmental Protection Agency 303(d) Listed Impaired Water, is not to be used for cannabis irrigation as a condition of approval (COA #11). A Site Management Plan (SMP) was prepared for the project in December 2019 (**Attachment 3**) in accordance with enrollment as a Tier 1 Medium Risk site (WDID #1_12CC423112) with the SWRCB Cannabis Cultivation Policy – General Order WQ 2019-0001. Tier 1 conditions are based on the property containing approximately 18,000 SF of cumulative disturbed area (11,711 of which is cultivation area). The area of use occurs between 680- to 1,080-foot elevation on a west-facing slope. A Class II waterway that is a tributary of Fish Creek runs northeast to southwest through the northern portion of the parcel. This unnamed stream converges with Fish Creek approximately 380 feet west of the parcel. There is one 36-inch corrugated metal pipe culvert on the access road to the parcel. All erosion prevention, sediment control, and winterization Best Practicable Treatment and Control (BPTC) measures prescribed in the SMP and associated Cannabis Order are to be employed during construction and throughout the life of the project as a condition of approval (COA #14). A Lake and Streambed Alteration Agreement (LSAA) prepared in May 2020 (**Attachment 3**) has been filed electronically with the California Department of Fish and Wildlife (CDFW) for replacement of two undersized culverts—an existing 36-inch culvert to be replaced with a 72-inch culvert and an existing 18-inch culvert to be replaced with a 48-inch culvert (EPIMS HUM-10098-R1).

Per the Division of Environmental Health (DEH) referral comments, the applicant shall secure permits and install an onsite sewage disposal system and restroom facility prior to processing onsite as a condition of approval (COA #15). The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to DEH satisfaction. A letter or similar communication from DEH verifying that all requirements have been met will satisfy this condition.

Biological Resources

No Biological Assessment has been prepared for the project. Nearby occurrences of special-status species in the California Natural Diversity Database include the western bumble bee, foothill yellow-legged frog, and white-flowered rein orchid, historically known from the vicinity of the South Fork Eel River approximately 1 mile to the west. The nearest northern spotted owl (NSO) activity center was located approximately 1.26 miles southwest of the cultivation site; however, it has not been occupied by NSO

since 2001. The lands surrounding the lower cultivation site are heavily forested, and therefore have high potential for NSO and special-status species habitat.

Per the applicant, two generators are onsite for emergency power when solar power is ineffectual. These generators will meet the performance standards for noise set by Planning and Building Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o), which requires noise levels be at or below 50 decibels at 100 feet or edge of habitat, whichever is closer. As stated above, mixed-light cultivation will only be used on the parcel if PG&E power becomes available to the applicant, and only at the upper cultivation area further from the forested areas of the lower slopes. The Lower Flat cultivation area to the west, accessed via Fish Canyon Road, would contain 4,816 SF of cultivation in only outdoor full-sun raised beds. As a result, the project is conditioned (Attachment 1B) to ensure the combination of background, generator, and greenhouse fan or other operational equipment-created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the U.S. Fish and Wildlife Service.

The project has been conditioned to abide by the recommendations of the LSAA to ensure supplemental lighting associated with mixed-light cultivation is fully contained with blackout tarps, all outside lighting is on timers or motion sensors to reduce light exposure to wildlife and its potential habitat, and heavy equipment operations are avoided during the NSO critical period of February 1–July 31 (or protocol-level surveys are performed prior to initiating that work). Furthermore, the project is conditioned to adhere to Dark Sky Association standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect NSO or other sensitive species.

Tribal Cultural Resource Coordination

There are no known tribal cultural resources on the project site. The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria in 2019. The NWIC responded that its office has no record of any previous cultural resource studies for the project area, but that the project area has the possibility of containing unrecorded archaeological site(s). A study is recommended prior to commencement of project activities. Archaeological Research and Supply Company prepared a Cultural Resource Investigation in February 2019 and reported finding no historical cultural resources on the subject property. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.

Access

The project is located in Humboldt County, in the Benbow area, on the west side of Red Rock Road, approximately 1.6 miles south from the intersection of Fairway Drive and Red Rock Road, on the property known as 1360 Red Rock Road (APN: 033-120-013). A Road Evaluation Report was prepared by a registered professional civil engineer on 3/13/2019 indicated that four segments of roads accessing the parcel (from Red Rock Road and Fish Creek Road) are not developed to the equivalent of road category 4 or better. With recommendations completed as presented in a roadway evaluation letter from DTN Engineering and Construction, the roadways can accommodate the cumulative increased traffic from the project. The issues found on Fish Canyon Road and Road H on the property are primarily due to drainage, including partially clogged culverts, lack of waterbars, and rolling dips. At limited locations, the roadway falls under 12 feet in width and over 16% grade. The recommendations of the Road Evaluation Report (e.g., repair slides, unclog culverts, install waterbars, mow and repair drainage ditches) are made a condition of approval (COA #16). Red Rock Road, the private road used to access the project from the north, is maintained regularly by the Benbow Ranch Road Association, of which the applicant has stated they are an active member. Public Works, Land Use Division, stated in a letter dated 5/5/2020 that the applicant's access driveway shall likely require modification to comply with County Code and that the existing driveway at the intersection of East Blue Rock Road that connects to the County-maintained road (and Fairway Drive) shall be paved for a minimum of 50 feet and be

maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). Meeting the conditions of County Code is made a condition of approval (COA #17).

Environmental review for this project was conducted, and based on the results of that analysis, Planning staff finds that all aspects of the project have been considered in an MND that was adopted for the CMMLUO and has prepared an addendum to this document for consideration by the Planning Commission (Commission) (See Attachment 2 for more information).

RECOMMENDATION: Based on a review of Planning and Building Department reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit.

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

The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Planning and Building Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least 2 months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 22-
Record Number PLN-11976-CUP
Assessor's Parcel Number: 033-120-013**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approving the Green Crows, LLC, Conditional Use Permit.

WHEREAS, Green Crows, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued cultivation of up to 14,814 square feet (SF) of outdoor and mixed-light cannabis cultivation, in addition to 1,480 SF of outdoor propagation, in two distinct garden areas;

WHEREAS, the County Planning and Building Department, the lead agency, prepared an Addendum to the Final 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 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; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on January 20, 2022, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

1. FINDING:

Project Description: The application is a Conditional Use Permit for continued cultivation of up to 14,814 SF of outdoor and mixed-light cannabis cultivation, in addition to 1,481 SF of outdoor propagation, in two distinct garden areas. The cultivation area further to the west (Lower Flat) and accessed via Fish Canyon Road would contain 4,816 SF of cultivation outdoors. The cultivation area further to the east (Upper Flat) and accessed via Red Rock Road would contain 1,840 SF of mixed-light cultivation within a greenhouse and 8,158 SF of cultivation outdoors. Cultivation activities extend from March to November. There would be one harvest annually for the immediate future; proposed mixed-light cultivation activities would support up to three harvests annually only if Pacific Gas and Electric Company (PG&E) power lines are developed. Annual water use is 163,600 gallons based on existing outdoor cultivation. Water for irrigation use is provided by a rain catchment system. There are 219,000 gallons of water storage in a series of hard-sided tanks and bladders. The applicant is currently processing in three structures totaling 800 SF on the Upper Flat and one structure of 100 SF on the Lower Flat. The applicant is proposing infrastructure replacements/additions including processing and storage structures, a propagation greenhouse, and a residence. One member-owner and a maximum of four employees are required during peak operations. A 2,000-watt solar system supplies all power for cultivation activities. Two generators are stored onsite for emergency use only. The parcel is furnished with portable toilets.

EVIDENCE: a) Project File: PLN-11976-CUP

2. FINDING: **CEQA.** The requirements of CEQA have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the MND prepared for the CMMLUO adopted by the Humboldt County Board of Supervisors on January 26, 2016.

- EVIDENCE:**
- a) Addendum prepared for the proposed project.
 - b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
 - c) A Site Management Plan (SMP) was prepared for the project in December 2019 in accordance with enrollment as a Tier 1 Medium Risk site (WDID #1_12CC423112) with the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy – General Order WQ 2019-0001.
 - d) A Lake and Streambed Alteration Agreement (LSAA) prepared in May 2020 has been filed electronically with the California Department of Fish and Wildlife (CDFW) for replacement of two undersized culverts—an existing 36-inch culvert to be replaced with a 72-inch culvert and an existing 18-inch culvert to be replaced with a 48-inch culvert (EPIMS HUM-10098-R1).
 - e) The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria in 2019. The NWIC responded that its office has no record of any previous cultural resource studies for the project area, but that the project area has the possibility of containing unrecorded archaeological site(s). A study is recommended prior to commencement of project activities. Archaeological Research and Supply Company prepared a Cultural Resource Investigation in February 2019 and reported finding no historical cultural resources on the subject property. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.
 - f) A Road Evaluation Report was prepared by a registered professional civil engineer on 3/13/2019 indicated that that four segments of roads accessing the parcel (from Red Rock Road and Fish Creek Road) are not developed to the equivalent of road category 4 or better. With recommendations completed as presented in a roadway evaluation letter from DTN Engineering and Construction, the roadways can accommodate the cumulative increased traffic from the project. The issues found on Fish Canyon Road and Road H on the property are primarily due to drainage, including partially clogged culverts, lack of waterbars, and rolling dips. At limited locations, the roadway falls under 12 feet in width and over 16% grade. The recommendations of the Road Evaluation Report (e.g., repair slide, unclog culverts, install waterbars, mow and repair ditches) are made a condition of approval.

FINDINGS FOR CONDITIONAL USE PERMIT

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

- EVIDENCE**
- a) General agriculture is a use type permitted in the Timberland (T) land use

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

4. FINDING

The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE) and Planned Unit Development (P), in which the site is located.

EVIDENCE

- a) The AE-Zone is applied to areas of the County in which all general agricultural uses are the desirable predominant uses. The P Combining-Zone is applied to areas to encourage planned developments and to allow flexibility in the administration of the development standards.
- b) All general agricultural uses are specifically enumerated uses in the AE-Zone.
- c) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed-light cannabis (no parcel size limitation) subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 14,814 SF of cannabis cultivation, potentially with up to 1,840 SF of mixed-light pending PG&E power drop availability, on a 20-acre (assessed) parcel is consistent with this and with the cultivation area verification prepared by the County.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned AE (Section 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by deed recorded April 3, 2017, in accordance with county and state subdivision regulations that would have applied to the creation of the parcel.
- c) The project will obtain water from a non-diversionary water source, a rainwater catchment system connected to 219,000 gallons of existing water storage, as described in a Water Catchment System report and the updated Cultivation Operations Plan prepared in 2020.
- d) An LSAA prepared in May 2020 has been filed electronically with CDFW for replacement of two undersized culverts—an existing 36-inch culvert to be replaced with a 72-inch culvert and an existing 18-inch culvert to be replaced with a 48-inch culvert (EPIMS HUM-10098-R1).
- e) Public Works, Land Use Division stated in a letter dated 5/5/2020 that the applicant's access driveway shall likely require modification to comply with County Code and that the existing driveway at the intersection of East Blue Rock Road that connects to the County-maintained road (and Fairway Drive) shall be paved for a minimum of 50 feet and be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance. Meeting the conditions of County Code is made a condition of approval. A letter from Public Works will satisfy this condition.
- f) The slope of the land where cannabis will be cultivated is less than 15%.

- g) The cultivation of cannabis will not result in the net conversion of timberland. A Timber Conversion Report prepared by Thomas Blair, RPF, on July 2, 2019, documents how approximately 0.6 acre of previously unauthorized timber conversion occurred between 2009 and 2012. One recommendation was provided to bring the site into compliance with the California Forest Practice Act, and this has been made a condition of approval.
- h) 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, public park, or tribal cultural resource.

6. FINDING

The cultivation of 14,814 SF of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) Public Works, Land Use Division stated in a letter dated 5/5/2020 that the applicant's access driveway shall likely require modification to comply with County Code and that the existing driveway at the intersection of East Blue Rock Rd that connects to the County-maintained road (and Fairway Drive) shall be paved for a minimum of 50 feet and be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance. Meeting the conditions of County Code is made a condition of approval. A letter from Public Works will satisfy this condition.
- b) The site is in a semi-rural part of the County where the typical parcel size is more than 20 acres, and many of the land holdings are very large. The proposed cannabis cultivation will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park, or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.
- c) Water for irrigation is entirely provided by a rain catchment system described in a Water Catchment System report that details the existence of 4,182 SF of rain interception area from gutters on existing buildings and greenhouses, which are capable of collecting 180,000 gallons of water in a typical rain year and which is stored in 219,000 gallons of hard tanks.
- d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property. Infiltration of water to groundwater resources will not be affected.

7. FINDING

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

EVIDENCE

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

8. FINDING

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 that may be approved in each of the County's Planning Watersheds.

EVIDENCE

The project site is located in the South Fork Eel Planning Watershed, which

under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 203 permits and the total approved acres would be 73.3 acres of cultivation.

DECISION

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

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

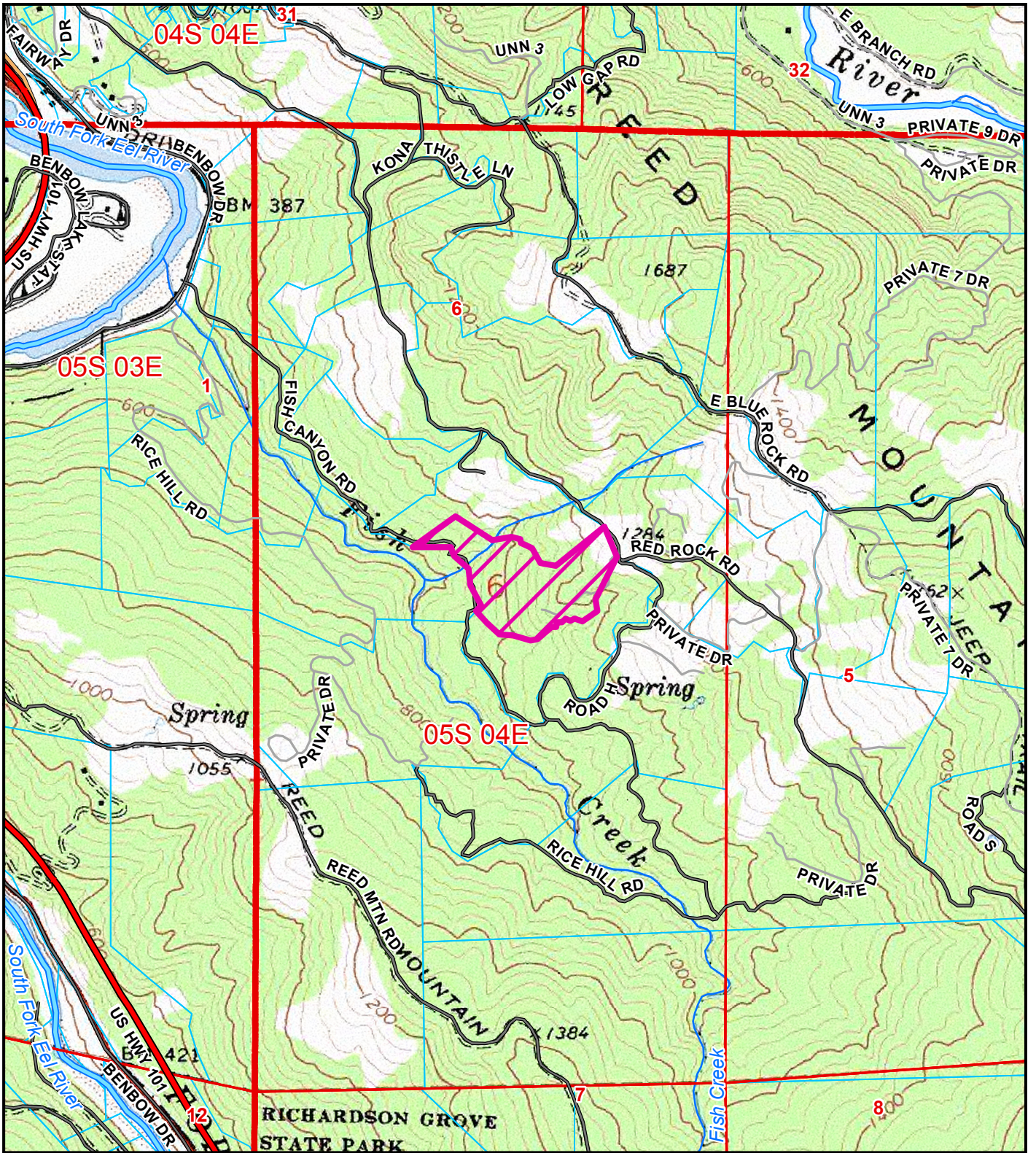
Adopted after review and consideration of all the evidence on January 20, 2022

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

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

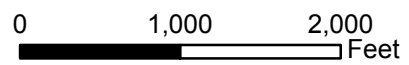
I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department

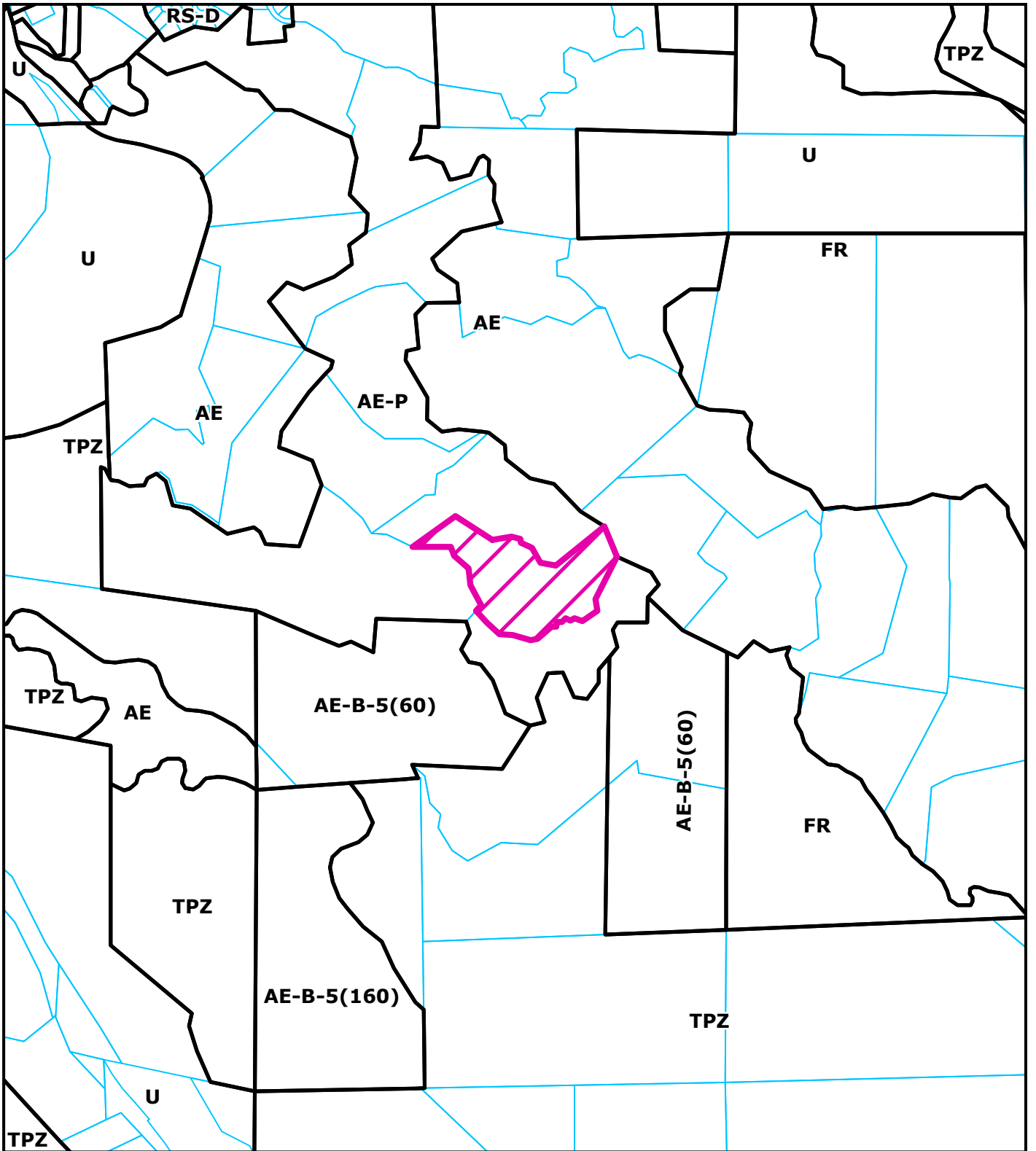


Project Area = 

TOPO MAP
PROPOSED JONATHAN CROUGH
BENBOW AREA
CUP-16-478
APN: 033-120-013-000
T05S R04E S6 HB&M (GARBERVILLE)

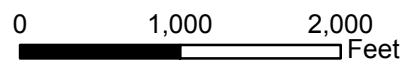


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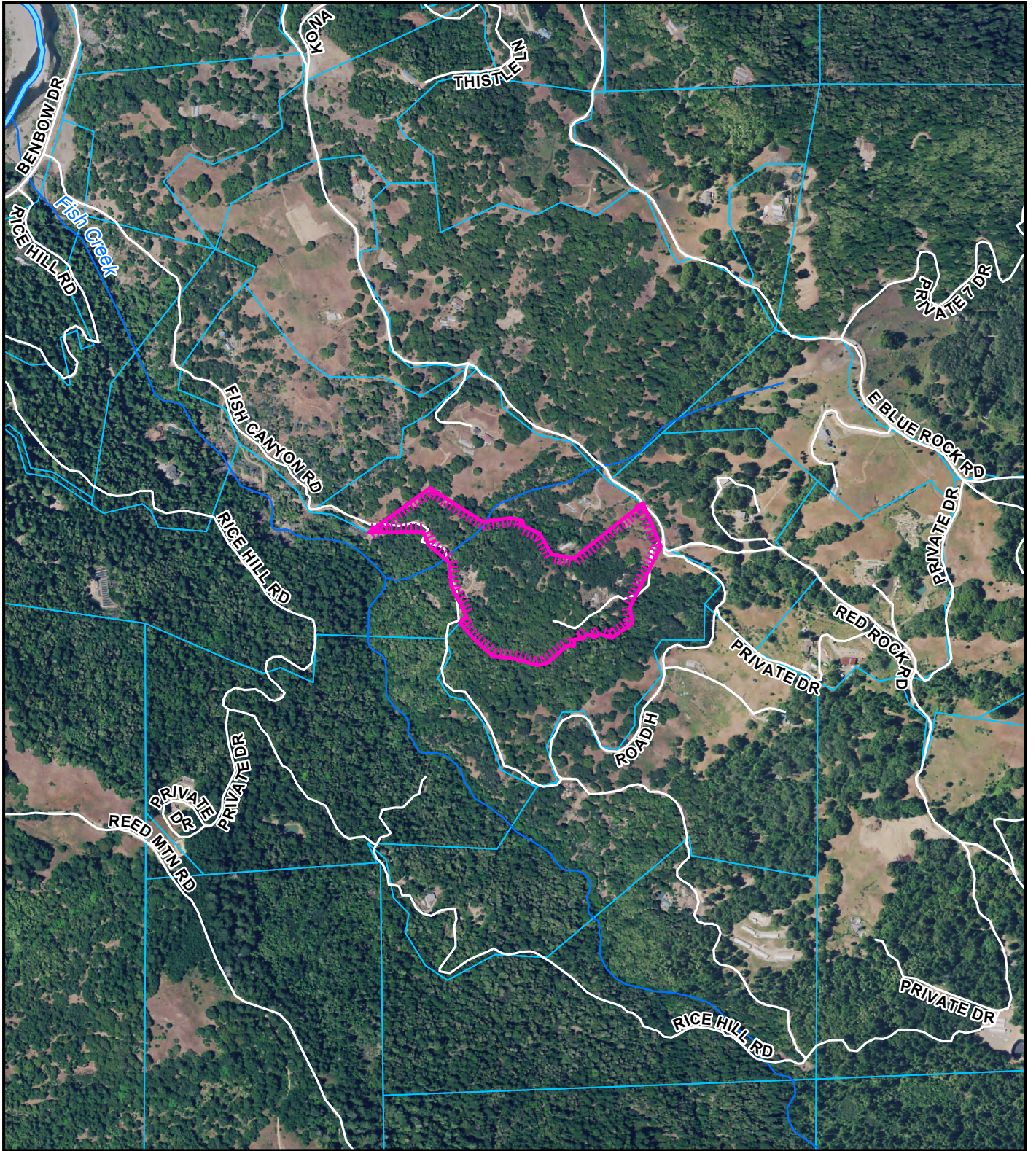


Project Area = 

ZONING MAP
PROPOSED JONATHAN CROUGH
BENBOW AREA
CUP-16-478
APN: 033-120-013-000
T05S R04E S6 HB&M (GARBERVILLE)



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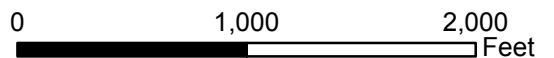


Project Area = 

AERIAL MAP
PROPOSED JONATHAN CROUGH
BENBOW AREA
CUP-16-478
APN: 033-120-013-000
T05S R04E S6 HB&M (GARBERVILLE)



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.



GREEN CROWS LLC - PLOT PLAN

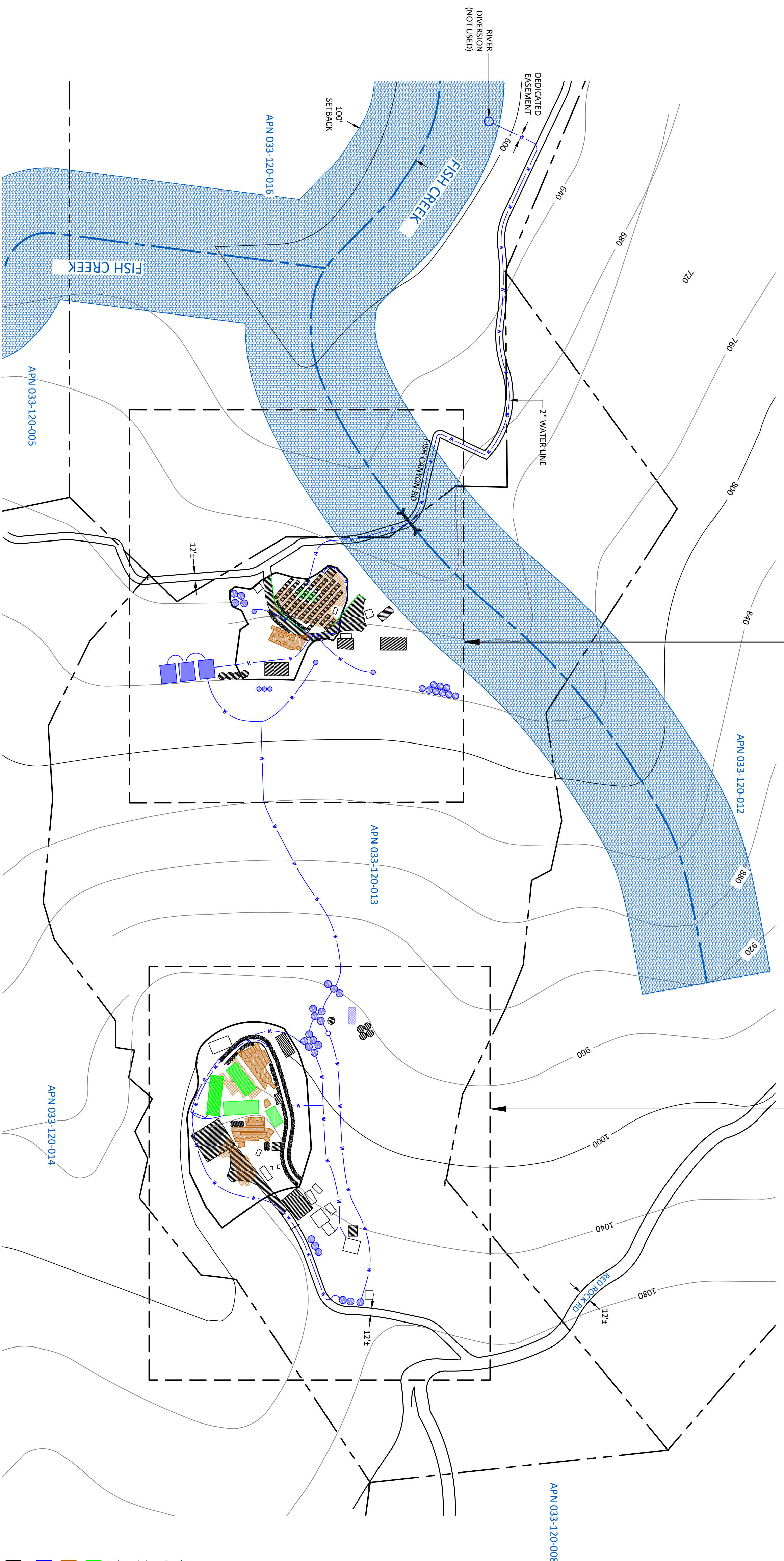
APN: 033-120-013-000
 1360 RED ROCK RD
 BENBOW, CA 95542



DTN
 ENGINEERING
 & CONSULTING
 dnicoletti@dtneengineering.com

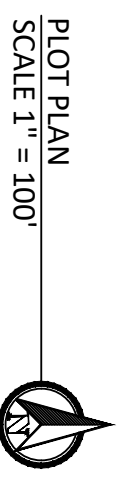
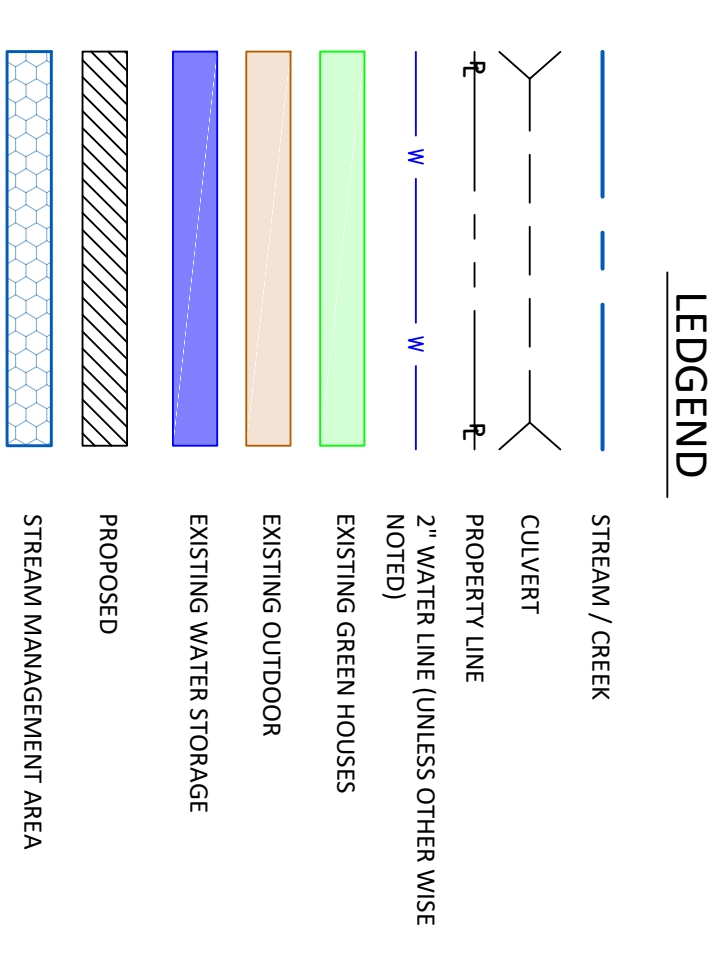
LOWER FLAT
 SEE SHEET 2

UPPER FLAT
 SEE SHEET 3



VICINITY MAP
 N.T.S.

DIRECTIONS FROM EUREKA:
 TAKE US-101 SOUTH, TAKE EXIT 636 TOWARD BENBOW. KEEP LEFT TO TAKE RAMP TOWARD BENBOW DR. SLIGHT LEFT TURN ONTO LAKE BENBOW THEN A LEFT TURN ONTO BENBOW DR. TAKE FIRST RIGHT ONTO FAIRWAY DR. FOLLOWED BY A LEFT TURN ON RED ROCK DR. APPROX. 2 MILES THE ENTRANCE TO THE UPPER FLAT WILL BE ON THE RIGHT.



GENERAL NOTES:

WATER: ONSITE - PRIVATE
 POWER: SOLAR & GENERATOR (BACK-UP)
 CREEKS / STREAMS: STREAM
 GRADING: SEE GRADING PLAN

WASTE WATER: ONSITE PORT-A-JOHN
 TREES TO BE REMOVED: NONE
 ZONING: AE-P

CONTRACTOR ALERT!

CONTRACTOR MUST CONTACT USA DIG AT 800-227-2600 AT LEAST 72 HOURS BEFORE ANY EARTHWORK OR ACTIVITIES THAT MAY IMPACT EXISTING UNDERGROUND UTILITIES. EXISTING UTILITY ALIGNMENTS BOTH HORIZONTALLY AND VERTICALLY MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION ACTIVITIES.

SRA REQUIREMENTS

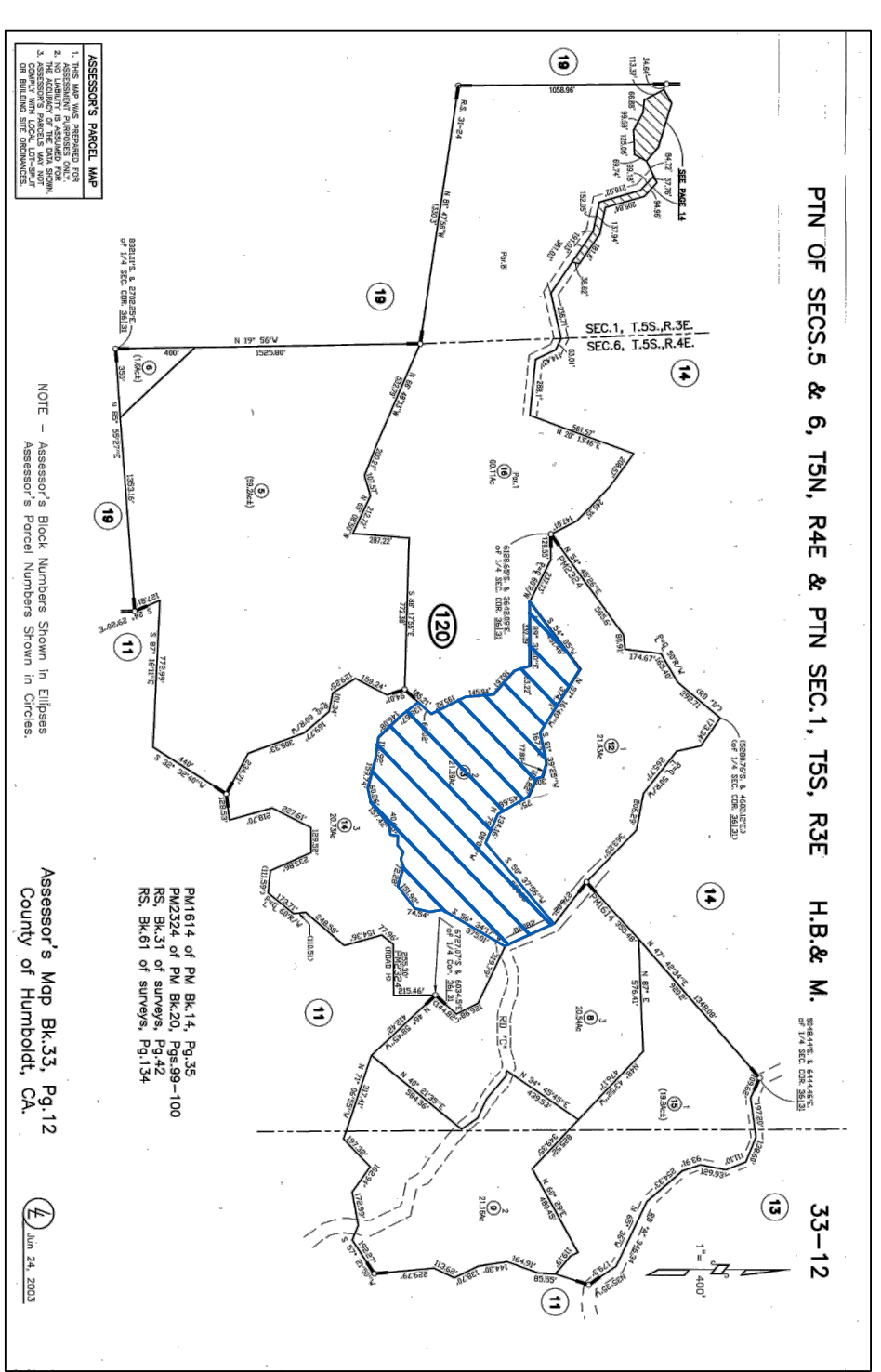
PROVIDE ADEQUATE WATER STORAGE AND DELIVERY AS OUTLINED BY SRA ORDINANCE AND CALIFRE REQUIREMENTS.
 PROVIDE ADEQUATE TURN AROUND AND PULLOUTS AS OUTLINED BY SRA ORDINANCE AND CALIFRE REQUIREMENTS.

CULTIVATION NOTES

THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL, CULTURAL, RESOURCES WITHIN 600' OF CULTIVATION AREAS.
 THERE ARE NO OFFSITE RESIDENCES WITHIN 300' OF CULTIVATION AREAS.

SHEET INDEX

- 1 OVERALL PLOT PLAN
- 2 LOWER AREA
- 3 UPPER AREA



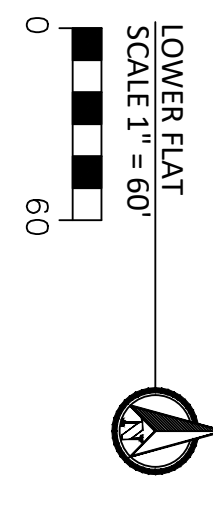
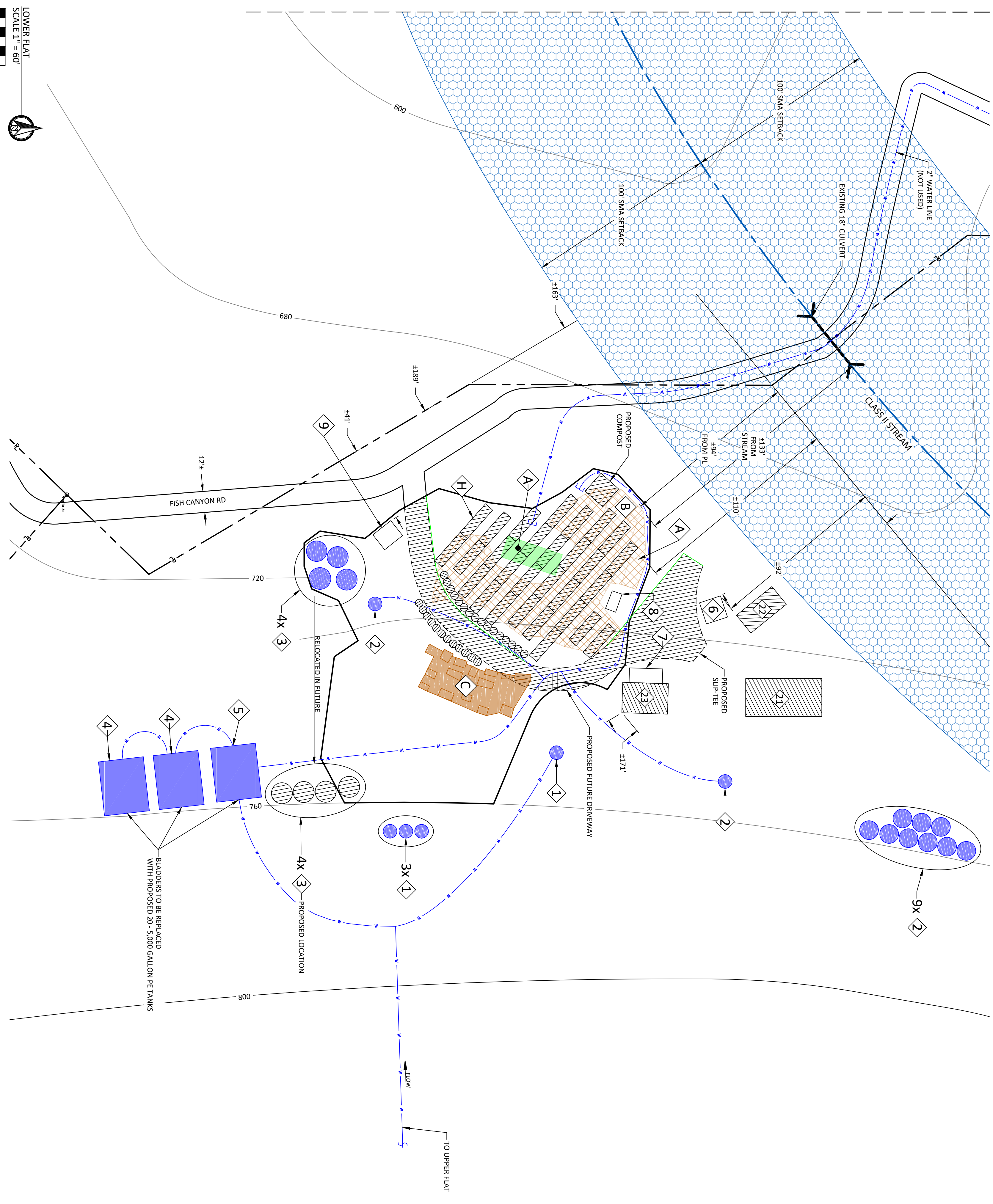
PARCEL MAP
 N.T.S.

NO.	HISTORY / REVISIONS	BY	CHK.	DATE

GREEN CROWS LLC
 APN: 033-120-013
 1360 RED ROCK RD
 BENBOW, CA 95542

DRAWN	RGH
CHECK	
APPROVED	
DATE	2020/12/04
JOB NUMBER	001
SHEET	1
NO.	

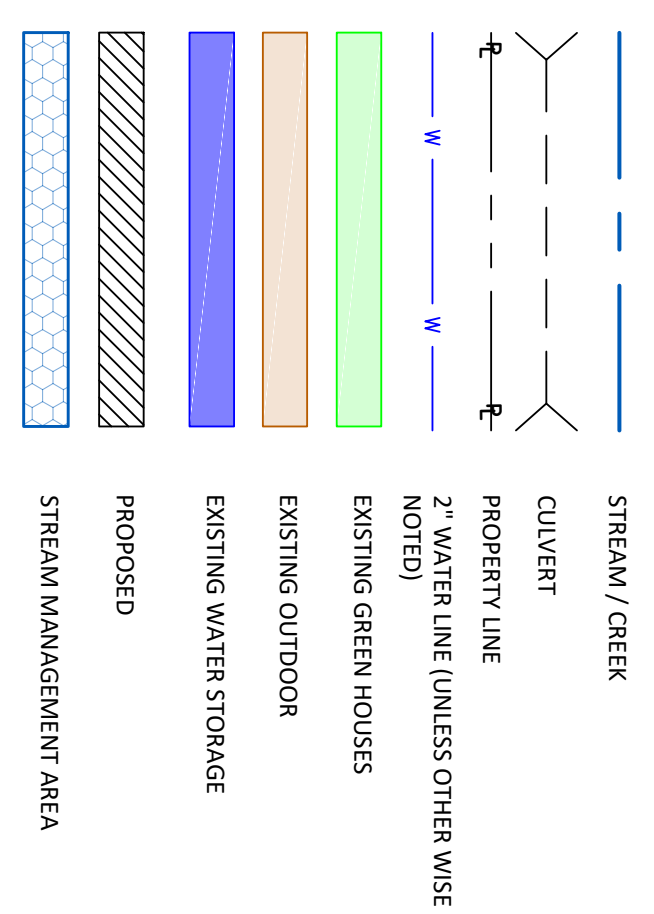
LOWER FLAT



KEYNOTE TABLE

STRUCTURE TYPE				
ITEM	DESCRIPTION	DIMENSION/ CAPACITY/ AREA	QUANTITY	YEAR CONSTRUCTED
1	PE WATER TANK	2,500 GALLONS	4	2012
2	PE WATER TANK	3,000 GALLONS	11	2012
3	PE WATER TANK	5,000 GALLONS	4	2012
4	WATER BLADDER	20,000 GALLONS	2	2012
5	WATER BLADDER	15,000 GALLONS	1	2012
6	DRIVING TENT	10' X 10' X 8' ±100SF	1	2012
7	HAZARDOUS WASTE STORAGE SHED	8' X 18' X 8' ±144 SF	1	2012
8	SOLAR PANEL		1	2012
9	TOOL SHED	10' X 12' X 8' ±120 SF	1	2012
21	PROPOSED DRYING SHED	20' X 40' 800 SF	1	FUTURE
22	PROPOSED DRYING SHED	12' X 24' 288 SF	1	FUTURE
23	PROPOSED STORAGE SHED	16' X 24' 384 SF	1	FUTURE
CULTIVATION TYPE				
A	<<- GREENHOUSE (TO BE REPLACED WITH NEW 5' X 20' BEBS)	250 SF TO BE REPLACED	1	2012
B	<<- OUTDOOR (TO BE RELOCATED TO NEW 5' X 20' BEBS)	2,650 SF TO BE REPLACED	1	2012
C	<<- OUTDOOR	1,180 SF	1	2012
H	PROPOSED OUTDOOR 200 GALLON SMART POTS (PROPOSED) FUTURE RELOCATION OF A & B OUTDOOR BEBS	5' X 20' (29) 2,900 SF	29	FUTURE
TOTAL GREENHOUSE AREA		0 SF		
TOTAL OUTDOOR AREA		4,816 SF		
TOTAL CULTIVATION AREA		4,816 SF		

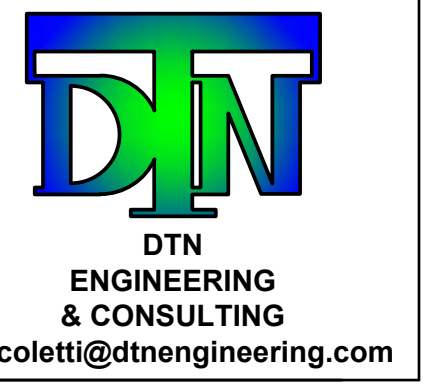
LEDGEND



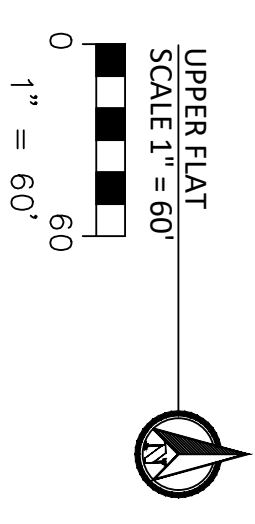
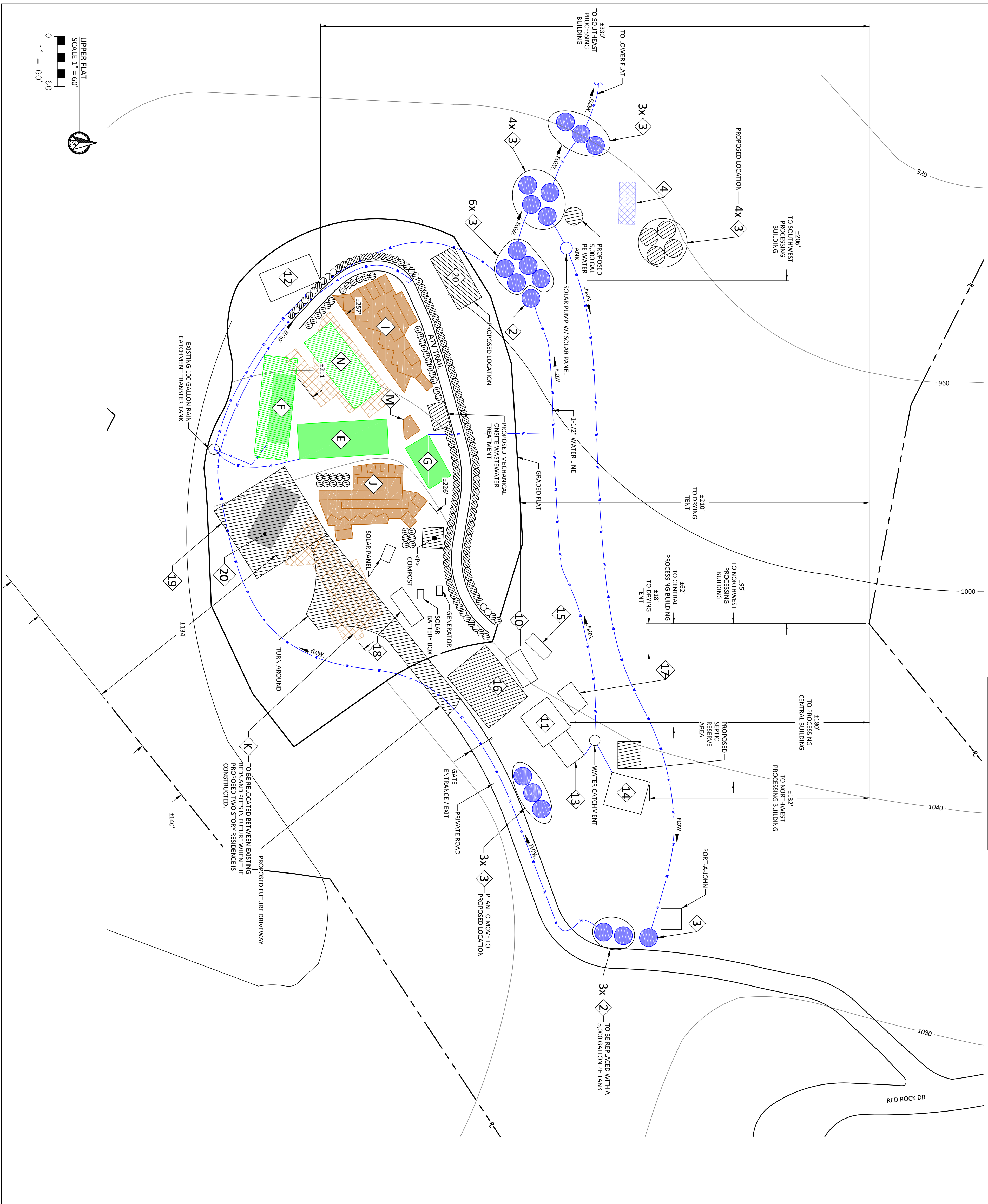
NO.	HISTORY / REVISIONS	BY	CHK.	DATE

GREEN CROWS LLC
 APN: 033-120-013
 1360 RED ROCK RD
 BENBOW, CA 95542

DRAWN: RGN
 CHECK: RGN
 APPROVED: RGN
 DATE: 2020/12/04
 JOB NUMBER: 002
 LOWER PLOT PLAN
 SHEET NO. **2**



UPPER FLAT

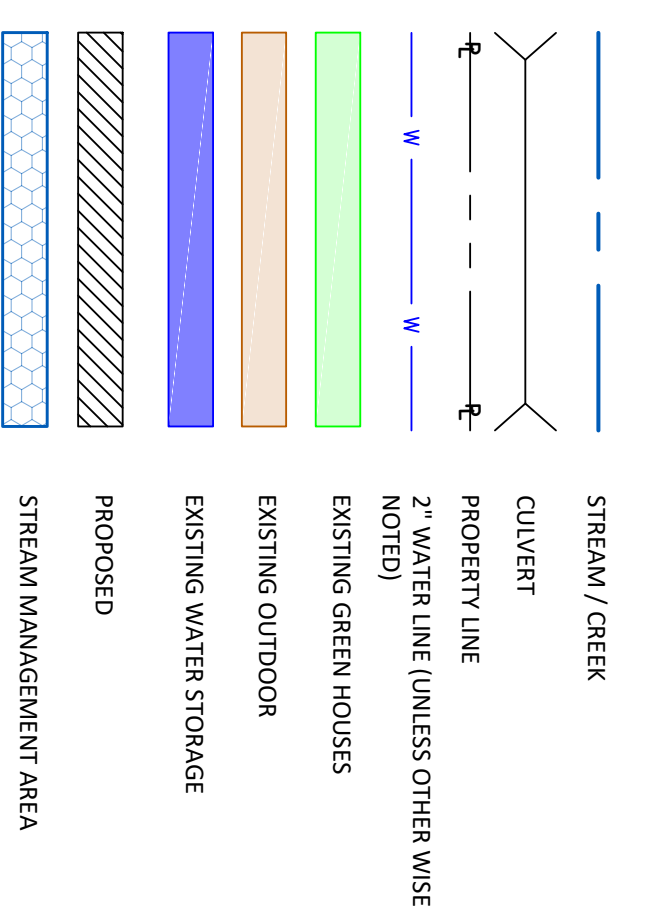


KEYNOTE TABLE

ITEM	DESCRIPTION	STRUCTURE TYPE		YEAR CONSTRUCTED
		DIMENSION/ CAPACITY/ AREA	QUANTITY	
2	PE WATER TANK	3,000 GAL	2	2012
3	PE WATER TANK	5,000 GAL	16	2012
4	WATER BLADDER (TO BE REPLACED WITH 5,000 GALLON PE TANK)	15,000 GAL	1	2012
10	DRIVING / PROCESSING BUILDING	10' X 10' X 8' ±100 SF	1	2012
11	DRIVING / PROCESSING BUILDING	10' X 20' X 8' ±200 SF	1	2012
12	DRIVING TENT FUTURE TO BE REPLACED WITH 1,500 SF DRIVING BUILDING	<±> 1,500 SF	1	<±> 2012
13	DRIVING TENT	12' X 18' X 8' ±216 SF	1	2012
14	KITCHEN (PERSONAL USE)	12' X 18' X 8' ±216 SF	1	2012
15	UTILITY TRAILER (HAZ W/ MATERIAL STORAGE)	8' X 24' X 16' ±192 SF	1	2012
16	(PROPOSED) MULTI-USE BUILDING FOR PROCESSING, PACKAGING, & STORAGE	40' X 30' ±2,400 SF	1	FUTURE (METAL)
17	TRAILER (PERSONAL USE)	8' X 24' X 16' ±192 SF	1	2012
18	RV (PERSONAL USE)	48' X 50' X 35' ±4800 SF	1	2012
19	(PROPOSED) TWO STORY HOUSE WITH 25' X 25' GARAGE	1,481 SF	1	FUTURE (WOOD)
20	<±> 1,000 SF PROPAGATION GREENHOUSE TO BE REPLACED AND INCREASE TO 1,481 SF GREENHOUSE IN <±> LOCATION	1,481 SF	1	2012

CULTIVATION TYPE				
E	GREENHOUSE	1,000 SF	1	2012
F	<±> 400 SF GREENHOUSE TO BE INCREASED TO A <±> 1,230 SF	<±> 400 SF	1	2012
G	GREENHOUSE	270 SF	1	2012
I	OUTDOOR	1,800 SF	1	2012
J	OUTDOOR	1,500 SF	1	2012
K	OUTDOOR (TO BE REMOVED TO MAKE WAY FOR FUTURE DRIVEWAY/TURN AROUND)	731 SF TO BE ABANDONED	1	2012
M	OUTDOOR	100 SF	1	2012
N	<±> OUTDOOR TO BE REMOVED & REPLACED WITH <±> 1,000 SF 20' X 50' MIX LIGHT GREENHOUSE	<±> 1,000 SF	1	2012
11	PROPOSED OUTDOOR 200 GALLON SMART POTS	3,098 SF	152	FUTURE
	TOTAL GREENHOUSE AREA (PROPOSED MIXED LIGHT)	3,500 SF		
	TOTAL OUTDOOR AREA	6,498 SF		
	TOTAL CULTIVATION AREA	9,998 SF		

LEDGEND



GREEN CROWS LLC
 APN: 033-120-013
 1360 RED ROCK RD
 BENBOW, CA 95542



NO.	HISTORY / REVISIONS	DATE	BY	CHK.

DRAWN	
CHECK	
APPROVED	
DATE	2020/12/04
JOB NUMBER	002
SHEET	UPPER PLOT PLAN
NO.	3

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time-and-materials 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 and Building Department, 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 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 and Building Department, 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 California Environmental Quality Act Guidelines. **Within 3 days of the effective date of permit approval** the Planning and Building Department will file the NOD and charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #21. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall abstain from using generator power to supply energy to the operation apart from emergency power outages. Mixed-light cultivation will not be undertaken unless powered by Pacific Gas & Electric Company (PG&E) or increased solar power capacity is demonstrated capable of meeting the electricity demands to supply the mixed-light cultivation and processing operations. A letter or similar communication from the Planning and Building Department verifying that a power supply related to mixed-light cannabis cultivation is installed and permitted will satisfy this condition.
7. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project

site plan. A letter or similar communication from the Planning and Building Department verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

8. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Planning and Building Department shall satisfy this requirement.
9. The applicant shall submit a grading, erosion, and sediment control plan prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed or is proposed. A letter or similar communication from the Planning and Building Department verifying that all grading related to the cannabis cultivation operation is permitted or not needed will satisfy this condition.
10. The applicant shall implement the recommendations in the Timber Conversion Report (6.2.2019) prepared by Blair Forestry Consulting. A monitoring report prepared by a licensed professional forester shall be submitted annually to the Planning and Building Department to document conformance.
 - i. Recommendation: Remove and/or cut logs at Observation Site 1 to a minimum of 2 feet in length as per 14 CCR 1104.1(a)(2)(D)(1).
11. Cultivation amounts and types will be limited to the amount of rain catchment water able to be captured in the prior wet season of each cultivation year. No diversion from Fish Creek is allowed for the irrigation of cannabis. All existing and proposed facilities, along with being permitted per COAs #7 and 8, shall have their rain catchment systems interception area quantified and water collection amounts monitored for each irrigation year. A revised Water Catchment System report will be furnished to the Building Inspectors for approval.
12. The existing 70,000 gallons of water stored between four bladders identified on the site map are to be replaced with up to 120,000 gallons of water storage tanks positioned in the same locations (three on Lower Flat, one on Upper Flat), which would result in a total of 339,000 gallons of rainwater capture storage. This conversion to hard tank storage will be documented with submission of a revised Site Plan showing the final location and amount of hard tank storage.
 - i. The revised Site Plan will also address the referral comments from County Building Inspectors dated 6/4/2020, which require the Site Plan to show the location of the State Response Area (SRA) fire hydrant location, the SRA-required turnout or turnaround locations, and the American with Disabilities Act parking and access locations for the proposed processing facility.
13. The applicant shall install water monitoring device on each source—the rain catchment storage tank farms and surface diversion if/when utilized—to monitor water used for cannabis irrigation separate from domestic use and remain in congruence with the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy and Order WQ 2019-0001-DWQ.
14. The applicant shall abide by the Best Practicable Treatment and Control measures detailed in the Site Management Plan prepared for the site in December 2019 by Mika Cook, Environmental Scientist, pursuant to Tier 1 enrollment under the SWRCB Cannabis Cultivation Policy. A letter or similar communication from the SWRCB verifying that all their requirements have been met will satisfy this condition.
15. Per the Division of Environmental Health (DEH) referral comments dated 6/30/2020, the applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or Registered Environmental Health Specialist that certifies that the

existing system complies with the Regional Water Quality Control Board (RWQCB) definition of a Tier 0 system—not impairing groundwater or surface water resources. A letter or similar communication from DEH verifying that all its requirements have been met will satisfy this condition.

16. The applicant shall implement the recommendations made by the Road Evaluation Report prepared by DTN Engineering on 3/13/2019, including those listed below. Preparation of a Road Repair Report documenting these improvements have been met to the satisfaction of Public Works will satisfy this condition.
 - A. Fish Canyon Road from property corner (photo 1) to Road H (photos 1 – 45):
 - i. Repairs to areas where slides have occurred (photo 36). Repairs such as re-establishing a stable slope with grading and placing Rock Slope Protection (RSP) on the slope is recommended. At some locations, slides have occurred due to clogged culverts and poor drainage.
 - ii. Unclogging (almost all) of the culverts that have been shown to be partially clogged or fully clogged to prevent continued erosion and drainage issues (photo 18, 19).
 - iii. Installing waterbars or rolling dips in accordance with the *Rural Roads: A Construction and Maintenance Guide for California Landowners* manual (photos 30, 44).
 - iv. Mowing of grass along the roadside to expose turnouts, cleaning and re-establishing of ditches.
 - B. Road H from Fish Canyon Road (photos 44 – 47) to Red Rock Road (Photos 48 – 107), the private drive (photos 108 – 119), and Red Rock Road from Road H (photo 102) to Fairway Drive (photos 163 – 233):
 - i. The existing turnout at photo 60 requires repair from drainage issues.
 - ii. Repair of clogged culverts at photo 70.
 - iii. Installation of waterbars and rolling dips to control erosion and drainage issues at photos 60, 69, 90, 91 in accordance with the *Rural Roads: A Construction and Maintenance Guide for California Landowners* manual.
 - v. Mowing of grass along the roadside to expose turnouts; cleaning and re-establishing of ditches.
 - vi. Repair of slide located at photo 36 on Red Rock Road.
 - vii. Unclogging/repair of culvert not installed per standards (photos 178, 179, 196).
17. Public Works, Land Use Division stated in a memorandum dated 5/5/2020 that any existing or proposed driveways that connect to a County-maintained road shall be paved for a minimum of 50 feet and be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). A letter from Public Works indicating these conditions have been met will satisfy this condition.
18. The applicant shall revise the Site Plan to reflect the corrected cultivation amounts of 1,840 SF of Mixed-light, a value reduced from the 3,500 SF currently shown on the Site Plan.
19. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning and Building Department. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
20. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency 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 to keep the permit valid.
21. The applicant shall execute and file with the Planning and Building Department the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to

Farm" ordinance) as required by the Humboldt County Code and available at the Planning and Building Department.

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 Commercial Medical Marijuana Land Use Ordinance (CMMLUO) Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United 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. The light source used in the mixed-light and nursery greenhouses should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare. Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within 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 has been repaired, inspected and corrected as necessary.
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 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. Ensure all generators and fuel be located on stable surfaces with secondary containment and with a minimum 200-foot buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
5. 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.
6. All refuse shall be contained in wildlife-proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt

County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than 2 years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within 1 year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the 2 years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of any applicable Lake and Streambed Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife.
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection, if applicable.
19. Consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency program, and in such a way that no spillage occurs.

23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

25. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets;
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices

- b. Location where processing will occur
- c. Number of employees, if any
- d. Employee Safety Practices
- e. Toilet and handwashing facilities
- f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
- g. Drinking water for employees
- h. Plan to minimize impact from increased road use resulting from processing
- i. Onsite housing, if any

30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire 1 year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within 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 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 Conditional Use Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

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

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

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

ATTACHMENT 2

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

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

**APN 033-120-013; 1360 Red Rock Road, Benbow
County of Humboldt**

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

January 20, 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 to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the MND, and the MND states that “Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting.” The current project was contemplated by the MND, and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less-than-significant level.

The modified project involves a Conditional Use Permit for continued cultivation of up to 14,814 square feet (SF) of outdoor and mixed-light cannabis cultivation, in addition to 1,481 SF of outdoor propagation, in two distinct garden areas. The cultivation area further to the west (Lower Flat) and accessed via Fish Canyon Road would contain 4,816 SF of cultivation outdoors. The cultivation area further to the east (Upper Flat) and accessed via Red Rock Road would contain 1,840 SF of mixed-light cultivation within a greenhouse and 8,158 SF of cultivation outdoors. Cultivation activities extend from March to November. There would be one harvest annually for the immediate future; proposed mixed-light cultivation activities would support up to three harvests annually only if Pacific Gas and Electric Company (PG&E) power lines are developed. Annual water use is 163,600 gallons based on existing outdoor cultivation. Water for irrigation use is provided by a rain catchment system. There are 219,000 gallons of water storage in a series of hard-sided tanks and bladders. The applicant is currently processing in three structures totaling 800 SF on the Upper Flat and one structure of 100 SF on the Lower Flat. The applicant is proposing infrastructure replacements/additions including processing and storage structures, a propagation greenhouse, and a residence. One member-owner and a maximum of four employees are required during peak operations. A 2,000-watt solar system supplies all power for cultivation activities. Two generators are stored onsite for emergency use only. The parcel is furnished with portable toilets.

The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria in 2019. Archaeological Research and Supply Company prepared a Cultural Resource Investigation in February 2019 and reported finding no historical cultural resources on the subject property. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources. No Biological Assessment was prepared for the project, and the planner concluded that while there is the potential for some sensitive and protected species to be present onsite, the proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices and pre-construction surveys are required prior to any proposed future ground-disturbing development.

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

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 18,763 SF of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project, as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less-than-significant level.

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

- Plot Plans (revised) prepared by DTN Engineering received 10/1/2021
- Cultivation and Operations Plan updated December 2020 prepared by Mika Cook and received 10/1/2021
- Water Catchment System report (undated) received 10/1/2021
- Site Management Plan dated 12/24/2019 prepared by Mika Cook for the North Coast Regional Water Quality Control Board Order No. 2019-0001-DWQ
- Timber Conversion Evaluation Report dated 6/2/2019 prepared by Blair Forestry Consulting, Registered Professional Forester #2607
- Lake and Streambed Alteration Agreement EPIMS HUM-10098-R1 prepared in May 2020.
- Building Inspection Division referral response dated 6/30/2020
- Public Works referral response dated 5/5/2020
- Road Evaluation Report prepared by DTN Engineering dated 03/13/2019
- Cultural Resources Investigation of the Jonathan Crough property prepared by Archaeological Research and Supply Company, dated February 2019 (confidential)

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 that was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

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 DTN Engineering and received 10/1/2021 – **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 updated December 2020 prepared by Mika Cook received 10/1/2021 – **Attached**)
5. Copy of the statement of water diversion or other permit, license or registration filed with the State Water Resources Control Board (SWRCB), Division of Water Rights, if applicable. (State Waterboard Online Cannabis Water Quality Monitoring & Reporting Program dated 02/24/2021 – On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for SWRCB Cannabis General Order (item 7. below)
7. Copy of Notice of Intent (NOI) and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board (RWQCB) demonstrating enrollment in Tier 1, 2 or 3, North Coast RWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Site Management Plan Notice dated 12/24/2019 prepared by Mika Cook for the North Coast Regional Water Quality Control Board Order No. 2019-0001-DWQ)
8. If any onsite or offsite component of the cultivation facility, including access roads, water supply, grading, or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Lake and Streambed Alteration Agreement EPIMS HUM-10098-R1 prepared in May 2020 – **Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (N/A)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL FIRE. (Timber Conversion Report dated 6/2/2019 prepared by Blair Forestry Consulting, Registered Professional Forester #2607 – **Attached**)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe “government to government” consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System. (On file)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana Clearances/ Permits (DEH Form). (On file)
16. Road Evaluation Report dated prepared by DTN Engineering dated 3/13/2019 (On file)
17. Water Catchment System report (undated) received 10/1/2021 (**Attached**)
18. Public Works referral response dated 5/5/2020. (On file)

Green Crows, LLC
Cultivation Operations Plan
Updated December 2020

Project Name
GREEN CROWS

Project Location
1360 RED ROCK RD. GARBERVILLE, CA, 95542

Project Sponsor
GREEN CROWS, LLC. 667 FIR LANE. GARBERVILLE, CA, 95542

Sponsor Contact
JONATHAN CROUGH | 707-798-7278

Agent of Record
MIKA COOK | 707-672-5443

Existing Zoning Designation AE-P

APN 003-120-013

PREPARED BY :



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Executive Summary

Green Crows, LLC (“Applicant”) is a sole member, Limited Liability Company whose purpose is to conduct agricultural activities within the State of California.

Applicant proposes to operate an owner and family operated agricultural business that supports cultivation activities (“Project”). The Applicant has assumed up to one (1) member-owner and up to four (4) employees who will support site activities during peak harvest.

The Applicant has applied with the county for a Conditional Use Permit that will allow up to 14,814 sq. ft. for pre existing outdoor and mixed light cultivation, in addition to 1,480 sq. ft. of outdoor propagation area.

The project is located on Parcel No. 033-120-013 on approximately 20 acres of AE zoned land. Applicant seeks approval for a Conditional Use Permit for pre-existing cultivation totaling 11,314 sq. ft. of outdoor cultivation and mixed light cultivation totalling 3,500 sq. ft. Applicant proposes the potential development of a commercial facility to support drying and processing activities. For the immediate future, the Applicant will only harvest one cycle per year, utilizing only natural light, with the exception of supplemental lighting that will support nursery activities.

Appendix A is included at the end of this document to discuss proposed Mixed Light Cultivation activities that would support up to three harvests annually. Otherwise, the remainder of this document describes the Cultivation and Operations Plan for a single annual harvest. The project site is currently supported by solar power.

Water will be sourced from an intricate rainwater collection system. Water sourced from rainwater catchment is stored in 219,000-gallons of water storage. Water storage is intended to support all commercial Cannabis activities.

Project Overview

The Project is located on Parcel No. 033-120-013 in Garberville, California where the Applicant is seeking provisional permitting for outdoor and mixed light commercial cannabis cultivation, featuring two (2) cultivation areas totaling 14,814 sq. ft.

The Project parcel is zoned AE, which falls within the allowable zoning specified by the local authority. The Applicant seeks permit approval for 11,314 sq. ft. of outdoor cultivation and 3,500 of mixed light cultivation, both of which are pre-existing.

Cultivation operations will commence with one (1) outdoor harvest per year. Once conditions in Appendix A are met, three (3) mixed light harvests would occur per year.

All greenhouse spaces identified on the site map, proposed and existing, will support a single harvest of outdoor cultivation until the conditions discussed in Appendix A are met to support the additional mixed light cultivation.

Project Location

The Project would occur on legal Parcel No. 033-120-013 at 1360 Red Rock Rd. in Garberville. Road access is maintained by Benbow Ranch Road Association.

In December of 2020, parcel address was updated from 789 Fish Canyon Road to 1360 Red Rock Road by Humboldt Planning Department because it was determined that the original address assignment was in error.

Setback Requirements

The proposed Project area meets all setbacks required by the local authority and adheres to all other setbacks from neighboring parcels and property boundaries.

Nearby parcel residences are more than 300' from the proposed cultivation space (applicable only to parcels of five (5) acres or less). There are no known schools, school bus stops, public parks, places of religious worship, or Tribal cultural resources that are known within 600' to 1,320' of the cultivation area. Additionally, a 30' setback from the PG&E pole and 12' of overhead lines and property borders is satisfied.

Setbacks from nearby waterways adhere to the NCRWQCB/SWRCB and the CDFW's setback requirements. It is deemed that Environmentally Sensitive Habitat areas will not be impacted by the proposed Project.

Nuisance Mitigation

The Project would mitigate the potential for existing nuisances, including odors, lights, sounds, and other nuisances that extend beyond the boundaries of an adjacent property, with adherence to State and local (County and/or municipality) regulations pertinent to this Project.

Power Use

A 2,000 watt Solar System supplies all power for cultivation activities. Negotiations are currently underway with PG&E to develop power infrastructure up Red Rock Road to the project site and beyond. Additionally, the following two generators, or similar models are stored on site for emergency use only:

1. Honda 3,000 EU;
2. Honda 7,000 EU

Cultivation and Operations Plan

The Applicant proposes 14,814 sq. ft. of cultivation in the form of two (2) garden areas, identified as “Upper Flat,” and “Lower Flat” on the Site Map. Water for the Project would be sourced from rainwater catchment stored in 219,000-gallons of hard tanks and bladders. The “Propagation Greenhouse,” (1,480 s.f.) as identified on the Site Map, will be covered from sundown until sunrise in order to prevent light leakage into neighboring ecosystems. The applicant proposes to apply light deprivation techniques to the existing 1,670 s.f. of greenhouse cultivation in the end of summer in order to expedite the flowering process and to stagger harvest and drying activities, if necessary. The remaining 13,144 sq.ft. of cultivation will occur outside in raised beds or in holes dug in the ground in full sun (until if/when Mixed Light infrastructure is installed). All light deprivation tarps will be stored and disposed of in a manner consistent with environmental best practices.

Cultivation Schedule

The following table details the annual cultivation schedule, comprising one (1) harvest per year, with breakdown by area. Water figures are indicated in gallons.

Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Outdoor	-	-	-	-	-	Veg	Veg	Veg/Blm	Blm	Blm	Hvst	-
Nursery	-	-	Veg	Veg	Veg	-	-	-	-	-	-	-
Water	-	-	100	1000	2500	15000	50000	55000	25000	15000	-	-
Generator	-	-	-	-	-	-	-	-	-	-	-	-

Table 1. Total water consumption of 163,600 gal. based on existing outdoor cultivation

Irrigation Plan

Irrigation for crop production would be sourced from 219,000-gallons of water storage sourced from an intricate rainwater catchment system, whereby rainwater is collected from all buildings and structures on the property. Rainwater will be collected from all proposed structures as well.

Current rooftops provide 5,097 sq. ft. of surface area, while the proposed plan would provide 12,749 sq. ft. of surface area on the premises.

All standing buildings and greenhouses on premises are equipped with a system of gutters that feed water into a collection bins, then directed into one of dozens of water storage tanks on the premises, as indicated on the Site Map. The system is gravity fed.

Weather survey data from various sources provides a range of possible annual average rainfall amounts, with a high of 68.8" and low of 58" of average annual precipitation in the Garberville region. This amounts to between 38.5 - 32.5 gallons of water available for collection per sq. ft. of surface area.

Given the current surface area for all buildings, available rainwater from all structures would be 165,000 - 200,000 gallons. After all proposed structures are built and equipped with water catchment systems, the premises will contain an additional 7,652 sq. ft. of total rooftop surface area resulting in a total potential 400,000 - 500,000 gallons of water.

In the case of an extremely low rainfall year, the Applicant proposes to plant the crop later in the summer to offset water usage based on real time calculations of projected water availability.

Current Rooftops	Avg (in.)	Rooftop Sq. Ft.	Available Water (gal.)
Annual Rainfall (High)	69"	5,097 sq. ft.	196,948 gal.
Annual Rainfall (Low)	58"	5,097 sq. ft.	165,550 gal.
Proposed Rooftops	Avg (in.)	Rooftop Sq. Ft.	Available Water (gal.)
Annual Rainfall (High)	69"	12,749 sq. ft.	492,621 gal.
Annual Rainfall (Low)	58"	12,749 sq. ft.	414,087 gal.
Total		77	Lower Flat

Table 2. Average annual rainwater catchment (current and proposed)

Irrigation System

The applicant is using a drip line system that follows the following specifications:

- 1.5" Mainline
- 8" Inline
- ½" Inline
- 8" Inline (Irrigation Line)
- 12" Spacing- ½ Gallons/Hour
- Runs 10 Minute/Day
- 4000 Drip Emitter

Water Resources

Water for the proposed cultivation project would be sourced from 219,000 gallons of water storage tanks supplied by rainwater catchment. Any water not used to support the cultivation would be used for fire suppression and domestic use. The existing 70,000 gallons of water stored between four bladders identified on the site map will be replaced with up to 120,000 gallons of water storage tanks positioned in the same location(s). The proposed water storage capacity, as illustrated on the Site Map is 269,000 gallons.

To mitigate runoff from cultivation activities, high-retention soil mediums and special irrigation techniques would be employed.

Watershed Protections

Measures implemented to protect watershed and nearby habitat are described in the SMP submitted for the applicants enrollment with the State Water Board's General Order.

Road Maintenance

Red Rock Road, the private road utilized to access this project is maintained regularly by the Benbow Ranch Road Association, of which the applicant is an active member. \$500 per year is collected from the Road Association's approximately twenty members to perform ongoing maintenance. Appendix B is provided as a visual addition to David Nicoletti, of DTN Engineering's, official Humboldt County Road Evaluation.

Winterization Plan

During the fallow months, exposed ground would be cropped with green cover and native vegetation seed to protect against erosion and denitrification of the soil. Green manures would be incorporated into the native soils to enhance productivity during the forthcoming planting season.

All practices described in Appendix A of the state water resource control board general order will be implemented.

Processing Plan

Upon completion of the cultivation process, harvesting, drying, and packaging can begin in specialized locations onsite. The Applicant is currently processing in three structures totaling 800 sq. ft. on the Upper Flat and one structure of 100 sq. ft. on the Lower Flat. Applicant is proposing the replacement of the 500 sq. ft. shed with a 2,400 sq. ft. and 1600 sq. ft. building to support processing activities, including processing, packaging, and storage on the Upper Flat. In addition, there will be two drying sheds added to the Lower Flat at 800 sq. ft. and 288 sq. ft. to support harvesting periods. A 384 sq. ft. storage shed will also be erected to ensure secure storage of inventory after processing is complete.

Building Type	Location	Sq Ft Existing	Sq Ft. Proposed	Status
Drying	< 10 > Upper	100	100	Existing
Drying	< 11 > Upper	200	200	Existing
Drying	< 12 > Upper	500	1600	Proposed
All Purpose	< 16 > Upper	0	2400	Proposed
Total	Upper Flat	800	4300	+3500
Drying	< 06 > Lower	100	100	Existing
Drying	< 21 > Lower	0	800	Proposed
Drying	< 22 > Lower	0	288	Proposed
Storage	< 23 > Lower	0	384	Proposed
Total	Lower Flat	100	1188	+1088

Table 2. Processing Facilities by Site Map ID # - Existing and Proposed

Processing Environment

It is expected that the proposed structures would support a maximum of four (4) people during peak processing activities. Currently all harvested, dried, cured, and bucked cannabis flower will be transported off site by a licensed transporter for additional processing. All trimming, packaging and testing will occur offsite, facilitated by a licensed distributor. Should processing occur on-site, it will occur in proposed structures designed to meet all applicable commercial building codes and CAL OSHA regulations.

Housing

The Plot Plan includes a personal residence that is not extended to employees.

Equipment and Product Management

Equipment

- Rototiller (Honda 3000i)
- Generator (2000w, 3000w, 7000w)
- Chainsaws (Stihl)
- Weed Eater (Stihl)
- Leaf Blower (Stihl)
- 4 Wheeler (Canam)
- Dirt Bike (KTM)
- Mr. Heater
- Dehumidifiers

Fuels/Oils (Fuel Storage)

- Gasoline 11-5 gallon gas cans (not always full)
- 1 gallon-2 stroke
- Propane-12 Bottles Total 70 Gal Capacity
- Oil-5 quarts Napa 10w30
- Oil-1 quarter 2 stroke

Fertilizer/Pesticides/Rodenticides/Fungicides (Product Storage)

Fertilizer

- | | |
|---|--|
| - 50 Pound bag worm castings (buckaroo) | - 5 Gallon Molasses(Sparetime) |
| - 50 Pound bag compost (Malibu) | - 2.5 gallon Bonemeal (Age Old Organics) |
| - 1- Gallon (EM1) | - 1- Gallon Kelp (Kelphelp) |

Pesticides

- | | |
|------------------------------|---------------------------------|
| - 1-Gallon Isopropyl alcohol | - 1 Quart -Neem oil |
| - 1-Gallon Peppermint oil | - 1 Pound sulfur |
| - Rosemary oil | - 1 Pound potassium bicarbonate |
| - 5 Gallon hydrogen peroxide | - 1 Quart Dr bronners soap |

Amendments

- | | |
|---|----------------------|
| - Chicken manure 50 pound bag (stutzman nutritrich) | - Diatomaceous earth |
| - Perfect blend 50 pound bag | - Oyster shell |
| - Bat guano 50 pound bag (rootzoragnic) | - Alfalfa |
| - Green sand | |

Agricultural Product Storage

As per the DPR (California Department of Pesticide Regulation), Projects that utilize pesticides and fertilizers must meet guidelines pursuant to CCR, § 6670, Title 3, Division 6, *Pesticide, and Pesticide Control Operations*. General guidelines dictate that chemicals are to be stored separately from fuels, oils, and similar products. Fertilizers and pesticides would be stored in locked containment within an enclosed outdoor structure.

Chemical Spill Procedure/Handling

In the event of emergency spills, the incident would be reported to the Cal OES State Warning Center at 800-852-7550 or 916-845-8911.

Solid Waste Removal/Recycling

All garbage will be contained within a holding structure and is to be removed no less than once per week. All waste and/or recycling materials will be processed by a permitted solid waste/recycling facility. The facility designated to receive waste products for this project is Redway Transfer Station.

Security Plan

Several security measures would be involved in the comprehensive protection of cannabis products during the cultivation and processing lifecycles. These include exterior lighting, alarms, cameras and video capture, and the hardening of doors, windows, and fencing.

Security measures for this project would encompass, at a minimum:

- Locked containment for product storage (to be developed).
- Locked gate(s) into entry of property (*see site plan*).
- Surveillance and monitoring systems (to be developed as per the State's requirements).

Points of Security

Product Storage Area Locked

Game Cameras (All Gates/Entry Points, Scattered Throughout Cultivation Areas)

Inventory Management

A rigorous system of recordkeeping and reporting would be facilitated to adhere to the State's Track and Trace requirements of all cannabis products. This would include (but not be limited to) flower, trim, and stem to ensure zero diversion of product throughout processing.

To prevent loss and diversion, all cannabis products would be stored under locked containment during the drying, curing, and packaging phases of processing. Products would also be subject to METRC Track and Trace and state required recording measures to prevent diversion.

Appendix A

The applicant, for the foreseeable future plans only to conduct outdoor cannabis cultivation activities, per the definition provided of “Outdoor” cultivation described in Humboldt County’s CMMLUO. Only if PG&E power lines are developed along Red Rock Rd. to the project area, or significant additional solar infrastructure is installed at the project site, will Mixed Light cultivation activities occur at the project site. Proposed Mixed Light cultivation will occur in raised beds between four greenhouses designated on the Site Map (E, F, G, and N on the “Upper Flat”). The applicant proposes 3 harvests in each of the proposed Mixed Light greenhouses. All Mixed Light cultivation will occur in a fully-automated fashion, ensuring no light pollution or waste discharge. The below table illustrates projected updated water use and cultivation scheduling based on proposed mixed light cultivation activities.

Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Outdoor	-	-	-	-	-	Veg	Veg	Veg/Blm	Blm	Blm	Hvst	-
Water (Outdoor)	-	-	100	1000	2500	15000	50000	55000	25000	15000	-	-
Nursery	Veg	Veg	Veg	Veg	Veg	Veg	Veg	Veg	Veg	Veg	Veg	Veg
Mixed Light	-	Veg	Veg/Blm	Blm	Blm	Hvst/Veg	Veg/Blm	Blm	Blm/Hvst	Blm	Blm	Hvst
Water (Mixed Light)	500	1,000	5,000	10,000	10,000	5,000	10,000	10,000	4,000	6,000	4,000	500
Generator	-	-	-	-	-	-	-	-	-	-	-	-

Table 2. Annualized water usage based on proposed cultivation.

Outdoor (163,600 gal.) + Mixed Light (66,000 gal.) = Total (229,600 gal.)

Appendix B

Road Access Diagram

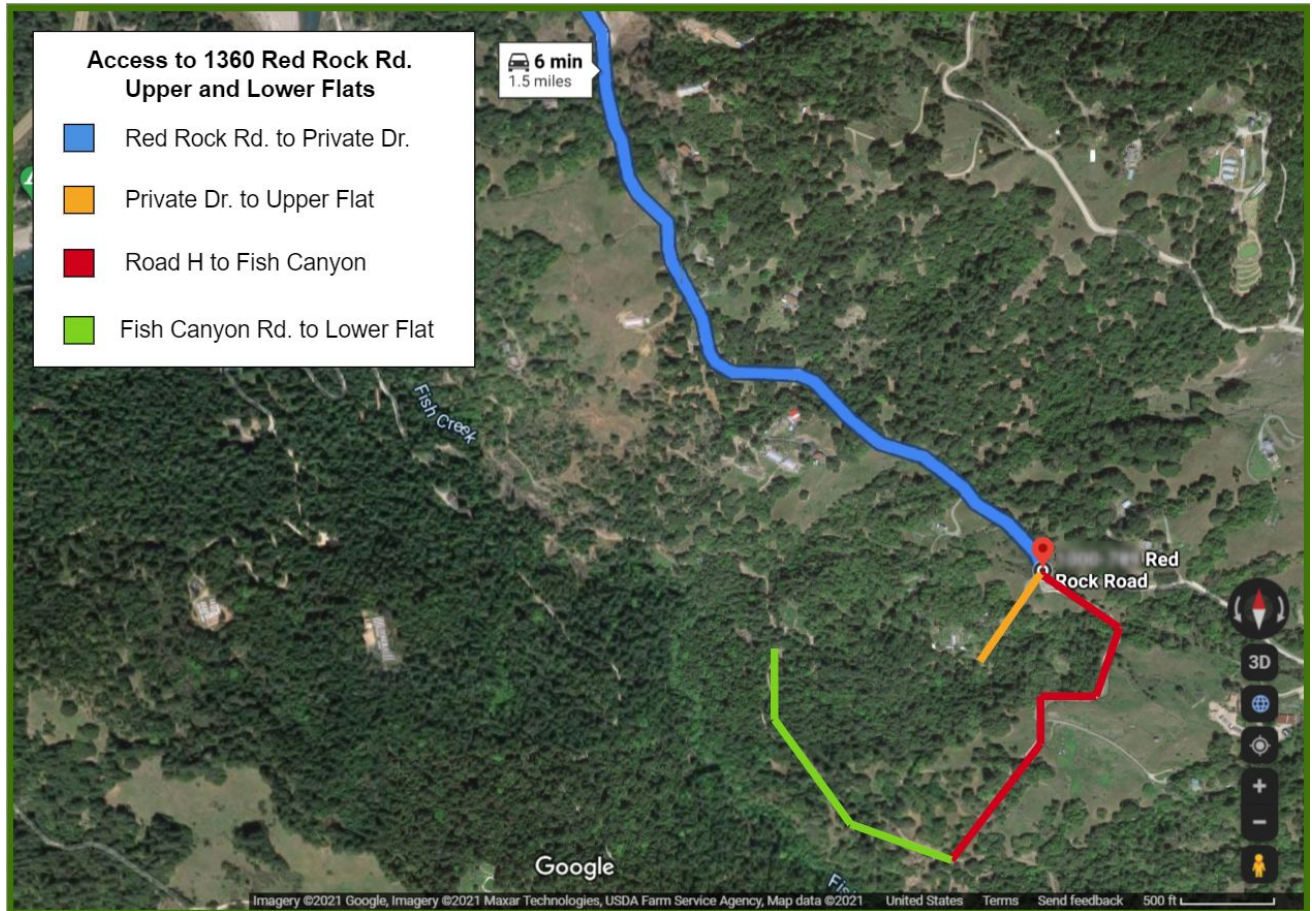


Figure shows color coded roads leading to access of Upper and Lower Flats.



Permit Details

01440 - Notify for General Agreement (Cannabis Only)

11310 - Jon Crough

Region 1

Permit Title: Jon Crough
Permit Number: EPIMS-HUM-10098-R1
Permit Status: Underway
Comments:
Applicant Organization:
Permittee Contact: Jon Crough
Award Year: 2020
Region: Region 1
Amounts:
Contract Dates: Contract Sent Contract Received Contract Executed
Project Dates: 05/12/2020 Proposal Date Project Start Project End
Permit Administrator: Rose Sanchez
Internal Status:* Final Issued
Last Updated: 05/18/2020
Comments:

Agreement Issued

This General Agreement is being issued to:
Jon Crough

Authorization

Authorization under General Lake or Streambed Alteration Agreement for Activities Related to Cannabis Cultivation (General Agreement) (Cal. Code Regs., tit. 14, §722)

By this notice, the California Department of Fish and Wildlife (CDFW) hereby authorizes each Covered Activity as described in your above-referenced Notification under the General Agreement, each now an "Authorized Activity." This Authorization expires five years from the effective date on this notice, unless prior to this date, CDFW extends the period of authorization under the General Agreement. This Authorization is based in part on your certification that you will meet all applicable measures and requirements in the General Agreement, provided below in tabular form.

Note that you must make this authorization and all other documentation specified below in section (h)(1) of the General Agreement, available to all persons conducting the Authorized Activity at the project site on behalf of the Permittee and you must present these documents to any CDFW or other governmental agency employee upon request.

Also as a reminder, you and any person acting on your behalf are responsible for complying with all applicable local, state, and federal laws that apply to each Authorized Activity. This includes other statutes in the Fish and Game Code that might apply to the Authorized Activity, including, but not limited to the following sections: 2080 et seq. (species listed as threatened or endangered, or a candidate for listing under the California Endangered Species Act); 1908 (rare native plants); 3511, 4700, 5050, and 5515 (fully protected species); 3503 (bird nests and eggs); 3503.5 (birds of prey); 5650 (water pollution); on 5652 (refuse disposal into water); 5901 (fish passage); 5937 (sufficient water for fish); and 5948 (obstruction of stream), and the requirements set forth in the Forest Practice Act (Pub. Resources Code, § 4511 et seq.) for projects on private timberlands.

Electronic Signature

I am the applicant, or I have the authority to sign for the applicant. By my signature, I accept and agree to comply with all provisions contained herein.

Electronic Signature: Jonathan Crough
First and Last Name

Date Signed: 05/15/2020

Effective Date

Effective Date: 05/15/2020

CDFW Regional Contact Information

Region Staff Contact: Rose Sanchez

Staff Email Address: rose.sanchez@wildlife.ca.gov

Staff Phone Number: 916-932-3201

General Lake or Streambed Alteration Agreement for Activities Related to Cannabis Cultivation (General Agreement)

(a) PURPOSE.	
(1)	This regulation constitutes a general lake or streambed alteration agreement under Section 1617 of the Fish and Game Code, referred to herein as the "General Agreement."
(2)	This General Agreement applies only to the construction, Reconstruction, maintenance, or repair of Stream Crossings, in the form of a bridge, culvert, or rock ford, and Water Diversions on non-fish rivers, streams, and lakes that are used or will be used for the purpose of Cannabis Cultivation, each a "Covered Activity."
(b) REQUIREMENTS. An Entity shall be authorized under this General Agreement to conduct a Covered Activity only if all of the following occur.	
(1)	The Eligibility Criteria in subsection (d) are met.
(2)	The Entity notifies the department and pays a fee or fees in accordance with subsection (f).
(3)	The Entity receives notice from the department that the Covered Activity is authorized under this General Agreement.
(4)	The Entity complies with all applicable measures and requirements in subsections (h)-(k).
(c) DEFINITIONS. The following definitions apply to this section:	
(1)	"Authorized Activity" means a Covered Activity an Entity is authorized to conduct under this General Agreement after notice by the department.
(2)	"Biological Resources Assessment" means a survey and biological resource report of the Project Site by a Biologist. In preparing a Biological Resources Assessment, the Biologist shall do the following: (A) Identify the presence or potential presence of any Species of Greatest Conservation Need and finfish and their habitat, and invasive species, relying on: <ul style="list-style-type: none"> • U.S. Department of Agriculture's Ecoregion Classification system; • California's Vegetation Classification and Mapping Program macrogroups (based on the National Vegetation Classification System) at http://www.wildlife.ca.gov/Data/VegCamp; • the U.S. Geological Survey's Hydrologic Classification hydrologic unit code 8 at http://datagateway.nrcs.usda.gov; • the U.S. Fish and Wildlife Service's Information for Planning and Consultation at http://ecos.fws.gov/ipac/; and • the National Marine Fisheries Service's California Species List Tools at http://www.westcoast.fisheries.noaa.gov/maps_data/california_species_list_tools.html.
(3)	"Biologist" means a person who meets the following minimum qualifications: <ul style="list-style-type: none"> (A) Possesses a degree in biological or natural resources, or a closely related scientific discipline, from an accredited university. (B) Is familiar with Species of Greatest Conservation Need, their home ranges compared to the Project Site, and their local ecology. (C) Has experience analyzing project impacts on Species of Greatest Conservation Need and their habitat. (D) Is familiar with invasive species prevention and eradication.
(4)	"Bladder" means a flexible container designed to store water.
(5)	"Cannabis Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
(6)	"Covered Activity" means the construction, Reconstruction, maintenance, or repair of a Stream Crossing or Water Diversion that is used or will be used for the purpose of Cannabis Cultivation for which the Entity is seeking authorization under this General Agreement.
(7)	"Design Plan" means a detailed description of the site-specific design for the construction or Reconstruction of a Stream Crossing or reservoir prescribed by a Licensed Professional that includes drawings, sizing methods, component details, and construction notes that give specific directions on the construction methods that will be employed for the work.
(8)	"Entity" means "entity" as defined in Section 1601, subdivision (d), of the Fish and Game Code.
(9)	"Finfish" means any species of bony fish. Finfish do not include mollusks, crustaceans, amphibians, or invertebrates.
(10)	"Finfish stream or lake" means any stream or lake where finfish are always or seasonally present.
(11)	"Fish" means "fish" as defined in Section 45 of the Fish and Game Code.
(12)	"Licensed Professional" means a person licensed under: <ul style="list-style-type: none"> • the Professional Engineer Act (Bus. & Prof. Code, §§ 6700-6799), • the Geologist and Geophysicist Act (Bus. & Prof. Code, §§ 7800-7887), • the Professional Land Surveyors' Act (Bus. & Prof. Code, §§ 8700-8805), • or the Professional Foresters Law (Pub. Resources Code, §§ 750-783) • or a licensed professional hydrologist.
(13)	"Listed or Fully Protected Species" means: <ul style="list-style-type: none"> • any native plant species listed as rare under the Native Plant Protection Act (Fish & G. Code, § 1900 et seq.; Cal. Code Regs., tit. 14, § 670.2); • any species that is listed or is a candidate for listing under the California Endangered Species Act (Fish & G. Code, § 2080 et seq.; Cal. Code Regs., tit. 14, §§ 670.2, 670.5); • or any fully protected species (Fish & G. Code, §§ 3511, 4700, 5050, 5515).
(14)	"Permittee" means an Entity who has obtained authorization from the department to conduct a Covered Activity under this General Agreement.
(15)	"Project Site" means the location of the Covered Activity and the surrounding area.
(16)	"Property" means the property on which the Project Site is located as identified by an Assessor's Parcel

	Number.
(17)	"Property Diagram" means a diagram to scale of the Property that identifies the following with locations also provided as coordinates in either latitude and longitude or the California Coordinate System:
	(A) The location and size of all existing stream crossings, water diversions, water diversion infrastructure, and water storage facilities of any type on the Property.
	(B) The location of the Project Site on the Property.
	(C) Each river, stream, lake, and other waters on the Property, including springs.
	(D) Sources of water used on the Property and the location of all points of diversion, including pumps and wells.
	(E) Water distribution systems.
	(F) The Assessor's Parcel Number for the Property.
(18)	"Reconstruction" means the major repair or complete replacement of an existing Stream Crossing or Water Diversion where any new structure:
	(A) Will be located on the same site as the structure replaced or repaired and will have substantially the same purpose as the structure replaced or repaired.
	(B) Will minimize or avoid direct and indirect adverse impacts on fish and wildlife resources compared to the existing structure.
(19)	"River" includes stream.
(20)	"Species of Greatest Conservation Need" means "Species of Greatest Conservation Need" that are listed in Appendix C of the California State Wildlife Action Plan 2015 Update, Volume II (http://www.wildlife.ca.gov/SWAP) or meet the definition of "endangered" or "rare" in the California Code of Regulations, title 14, Section 15380.
(21)	"Stream" means any stream or river, including streams or rivers that are dry for periods of time.
(22)	"Stream Crossing" means a bridge, culvert, or rock ford in or over a stream or river, and all fill material within the crossing prism.
(23)	"Take" means "Take" as defined in Section 86 of the Fish and Game Code.
(24)	"Water Diversion" means the act of diverting surface flow or hydrologically connected subsurface flow for use or storage. "Water diversion" includes all infrastructure used to divert (e.g., rock dams, excavation pools in fast-moving water, and wells) or store such flow.
(25)	"Water Storage Facility" means an artificial water storage facility comprised of a bladder, reservoir, or storage tank.
(26)	"Waters of the State" means "State waters" as defined in Section 89.1 of the Fish and Game Code.
	(d) ELIGIBILITY CRITERIA. The General Agreement shall apply to a Covered Activity when the Entity certifies to the department all of the following:
	(1) Each activity for which the Entity is notifying the department under subsection (f) is a Covered Activity.
	(2) Each Covered Activity included in the notification under subsection (f) meets the applicable Design Criteria in subsection (e).
	(3) The Covered Activity will not occur on or in a finfish stream or lake.
	(4) The Covered Activity will not result in take of a Listed or Fully Protected Species.
	(5) The Covered Activity is not the subject of a complaint or order by the department under Section 12025 of the Fish and Game Code, a complaint filed by a city attorney, District Attorney, the Attorney General, or an order by a court.
	(6) If the Entity is seeking authorization under this General Agreement in response to a notice of violation by the department, the authorization will address each violation alleged in the notice.
	(7) The Entity will meet the applicable measures and requirements in subsections (h)–(k).
	(e) DESIGN CRITERIA.
(1)	Bridge.
	(A) Comprised of a single span structure across a stream with all abutments located outside the top of the stream banks.
	(B) Minimally conveys a 100-year peak storm flow with one foot of freeboard.
	(C) Does not prevent, impede, or tend to prevent or impede the passing of fish up and downstream.
	(D) The tops of any abutment footings are below the calculated scour depth.
(2)	Culvert.
	(A) Comprised of a single pipe.
	(B) Sized to minimally convey a 100-year peak storm flow or designed to withstand a 100-year peak storm flow.
	(C) Aligned within the channel and otherwise engineered, installed, and maintained to prevent washout and erosion of the streambed, stream banks, and fill.
	(D) Embedded below the natural channel grade to facilitate substrate deposition on the culvert floor. Where physical conditions preclude embedment (e.g., channels composed of bedrock or large boulders), the maximum slope of the culvert must be 0.5 percent with no hydraulic drop at the outlet.
	(E) Extended lengthwise completely beyond the toe of fill.
	(F) Set to the natural stream grade of the stream reach, if feasible based on the composition of the affected streambed.
	(G) Inlets, outlets (including the outfall area), and fill faces are armored using rock where stream flow, road runoff, or rainfall is likely to cause erosion.
	(H) Open bottom culverts are placed on footings excavated below the calculated scour depth.
	(I) Corrugated metal pipe is used in areas of high to very high fire hazard as indicated by CAL FIRE Fire Hazard Severity Zone Maps.
	(J) Does not prevent, impede, or tend to prevent or impede the passing of fish up and downstream.
(3)	Rock Ford.
	(A) Located in a stable stream reach with a coarse gravel and cobble streambed.
	(B) Oriented perpendicular to flow and designed to maintain the range of surface flows that occur in the stream.
	(C) Constructed using rock that can withstand streambed and bank erosion by the expected range of flow velocities.
	(D) Does not contain concrete or asphalt in any form.
	(E) Does not prevent, impede, or tend to prevent or impede the passing of fish up and downstream.

(4)	Water Diversion.
(A)	Water diverted at each place or point of diversion does not exceed an instantaneous diversion rate of 10 gallons per minute and shall bypass a minimum 50 percent of the surface flow past the point of diversion, as estimated based on visually observing surface water flow at least daily.
(B)	Water Diversion intakes, including intakes for water trucks, shall be fitted with a commercially available water pump strainer designed for use in aquatic environments that is securely attached to the intake.
(C)	All infrastructure used to intercept surface flow, such as rock dams, does not prevent, impede, or tend to prevent or impede the passing of fish up and downstream.
(D)	Water diverted to storage for cannabis cultivation does not exceed five acre-feet per year and is stored in a Water Storage Facility ("WSF") that meets the following criteria:
	1. Located off-stream and outside the active 100-year floodplain.
	2. Is not used to store or mix chemicals.
	3. If the WSF is a reservoir:
	a. Artificially constructed, off-stream water body not exceeding five acre-feet of storage, designed by a Licensed Professional.
	b. No hydrologic connectivity to upstream surface waters.
	c. The overflow outlet is designed and located to prevent erosion in case of overtopping.
	d. Constructed and operated in a manner that enables wildlife to exit the waterbody.
	4. If the WSF is a bladder, the WSF includes a secondary containment structure that will contain 110 percent of water volume in case of bladder failure and will enable wildlife to escape the structure.
	5. If the WSF is a tank:
	a. Enclosed (i.e., no open top).
	b. Made of rigid material, such as metal or high-density polyethylene, designed to hold water.
	c. Piping includes backflow prevention devices to minimize backflow and cross contamination, for example, from mixing tanks.
(f) NOTIFICATION AND FEE REQUIREMENTS. To seek authorization to conduct a Covered Activity under the General Agreement, the Entity must go to the website for the department's Lake and Streambed Alteration Program at: https://www.wildlife.ca.gov/Conservation/LSA , and follow the links and instructions to apply for authorization. To apply for authorization, the Entity must provide the information specified in subsection (f)(1) ("Notification"), make the certifications described in subsection (f)(2) ("Certifications"), and when applicable, pay the fee(s) as specified in subsection (f)(3) below.	
(1)	Information. The Entity must provide to the department the information described below for each Covered Activity for the purpose of seeking authorization to conduct the Covered Activity under this General Agreement.
(A)	The name, mailing address, telephone and fax numbers, and email address of the following individuals:
	1. The Entity.
	2. The Entity's designated representative or contact person, if applicable.
	3. The Property owner if different from the Entity.
	4. The Biologist who prepared the Biological Resources Assessment.
	5. The Licensed Professional who prepared the Design Plan, if a Design Plan is required.
(B)	Information for the purpose of calculating the total fee, including the cost of each Covered Activity and the fee for each.
(C)	Whether the Covered Activity is the subject of a notice of violation by the department; a complaint or order by the department under Section 12025 of the Fish and Game Code; a complaint by a city attorney, District Attorney, or the Attorney General; or an order or notice by a court or agency other than the department, and information regarding the notice, complaint, or order.
(D)	Location of the Project Site, including the address or description of the location with reference to the nearest city or town; the county; driving directions from a major road or highway; the name of the stream or lake in or near where the Covered Activity will occur; the watercourse or waterbody to which the stream or lake is tributary; the USGS 7.5 Minute Quad Map Name, the Township, Range, Section, 1/4 Section, and Meridian; coordinates, such as latitude/longitude and UTM; and the Assessor's Parcel Number for the Property the Project Site is located on.
(E)	The type of Covered Activity (i.e., bridge, culvert, rock ford, or water diversion).
(F)	A description of the Covered Activity.
(G)	Information to confirm the Covered Activity meets the Eligibility and Design Criteria in subsections (d) and (e) and to confirm the Entity is able to and will meet the applicable measures and requirements in subsections (h)–(k).
(H)	Information regarding any temporary or annual license the California Department of Food and Agriculture has issued to the Entity, or that the Entity has applied or will apply for, that authorizes or would authorize the Cannabis Cultivation the Covered Activity relates to.
(I)	Whether the Covered Activity would be a new activity or is an existing activity.
(J)	Information regarding the Entity's Water Diversion.
(2)	Certification. The Entity must certify the following:
(A)	The Entity has in its possession the following documents:
	1. A Biological Resources Assessment
	2. A Design Plan for the construction or Reconstruction of each Stream Crossing or reservoir.
	3. A Property Diagram.
(B)	The Covered Activity and Entity meet the Eligibility Criteria in subsection (d), relying in part on the Biological Resources Assessment and, where applicable, the Design Plan.
(3)	Fees.
(A)	The Entity must pay a fee in the amount the Entity would need to pay for a Standard Agreement for a term of five years or less, as specified in the department's fee schedule for lake and streambed alteration agreements in the California Code of Regulations, section 699.5, subdivision (b).
(B)	The Entity must also pay a remediation fee specified in Section 699.5, subdivision (i), if applicable.
(4)	A Notification made to the department under this subsection may include more than one Covered Activity.
(g) AUTHORIZATION. Upon receipt of the Notification, Certifications, and applicable fee(s) specified in subsection (f), the department shall authorize the Covered Activity or Activities described in the	

Notification by providing notice to the Entity.

(h) ADMINISTRATIVE MEASURES.	
(1)	Documentation at Project Site: Permittee shall make the following documents available to all persons conducting the Authorized Activity at the Project Site on behalf of Permittee, including, but not limited to, contractors, subcontractors, inspectors, and monitors, and shall present these documents to any department or other governmental agency employee upon the employee's request:
(A)	The department's authorization under subsection (g) and the information provided by the Entity to the department pursuant to subsection (f)(1).
(B)	Any approval by a local, state, or federal agency that relates to the Authorized Activity, including a temporary or annual cannabis cultivation license issued by the California Department of Food and Agriculture.
(C)	Biological Resources Assessment.
(D)	Any Design Plan.
(E)	Property Diagram.
(F)	Each survey, plan, and report described in subsections (i), (j), and (k).
(2)	Document Submittal. Permittee shall electronically submit to the department a copy of the Biological Resources Assessment, Design Plan, and Property Diagram within 90 days of receiving authorization from the department under subsection (g). The documents shall be submitted to the department through the department's Lake and Streambed Alteration Programs at: https://www.wildlife.ca.gov/Conservation/LSA/ .
(3)	Notice to Cease Authorized Activity. Permittee shall cease an Authorized Activity if the department notifies Permittee in writing that the activity is adversely affecting fish and wildlife resources. This includes, but is not limited to, information made available to the department that indicates that bypass flows or diversion rates under this General Agreement are not keeping aquatic life downstream in good condition or avoiding take of Listed or Fully Protected Species.
(4)	Take. This General Agreement does not authorize take of a Listed or Fully Protected Species, and compliance with this General Agreement does not ensure that take will be avoided in all circumstances. Permittee remains responsible for complying with all provisions in the Fish and Game Code that pertain to take of Listed and Fully Protected Species, including Sections 2080 et seq., 3503, 3503.5, 3511, 3513, 4700, 5050, and 5515.
(5)	Access to Project Site. Permittee shall allow department employees access to the Project Site to inspect or monitor any Authorized Activity. Inspection and monitoring shall be conducted between the standard business hours of 8:00 a.m. and 5:00 p.m. (Pacific Standard Time) or at other reasonable times as mutually agreed to by the department and the Permittee. Prior notice of inspection is not required.
(i) GENERAL MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES.	
(1)	Work Periods. Permittee may only conduct work on or within the bed, bank, or channel of a stream or lake from June 15 to October 15.
(2)	Work in Dry Weather Only. Permittee shall cease the Authorized Activity when the National Weather Service ("NWS") 72-hour weather forecast indicates a 30 percent chance or higher of precipitation. Permittee shall implement all necessary erosion control measures prior to the onset of precipitation and remove construction equipment and materials if precipitation is likely. Work activity halted due to precipitation may resume when the NWS 72-hour weather forecast indicates less than a 30 percent chance of precipitation. No Authorized Activity shall occur during a dry-out period of 24 hours after wet weather. Permittee shall provide documentation of weather forecasts upon the department's request.
(3)	Wildlife.
(A)	Leave Wildlife Unharmd. 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.
(B)	Habitat Elements. Permittee shall take measures to minimize disturbance to aquatic and riparian habitat elements such as pools and structures including large wood or vegetation that overhangs the channel.
(C)	Check for Wildlife. Every day, prior to beginning any construction work, Permittee shall visually check all sections of pipe/construction materials and associated work equipment for the presence of wildlife sheltering in them. Alternatively, the ends of any pipes may be capped while stored on site to prevent wildlife from entering.
(D)	Escape Ramp in Trench. At the end of each workday, Permittee shall place an escape ramp at each end of any open trench to allow wildlife that may have become entrapped in the trench to escape. The ramp may be constructed of dirt, wood planking, or other suitable material and shall be placed at an angle no greater than 30 degrees.
(E)	Nest/Den Surveys. If construction, grading, vegetation removal, or other Authorized Activity is scheduled between February 1 and August 31, a Biologist shall conduct a focused survey for nests and dens of birds and mammals within seven days prior to beginning the Authorized Activity. If a nest or den is found, Permittee shall consult with the department before commencing the Authorized Activity. Any time there is a lapse in the Authorized Activity of seven days or longer, a Biologist shall conduct another focused survey.
(F)	Active Nest/Den Buffers. If a nest or den is found during any survey, the Biologist shall establish a protective buffer and ensure appropriate action is taken to avoid or minimize impacts on the birds or mammals while the nest or den is occupied, during the Authorized Activity.
	1. The buffer distance must be site-specific and adequate to protect normal animal behavior to prevent reproductive failure or nest/den abandonment, as determined by the Biologist. To meet this objective, the Biologist shall determine the buffer distance after the Biologist conducts field investigations that evaluate the apparent distress of the animal(s) in the presence of people or equipment at various distances.
	2. Abnormal nesting or denning behaviors that might cause reproductive harm include, but are not limited to, defensive movements, flights, or vocalizations directed towards work personnel, standing up from a brooding position, and moving or flying away from the nest or den. The Biologist shall have authority to order cessation of the Authorized Activity if the nesting animal exhibits abnormal behavior that could cause reproductive failure (i.e., nest or den abandonment and loss of eggs or young) until an appropriate buffer is established.
(4)	Vegetation.
(A)	Minimum Vegetation Removal. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.

	<p>(B) Plant Species of Greatest Conservation Need. If the Biologist finds at the Project Site a population of any plant designated as a Species of Greatest Conservation Need, or determines the plant may be present, based, for example, on habitat types or other cues, the Biologist shall establish a protective buffer and ensure appropriate action is taken to avoid or minimize impacts on the plants during the Authorized Activity.</p> <p>1. The buffer distance must be site-specific and adequate to protect the plants, as determined by the Biologist.</p>
(5)	<p>Temporary Dewatering and Flow Bypass.</p> <p>(A) When the Authorized Activity occurs in a flowing stream, Permittee shall divert the stream flow around or through the work area during the Authorized Activity.</p> <p>(B) Sufficient Flow Downstream. Permittee shall allow sufficient flow at all times to pass downstream for purposes of maintaining aquatic life.</p> <p>(C) Minimize Turbidity, Siltation, and Pollution. Permittee shall use only clean, nonerrodible materials, such as rock or sandbags that do not contain soil or fine sediment, to construct any temporary stream flow bypass. Permittee shall divert stream flow around the work site in a manner that minimizes turbidity, siltation, and pollution, and does not result in erosion or scour downstream of the diversion.</p> <p>(D) Remove any Materials upon Completion. Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.</p> <p>(E) Restore Natural Flow. Permittee shall restore the natural stream flow pattern immediately upon completion of the Authorized Activity.</p>
(6)	<p>Herbicide and Pesticide Use.</p> <p>(A) Avoid Waters of the State. Permittee shall not use chemical herbicides or pesticides, including chemical rodenticides, that are deleterious to fish, plant life, mammals, or bird life, where they may pass into the waters of the state.</p> <p>(B) No Chemical Rodenticides. Permittee shall not treat areas considered suitable habitat for Species of Greatest Conservation Need or areas with suspected occupied nesting or denning habitats with chemical rodenticides at the Project Site.</p>
(7)	<p>Erosion Control and Pollution.</p> <p>(A) Erosion Control. Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.</p> <p>(B) Seed and Mulch. Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed-free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.</p> <p>(C) Erosion and Sediment Barriers. Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment and/or replacement of damaged sediment fencing, coir logs, coir rolls, and/or straw bale dikes. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.</p> <p>(D) Fill Material. Fill materials placed in the stream channel shall be adequate to withstand high stream flow and shall consist of clean, non-errodible, silt-free material. All fill material shall be free from any substance or material deleterious to fish and wildlife (e.g., corrosive, combustible, noxious, or reactive materials). Permittee shall not use asphalt, rebar, or concrete as fill material.</p> <p>(E) Prohibition on Use of Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or bio-degradable 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.</p> <p>(F) Site Maintenance. Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable.</p> <p>(G) Removal, Storage, and Disposal of Fill, Spoil Piles, and Debris. Permittee shall remove all excavated fill, spoil piles, and debris from any stream, lake, or other Waters of the State and place it in stable upland locations where it cannot discharge into such waters, or dispose of it according to state and local laws and ordinances.</p> <p>(H) Cover Spoil Piles. Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.</p> <p>(I) Stockpiled Materials. Permittee shall not stockpile or store any building materials and/or construction materials where they may be washed or percolate into a stream, lake, or other Waters of the State, or where they may adversely affect stream habitat or aquatic or riparian vegetation.</p> <p>(J) No Dumping. Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.</p> <p>(K) Debris Removal. Permittee shall pick up all debris and waste daily, and shall dispose of it according to local and state law.</p> <p>(L) Wash Water. Permittee shall not allow water containing mud, sediment, or other pollutants from equipment washing or other activities to enter a stream, lake, or other Waters of the State.</p> <p>(M) Staging and Storage. Permittee shall not stage or store any equipment, materials, fuels, lubricants, solvents, or hazardous or toxic materials where they may enter a stream or lake, or where they have potential to enter a stream, lake, or other Waters of the State (e.g., through storm water runoff or percolation). Equipment shall be positioned over drip pans. Stationary heavy equipment shall have suitable containment to handle a catastrophic spill/leak.</p> <p>(N) Equipment Maintenance and Fueling. Permittee shall not conduct any maintenance activity or refuel</p>

	equipment in any location where the petroleum products or other pollutants may enter a stream, lake, or other Waters of the State.
(8)	Hazardous Materials and Spills.
(A)	Toxic Materials. Permittee shall store any hazardous or toxic materials that could be deleterious to aquatic life in accordance with all applicable federal, state, and local laws and ordinances.
(B)	Hazardous Substances. Permittee shall prevent raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substance that could be hazardous to aquatic life from contaminating the soil or entering a stream or lake. Permittee shall immediately remove any of these materials placed within, or where they may enter, a stream or lake or other Waters of the State.
(C)	Cleanup and Containment. In the case of a spill, Permittee shall immediately notify the California Office of Emergency Services State Warning Center at 1-800-852-7550 and immediately initiate clean-up activities. The local department Regional Office shall be notified of clean-up procedures.
(9)	Invasive Species Control. Permittee shall conduct the Authorized Activity in a manner that prevents the introduction, transfer, and spread of invasive species from one work site or waterbody to another by following the requirements below.
(A)	Decontamination of Work Equipment. Permittee shall inspect and decontaminate all tools, waders, boots, and other work-related equipment that will enter water prior to entering and exiting the work site and/or between each use in different waterbodies to avoid the introduction and transfer of organisms between waterbodies. Permittee shall decontaminate project gear and equipment using one of three methods: <ol style="list-style-type: none"> 1. Drying: Permittee shall allow equipment to dry thoroughly (i.e., until there is a complete absence of water), preferably in the sun, and keep the equipment dry for a minimum of 48 hours. 2. Hot water soak: Permittee shall immerse equipment in 140°F or hotter water and soak, completely submerged, for a minimum of five minutes. 3. Freezing, as appropriate to the type of gear or equipment: Permittee shall place equipment in a freezer 32°F or colder for a minimum of eight hours. <p>For all methods, Permittee shall begin the decontamination process by thoroughly scrubbing equipment, paying close attention to small crevices such as bootlaces, seams, and net corners, with a stiff-bristled brush to remove all organisms. Repeat decontamination is required only if the equipment or clothing is removed from the Project Site, used within a different waterbody, and returned to the Project Site or different waterbody.</p>
(B)	Decontamination of Larger Vehicles. Permittee shall decontaminate vehicles and other Covered Activity-related equipment too large to immerse in a hot water bath by pressure washing with hot water at a minimum temperature of 140°F at the point of contact or 155°F at the nozzle. Following the hot water wash, Permittee shall drain water and dry all vehicles and other large equipment as thoroughly as possible.
(C)	Decontamination Sites. Permittee shall perform decontamination of vehicles, tools, waders and boots, and other project-related equipment in a designated location where runoff can be contained and not allowed to pass into a stream, lake, or other Waters of the State, or other sensitive habitat areas.
(j)	SPECIFIC MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES.
(1)	All Stream Crossings.
(A)	Road Approaches. Permittee shall maintain Stream Crossings to minimize erosion and sediment delivery to the stream, lake, or other Waters of the State. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed.
(B)	Vegetation Management. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of Stream Crossing maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides.
(C)	Time Period for Reconstruction. Reconstruction must be completed within one calendar year from the date the department authorizes the Covered Activity under this General Agreement, unless the department extends the one-year time period at its sole discretion.
(2)	Bridges.
(A)	Concrete Abutments – Primary Containment. Permittee shall install the necessary containment structures for concrete bridge abutments to control the placement of wet concrete and to prevent it from entering into the bed, bank, or channel outside of these structures.
(B)	Concrete Abutments – Secondary Containment. Permittee shall install a secondary containment structure between the primary containment structures to prevent wet concrete from entering into the stream upon failure or leak of the primary structures.
(C)	Concrete Abutments – Designated Monitor. Permittee shall designate a monitor to inspect containment structures and ensure there is no failure of containment structures when pouring or working with wet concrete placed for bridge abutments.
(D)	Concrete Washout. Permittee shall ensure that concrete washout occurs in a designated and appropriately prepared area outside the active 100-year floodplain. Permittee shall not allow wash water or debris to enter the stream or riparian area. Permittee shall inspect concrete washout facilities daily and after rain to check for leaks and damage to linings and sidewalls caused by construction activities.
(3)	Culverts.
(A)	Concrete. Permittee shall ensure poured concrete is excluded from the wetted channel for a period of at least 30 days. Permittee shall not allow runoff from the concrete to enter a stream and shall ensure it is disposed of properly.
(B)	Concrete Sealant. Permittee may apply sealants to the poured concrete surface where it may be difficult to exclude water flow for a long period. If sealant is used, Permittee shall exclude water from the site until the sealant is dry.
(C)	Culvert Maintenance. Permittee shall maintain culverts and keep them clear of debris. Such work shall maintain culvert location design and materials. Maintenance does not include replacement.
(4)	Water Diversions.
(A)	Season of Diversion. After October 31, 2018, Permittee shall confine the period of diversion to December 15 through March 31.
(B)	Water Storage and Control. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity. Water shall not leak, overflow, or overtop WSFs at any time. Permittee

	shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
(C)	Diversion Intakes. Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
(D)	Underground Water Diversion Infrastructure. Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot below the streambed.
(E)	Diversion Maintenance. Permittee shall inspect, maintain, and clean intake strainers and bypass structures as necessary to ensure proper operation for the protection of non-fish and wildlife.
(F)	Bypass Flow. Permittee shall ensure that Permittee's diversion facility passes sufficient flow at all times to keep fish below the facility in good condition. If at any time the diversion rate identified in subsection (e)(4)(A) cannot be maintained, Permittee shall cease diversion and all natural flow shall be allowed to bypass the point of diversion.
(G)	Diversion Materials. Permittee shall not use or construct the diversion structure with materials deleterious to fish or wildlife, including, but not limited to, particle board, plastic sheeting, bentonite, pressure treated lumber, creosote, concrete, or asphalt.
(H)	Diversion Monitoring. Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. The device shall be installed within the flow of diverted water. Permittee shall maintain records of diversion with:
	1. The date and time diversion occurred, and
	2. The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
	3. Permittee shall make available for review at the request of the department the daily diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).
(I)	Invasive Species Management for Reservoirs. Permittee shall implement an invasive species management plan prepared by a Biologist for any existing or proposed reservoir. The plan shall include, at a minimum, an annual survey for invasive aquatic species. The Biologist, if appropriate, shall implement eradication measures if invasive aquatic species are identified as part of the survey.
(J)	No Stocking. Stocking of fish, wildlife, or plant of any kind, in any Waters of the State, including reservoirs, shall be prohibited without written permission from the department pursuant to Section 6400 of the Fish and Game Code.
(k)	REPORTING REQUIREMENTS. Permittee shall submit the reports described below in electronic form to the department through the website for the department's Lake and Streambed Alteration Program at: https://www.wildlife.ca.gov/Conservation/LSA/ .
(1)	Project Completion Report. Permittee shall submit to the department a Project Completion Report for any Authorized Activity that includes construction within 30 days of completing the activity. The report shall include the following:
(A)	The beginning and ending dates of the Authorized Activity.
(B)	Before and after photographs. Photographs shall include the staging area, access area, and stream facing upstream, downstream, and perpendicular.
(2)	Water Diversion and Use Reports. For each Water Diversion, Permittee shall submit to the department a copy of each report Permittee must submit to the Board, in accordance with Sections 910-938 of Title 23 of the California Code of Regulations, on the same date Permittee submits the report to the Board while the Water Diversion is authorized under this General Agreement.
(3)	California Natural Diversity Database Observations. Permittee shall submit all observations of Species of Greatest Conservation Need to the department's California Natural Diversity Database at: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data .
(l)	LIABILITY. Permittee shall be solely liable for any violations of the measures and requirements herein that apply to the Authorized Activity, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors to complete or conduct the Authorized Activity.
(m)	SUSPENSION AND REVOCATION.
(1)	The department may suspend or revoke in its entirety the department's authorization of a Permittee's Covered Activity if the department determines that:
(A)	Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not acting in compliance with this General Agreement. Noncompliance may include, but is not limited to, failure of Permittee to implement the Authorized Activity as prescribed in this General Agreement, or
(B)	The Authorized Activity was not eligible under the General Agreement.
(2)	Nothing herein precludes the department from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking the department's authorization of a Permittee's Covered Activity.
(n)	PERIOD OF AUTHORIZATION.
(1)	Authorization of a Covered Activity under this General Agreement shall expire five years after the date the department authorizes the activity under subsection (g), unless the department extends the period of authorization prior to expiration.
(2)	Upon expiration of the department's authorization, Permittee shall be responsible for complying with Section 1602 of the Fish and Game Code before continuing the activity.

Reviewer

CDFW Reviewer:

Applicant Proposing Project

Provide the name, mailing address, telephone number, and e-mail address of the applicant proposing the project. The applicant is responsible for complying with the terms and conditions of the agreement.
Name:*

Jon	M	Crough
<small>First Name</small>	<small>Middle Initial</small>	<small>Last Name</small>

Business/Agency:

Mailing Address:*	PO Box 534		
	Garberville	California	95542
	<small>City*</small>	<small>State*</small>	<small>Zip*</small>

Phone Number:* 707-798-7278

Email:* greencrowllc@gmail.com

Contact Person

Is the 'Contact Person' the same person as the 'Applicant Proposing Project'?

Response:* No

Provide the name, title or position, mailing address, telephone number, and e-mail address of the person CDFW should contact regarding the proposed project, if different from the applicant proposing the project.

Name:*

David	T	Nicoletti
<small>First Name</small>	<small>Middle Initial</small>	<small>Last Name</small>

Business/Agency: DTN Engineering

Title/Position:

Mailing Address:* 2731 K Street Unit A

Eureka	California	95501
<small>City*</small>	<small>State*</small>	<small>Zip*</small>

Phone Number:* 916-215-7769

Email:* dnicoletti@dtngineering.com

Do you authorize the agent above to represent you as your Designated Representative?

While an Applicant is legally responsible for complying with Fish and Game Code section 1602 and all measures and conditions of a final agreement, an Applicant may designate and authorize an agent (e.g., lawyer, consultant, or other individual) to act as Designated Representative. The Designated Representative is authorized to sign the notification and any agreement on behalf of the Applicant.

Yes

Response:*

Property Owner

Is the 'Property Owner' the same person as the 'Applicant Proposing Project'?

Response:* Yes

Provide the name, mailing address, telephone number, and e-mail address of the owner of the property where the project activities will take place, if different from the applicant proposing the project.

First Name Middle Initial Last Name

Name:*

City:* California

State* Zip*

Covered Activities and Project Site Location

Covered Activities and Project Site Location 1	
<p>Provide a name for each "Covered Activity" for which you are seeking authorization under the General Agreement. Use a name that best describes the Covered Activity. For example, if the Covered Activity is the installation of a culvert, you might name the Covered Activity "Culvert Installation A".</p> <p>Name of Covered Activity:*</p>	Culvert 1
<p>Provide the type of Covered Activity associated with the Name of the Covered Activity. If you do not see the type of Covered Activity for which you are seeking authorization, you <u>do not qualify</u> for the General Agreement. Return to the Main Menu and select Notify for Standard Agreement.</p> <p>Type of Covered Activity:*</p>	Stream Crossing - Culvert
Work Type:*	Reconstruction
<p>Specify the method of how the water is being diverted from the water source.</p> <p>Note: The method of diversion includes the infrastructure used to intercept surface flow.</p> <p>Method of Diversion:*</p>	
Specific Method:*	
Specific Method:*	
Specific Method:*	
Specific Method:*	
Describe Other: *	
Response:*	Existing
<p>Provide a detailed description of the Covered Activity.</p>	Replace the existing 36" culvert with a 72" culvert

<p>Include any channel clearing activities such as instream sediment or vegetation removal. Covered Activity Description:*</p>	
<p>Provide the GPS location (latitude and longitude) of the Project Site or Sites. For example, if your Covered Activity is the construction of a culvert, the Project Site is the physical location (i.e., GPS location) where the culvert will be constructed. If your project includes multiple Covered Activities, include the GPS location for each Covered Activity. For example, if your project includes the installation of a culvert, the construction of a bridge, and a water diversion, include the GPS location for the culvert, bridge, and point of diversion. Access Google Maps Help to find your GPS latitude or longitude coordinates. GPS Coordinates:*</p>	<p>40.052089</p>
<p>Longitude:*</p>	<p>-123.77023</p>
<p>Street Address?*</p>	<p>Yes</p>
<p>Provide the street address where the activity will take place. Activity Address:*</p>	<p>789 Fish Canyon Rd</p>
<p></p>	<p>Garberville</p>
<p>Zip Code:</p>	<p>95542</p>
<p>If there is no street address:</p> <ul style="list-style-type: none"> Provide a description of the location where the Covered Activity will take place with reference to the nearest city or town. Provide driving directions from a major road or highway. Provide a map that marks the location of the Covered Activity and denotes a north arrow and map scale in the Documents and Maps form. <p>Activity Location Description:*</p>	
<p>Provide the name of the county where the activity will take place. County: *</p>	<p>Humboldt County</p>
<p>Assessor's Parcel Number can be found on deeds and tax records. Activity APN:*</p>	
<p>Assessor's Parcel</p>	

occur. If the river, stream or lake is unnamed, please select "unnamed stream or lake" in the drop-down box. The following websites may assist you in identifying the name of the stream or lake in or near the project.

- [EPA Maps](#)
- [USGS The National Map](#)

Disclaimer – CDFW cannot and does not portray the links provided above as an exhaustive and comprehensive inventory of all river, streams, or lakes statewide. Field verification will always be an important obligation of the applicant.
River, Stream, or Lake Affected:*

Describe Other:*

Provide the watercourse or waterbody to which the stream or lake identified above is tributary.

- [EPA Maps](#)
- [USGS The National Map](#)

Disclaimer – CDFW cannot and does not portray the links provided above as an exhaustive and comprehensive inventory of all river, streams, or lakes statewide. Field verification will always be an important obligation of the applicant.

Fish Creek

Waterbody Tributary:*

Describe Other:*

Covered Activities and Project Site Location 2

Provide a name for each "Covered Activity" for which you are seeking authorization under the General Agreement. Use a name that best describes the Covered Activity. For example, if the Covered Activity is the installation of a culvert, you might name the Covered Activity "Culvert Installation A".
Name of Covered Activity:*

Culvert 2

Provide the type of Covered Activity associated with the Name of the Covered Activity. If you do not see the type of Covered Activity for which you are seeking authorization, you do not qualify for the General Agreement.

Stream Crossing - Culvert

Return to the Main Menu and select Notify for Standard Agreement. Type of Covered Activity:*	
Work Type:*	Reconstruction
<p>Specify the method of how the water is being diverted from the water source.</p> <p><i>Note: The method of diversion includes the infrastructure used to intercept surface flow.</i></p> <p>Method of Diversion:*</p>	
Specific Method:*	
Specific Method:*	
Specific Method:*	
Specific Method:*	
Describe Other: *	
Response:*	Existing
<p>Provide a detailed description of the Covered Activity. Include any channel clearing activities such as instream sediment or vegetation removal.</p> <p>Covered Activity Description:*</p>	Replace exist 18" culvert with a 48" culvert
<p>Provide the GPS location (latitude and longitude) of the Project Site or Sites. For example, if your Covered Activity is the construction of a culvert, the Project Site is the physical location (i.e., GPS location) where the culvert will be constructed. If your project includes multiple Covered Activities, include the GPS location for each Covered Activity. For example, if your project includes the installation of a culvert, the construction of a bridge, and a water diversion, include the GPS location for the culvert, bridge, and point of diversion.</p> <p>Access Google Maps Help to find your GPS latitude or longitude coordinates.</p> <p>GPS Coordinates:*</p>	40.051587
Longitude:*	-123.77018
Street Address?*	Yes
<p>Provide the street address where the activity will take place.</p> <p>Activity Address:*</p>	789 Fish Canyon Rd
	Garberville
Zip Code:	95542
<p>If there is no street address:</p> <ul style="list-style-type: none"> Provide a description of the location where the Covered Activity will take place with 	

<p>reference to the nearest city or town.</p> <ul style="list-style-type: none"> • Provide driving directions from a major road or highway. • Provide a map that marks the location of the Covered Activity and denotes a north arrow and map scale in the Documents and Maps form. <p>Activity Location Description:*</p>	
<p>⑦ Provide the name of the county where the activity will take place. County: *</p>	Humboldt County
<p>⑦ Assessor's Parcel Number can be found on deeds and tax records. Activity APN:*</p>	
<p>⑦ Assessor's Parcel Number can be found on deeds and tax records. Activity APN:*</p>	
<p>⑦ Assessor's Parcel Number can be found on deeds and tax records. Activity APN:*</p>	
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<p>⑦ Assessor's Parcel Number can be found on deeds and tax records. Activity APN:*</p>	033-120-013-000
<p>⑦ Assessor's Parcel Number can be found on deeds and tax records. Activity APN:*</p>	
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Activity APN:*	
<p>⑦ Assessor's Parcel Number can be found on deeds and tax records. Activity APN:*</p>	
<p>⑦ Assessor's Parcel Number can be found on deeds and tax records. Activity APN:*</p>	
<p>⑦ Assessor's Parcel Number can be found on deeds and tax records. Activity APN:*</p>	
<p>⑦ Assessor's Parcel Number can be found on deeds and tax records. Activity APN:*</p>	
<p>⑦ Assessor's Parcel Number can be found on deeds and tax records. Activity APN:*</p>	
<p>⑦ Provide the name of the stream or lake in or near where the Covered Activity will occur. If the river, stream or lake is unnamed, please select "unnamed stream or lake" in the drop-down box. The following websites may assist you in identifying the name of the stream or lake in or near the project.</p> <ul style="list-style-type: none"> • EPA Maps • USGS The National Map <p>Disclaimer – CDFW cannot and does not portray the links provided above as an exhaustive and comprehensive inventory of all river, streams, or lakes statewide. Field verification will always be an important obligation of the applicant. River, Stream, or Lake Affected:*</p>	<p>- Unnamed -</p>
Describe Other:*	
<p>⑦ Provide the watercourse or waterbody to which the stream or lake identified above is tributary.</p> <ul style="list-style-type: none"> • EPA Maps • USGS The National Map <p>Disclaimer – CDFW cannot and does not portray the links provided above as an exhaustive and comprehensive inventory of all river, streams, or lakes statewide. Field verification will always be an important obligation of the applicant. Waterbody Tributary:*</p>	<p>Fish Creek</p>
Describe Other:*	

Eligibility Criteria

Is each activity included in this notification a Covered Activity?

④ "Covered Activity" means the construction, reconstruction, maintenance, or repair of a Stream Crossing or Water Diversion that is used or will be used for the purpose of Cannabis Cultivation for which the Entity is seeking authorization under this General Agreement.

Response:* Yes

Is or will each Covered Activity be used for the purpose of Cannabis Cultivation?

④ "Cannabis Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

Response:* Yes

Does the Covered Activity meet all applicable Design Criteria specified in Section 722, subsection (e), title 14, California Code of Regulations?

Response:* Yes

Will the Covered Activity occur in a stream or lake where finfish are always or seasonally present?

④ "Finfish" means any species of bony fish. Finfish do not include mollusks, crustaceans, amphibians, or invertebrates.

Response:* No

Will the Covered Activity result in Take of a Listed, Candidate, or Fully Protected Species?

④ "Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

Response:* No

Is the Covered Activity the subject of a complaint or order by CDFW under section 12025 of the Fish and Game Code, a complaint filed by a city attorney, District Attorney, the Attorney General or an order by a court?

Response:* No
If Yes, attach a copy of the complaint or order in the Documents and Maps form.

Are you seeking authorization under the General Agreement in response to a notice of violation by CDFW?

Response:* No
If Yes, attach a copy of the NOV in the Documents and Maps form.

Will you meet the applicable measures and requirements specified in Section 722, subsections (h)-(k), title 14, California Code of Regulations?

Response:* Yes

Required Documentation

Biological Resources Assessment

A survey and biological resource report of the Project Site by a biologist, as defined in Section 722, subsection (c)(3), title 14, California Code of Regulations. The Biological Resource Assessment shall do the following:

Identify the presence or potential presence of any Species of Greatest Conservation Need and finfish and their habitat, and invasive species, relying on:

- U.S. Department of Agriculture's Ecoregion Classification system;
- California's Vegetation Classification and Mapping Program macrogroups (based on the National Vegetation Classification System) at <http://www.wildlife.ca.gov/Data/VegCamp>;
- the U.S. Geological Survey's Hydrologic Classification hydrologic unit code 8 at <http://datagateway.nrcs.usda.gov>;
- the U.S. Fish and Wildlife Service's Information for Planning and Consultation at <http://ecos.fws.gov/ipac>;
- and
- the National Marine Fisheries Service's California Species List Tools at http://www.westcoast.fisheries.noaa.gov/maps_data/california_species_list_tools.html.

Is a Biological Resources Assessment in your possession?

Response:* Yes

④ Provide the name, mailing address, telephone number, and email address of the Biologist who prepared the Biological
Mika Cook

Resources Assessment. "Biologist" means a person who meets the following minimum qualifications:

- Possesses a degree in biological or natural resources, or a closely related scientific discipline, from an accredited university.
- Is familiar with Species of Greatest Conservation Need, their home ranges compared to the Project Site, and their local ecology.
- Has experience analyzing project impacts on Species of Greatest Conservation Need and their habitat.
- Is familiar with invasive species prevention and eradication.

Name of Biologist:*

Name of Company:

DTN Engineering

Mailing Address:

2731 K Street Unit A

California

95501

City/Town

State

Zip Code

Phone Number:*

916-215-7769

Email:*

dnicoletti@dtneengineering.com

Property Diagram

A diagram to scale of the Property that identifies the following with locations also provided as coordinates in either latitude and longitude or the California Coordinate System:

- The location and size of all existing stream crossings, water diversions, water diversion infrastructure, and water storage facilities of any type on the Property.
- The location of the Project Site on the Property.
- Each river, stream, lake, and other waters on the Property, including springs.
- Sources of water used on the Property and the location of all points of diversion, including pumps and wells.
- Water distribution systems.
- The Assessor's Parcel Number for the Property.

Is a Property Diagram in your possession?

Response:*

Yes

Stream Crossing/Reservoir

Does your Covered Activity type include construction or reconstruction of a stream crossing (defined as a bridge, culvert, or rock ford in or over a stream or river, and all fill material within the crossing prism) or a reservoir?

Response:*

Yes

Design Plan for Each Stream Crossing or Reservoir

A detailed description of the site-specific design for the construction or reconstruction of a stream crossing or reservoir prescribed by a Licensed Professional that includes drawings, sizing methods, component details, and construction notes that give specific directions on the construction method that will be employed for the work.

Is a Design Plan for Each Stream Crossing/Reservoir in your possession?

Response:*

Yes

Provide the name, mailing address, telephone number, and email address of the Licensed Professional who prepared the Design Plan. "Licensed Professional" means a person licensed under:

- The Professional Engineer Act (Bus. & Prof. Code, §§ 6700-6799),
- The Geologist and Geophysicist Act (Bus. & Prof. Code, §§ 7800-7887),
- The Professional Land Surveyors' Act ((Bus. & Prof. Code, §§ 8700-8805),
- Or the Professional Foresters Law (Pub. Resources Code, §§ 750-783),
- Or a licensed professional hydrologist.

David Nicoletti PE

Name of Licensed Professional:*

Name of Company:

DTN Engineering

Mailing Address:

2731 K Street Unit A

Eureka

California

95501

City/Town

State

Zip Code

Phone Number:*


916-215-7769

Cultivation Operation

Cultivation Operation 1																															
<p>Select Type of Operation for each APN identified in the Property Location form. Type of Operation:*</p>	Existing cannabis cultivation operation																														
<p>The Premises is the designated structure(s) and land specified in the CDFA application that are in possession of and used by the applicant or licensee to conduct the commercial cannabis activity. There may be multiple APNs associated with the premises. Include ALL APNs associated with your CDFA application in this section. Unsure of your property APN? Click here to search by location or address.</p>	033-120-003-000																														
<table border="1"> <thead> <tr> <th>County</th> <th>Tax APN format</th> </tr> </thead> <tbody> <tr> <td>Alameda</td> <td>No Standard Format</td> </tr> <tr> <td>Alpine</td> <td>123-456-789</td> </tr> <tr> <td>Amador</td> <td>123-456-789</td> </tr> <tr> <td>Butte</td> <td>123-456-789</td> </tr> <tr> <td>Calaveras</td> <td>123-456-789-000 (Always ends in "000")</td> </tr> <tr> <td>Colusa</td> <td>123-456-789-000 (Always ends in "000")</td> </tr> <tr> <td>Contra Costa</td> <td>123-456-789-0</td> </tr> <tr> <td>Del Norte</td> <td>123-456-789-000 (Always ends in "000")</td> </tr> <tr> <td>El Dorado</td> <td>123-456-789-000 (Always ends in "000")</td> </tr> <tr> <td>Fresno</td> <td>123-456-78</td> </tr> <tr> <td>Glenn</td> <td>123-456-789-000 (Always ends in "000")</td> </tr> <tr> <td>Humboldt</td> <td>123-456-789-000 (Always ends in "000")</td> </tr> <tr> <td>Imperial</td> <td>123-456-789-000 (Always ends in "000")</td> </tr> <tr> <td>Inyo</td> <td>123-456-789-00 (Ends</td> </tr> </tbody> </table>	County	Tax APN format	Alameda	No Standard Format	Alpine	123-456-789	Amador	123-456-789	Butte	123-456-789	Calaveras	123-456-789-000 (Always ends in "000")	Colusa	123-456-789-000 (Always ends in "000")	Contra Costa	123-456-789-0	Del Norte	123-456-789-000 (Always ends in "000")	El Dorado	123-456-789-000 (Always ends in "000")	Fresno	123-456-78	Glenn	123-456-789-000 (Always ends in "000")	Humboldt	123-456-789-000 (Always ends in "000")	Imperial	123-456-789-000 (Always ends in "000")	Inyo	123-456-789-00 (Ends	
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	"00" or "02" or "03")
Kern	123-456-78-00-1
Kings	123-456-789-000 (Always ends in "000")
Lake	123-456-789-000 (Always ends in "000")
Lassen	123-456-78-11
Los Angeles	1234-567-891
Madera	123-456-789-000 (Always ends in "000")
Marin	123-456-78
Mariposa	123-456-7890
Mendocino	123-456-78-01
Merced	123-456-789-000 (Always ends in "000")
Modoc	123-456-789-000 (Always ends in "000")
Mono	123-456-789-000 (Always ends in "000")
Monterey	123-456-789-000 (Always ends in "000")
Napa	123-456-789-000 (Always ends in "000")
Nevada	123-456-789-000 (Always ends in "000")
Orange	123-456-78
Placer	123-456-789-000 (Always ends in "000")
Plumas	123-456-789-000 (Always ends in "000")
Riverside	123-456-789
Sacramento	123-4567-891-0000 (Always ends in "0000")
San Benito	123-456-789-000 (Always ends in "000")
San Bernardino	1234-567-89-0000 (Always

	ends in "0000")
San Diego	123-456-78-00 (Always ends in "00")
San Francisco	1234-567
San Joaquin	123-456-789-000 (Always ends in "000")
San Luis Obispo	123-456-789
San Mateo	123-456-789
Santa Barbara	123-456-789
Santa Clara	123-45-678
Santa Cruz	123-456-78
Shasta	123-456-789-000 (Always ends in "000")
Sierra	123-456-789-0
Siskiyou	123-456-789-000 (Always ends in "000")
Solano	1234-567-891
Sonoma	123-456-789-000 (Always ends in "000")
Stanislaus	123-456-789-000 (Always ends in "000")
Sutter	12-345-678
Tehama	123-456-789-000 (Always ends in "000")
Trinity	123-456-78-00 (Always ends in "00")
Tulare	123-456-789-000 (Always ends in "000")
Tuolumne	123-456-789-000 (Always ends in "000")
Ventura	123-4-567-891
Yolo	123-456-789-000 (Always ends in "000")
Yuba	123-456-789-000 (Always ends in "000")
Premises APN:*	
CDFA Annual License #:	
CDFA Temporary License #:	
Your WDID number can be found on the	

<p>Notice of Applicability transmitted to you by the Regional Water Quality Control Board or State Water Quality Control Board.</p>  <p>WDID #</p>	
Physical Address?*	Yes
<p>Provide the street address where the cultivation will take place. Cultivation Address:*</p>	789 Fish Canyon Rd
	Garberville
	95542
<p>If there is no street address:</p> <ul style="list-style-type: none"> Provide a description of the location with reference to the nearest city or town. Provide driving directions from a major road or highway. Provide a map that marks the location of the project and denotes a north arrow and map scale in the Documents and Maps form. <p>Cultivation Site Description:*</p>	
<p>Access Google Maps Help to find your GPS latitude or longitude coordinates. GPS Coordinates:*</p>	40.052273
Longitude:*	-123.767921°

Remediation

Documents and Maps

Description:	Attachment:
Plot Plan	JON_033-120-013_PLOT PLAN_7_21.pdf
Culvert Calculations	Culvert Sizing For JC.pdf
Site Management Plan	2_5_20 Green Crows SMP signed.pdf
Rain catchment1	20200507_144521.jpg
Rain catchment2	20200507_144541.jpg
Rain catchment3	20200507_132159.jpg
Rain catchment4	20200507_132824.jpg

General Agreement Fees

Name of Covered Activity:	Type of Covered Activity:	Actual Covered Activity Cost:	Covered Activity Cost Range:	Project Fee:
Culvert 1	Stream Crossing - Culvert	\$22,500.00	\$10,000 to less than \$25,0	

June 2, 2019

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

Dear Humboldt County Planning Department:

The following attached document is an evaluation of an existing, unauthorized timberland conversion which was inspected by Blair Forestry LLC within APN 033-120-013. Please accept this letter as the Registered Professional Forester's (RPF) written report showing sufficient evidence that the converted area was inspected as required by Humboldt County Code, Ordinance No. 2598 & 2599 (CCLUO 2.0 - Commercial Cannabis Land Use Ordinance for both Coastal and Inland Zones), Section 55.4.12.2.4 which states:

"All terms of any permit or exemption approved by the California Department of Forestry and Fire Protection (CAL-FIRE), including a less-than-3-acre-conversion exemption or timberland conversion permit.

Where existing or proposed operations occupy sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to the remedial actions necessary to bring the conversion area into compliance with the provisions of the Forest Practices Act. The Planning Division shall circulate the report to CAL-FIRE for review and comment."

The RPF has exercised due diligence in inspecting and evaluating the past timber conversion and in making recommendations so that the past conversion falls into compliance with the California Forest Practice Rules (CFPRs).

Sincerely,

Thomas Blair RPF#2607



Enclosed: Conversion Evaluation Report, Photos, General Location Map, Timberland Conversion Evaluation Map, CNDDDB Map

Timberland Conversion Evaluation Report

July 2, 2019

As mandated by:

Humboldt County Code, Ordinance No. 2598 & 2599 (CCLUO 2.0 - Commercial Cannabis Land Use Ordinance for both Coastal and Inland Zones), Section 55.4.12.2.4 states:

“All terms of any permit or exemption approved by the California Department of Forestry and Fire Protection (CAL-FIRE), including a less-than-3-acre-conversion exemption or timberland conversion permit.

Where existing or proposed operations occupy sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF’s recommendation as to the remedial actions necessary to bring the conversion area into compliance with the provisions of the Forest Practices Act. The Planning Division shall circulate the report to CAL-FIRE for review and comment.”

Contact Information

1. Timberland Owners(s): Greencrows LLC
2. Timber Owner(s): Greencrows LLC
3. Registered Professional Forester (preparing report): Thomas Blair
RPF Number: 2607
Address: Blair Forestry LLC
PO Box 2517
McKinleyville, CA 95519
Phone: (707) 834-2990

Location of Project

Address: 789 Fish Canyon Rd.
Garberville, CA 95542

Legal Description: Section 6; T5S; R4E; HB&M; Humboldt County

Assessor’s Parcel Numbers (APNs): 033-120-013

Parcel Size: 21.29 acres

Acres Converted: Approximately 0.6 acres

Project Description

Property and Timberland Conversion History

Note: Property boundaries are based on the Humboldt County Assessor's APN parcel map and may vary geographically. Assessor's Parcel data in the GIS mapping program differed slightly geographically. The property background has been summarized using personal accounts of current landowners, historic orthographic photography, Humboldt County Web GIS, and CAL FIRE Watershed Mapper v2.

This conversion evaluation report will focus on unauthorized conversion activities from the last 10 years (since 2008).

There is no publicly accessible Timber Harvest Plan on record from Cal Fire for the subject parcel. When Mr. Crough purchased the property in 2017, two (2) areas totaling approximately 0.6 acres of "timberland" had been previously converted by the prior landowner to non-timbered. These areas are assumed to have been cleared for cannabis cultivation sometime between 2009 and 2012. There are no structures or public utilities on the property as of the site visit.

Timber Stand Description

The landscape around the area of Benbow, California is historically composed of a mix of open meadow habitats, oak woodlands and Douglas-fir dominated timbered areas. The timber stand near the conversion area is dominated by oak woodland consisting of white oak, black, live oak, tanoak and intermittent Douglas-fir, tanoak and madrone. The understory around the conversion areas is well kept and generally free of excessive debris.

The property is located within Humboldt County, which is in the Zone of Infestation for Sudden Oak Death (SOD). No symptoms or signs of SOD were observed during evaluation.

Project Description

The current landowner, Johnathan Crough, purchased the property in 2017. Two areas of the property were converted prior to the current landowner's acquisition of the property (Conversion Sites A and B). Conversion Area A on the eastern and upper side of the property was a mix of true oaks and open prairie. Imagery indicates that this area was patchily forested, and less than 10 trees were cut between 2009 and 2010 to create a contiguous opening. Conversion Area B down lower on the property to the west, consisted of a more Douglas-fir component mixed with oak. Trees were cut at Conversion Area B sometime between 2010 and 2012.

Both timberland conversion sites are on a western facing slope and represents approximately 0.6 acres, which is below the 3-acre maximum Conversion Exemption allowed under 14 CCR 1104.1.

Humboldt County has zoned this parcel Agriculture Exclusive (AE). AE applies to bottomland farms and lands that can be irrigated; also used in upland areas to retain agricultural character. Typical uses include dairy, row crops, orchards, specialty agriculture and horticulture.

A field inspection of the property and conversion area was conducted on April 17, 2019 by representatives of Blair Forestry Consulting LLC. All relevant sites concerning the past conversion areas were examined. Findings from this evaluation are summarized below.

Analysis of Consistency Between Unauthorized Conversion and Applicable California Forest Practice Rules (CFPRs)

Timber Harvesting and Operations

14 CCR 914.1 Felling Practices

14 CCR 914.2 Tractor Operations

14 CCR 914.7 Timber Operations, Winter Period

Because there is no operations plan for the conversion of timberland on this parcel, it is unknown what harvesting practices were used or what time of year operations occurred on either Conversion Area. Timber falling presumably involved chainsaws and tractor skidding associated with grading the sites afterward. There are no apparent negative effects from timber harvesting, operations or timberland conversion activity present at Conversion Areas A or B.

The Conversion Areas appear to have complied with 14 CCR 914.1, 914.2 and 914.7 concerning harvesting and operations.

Roads, Soil Stabilization and Erosion Control

14 CCR Article 12 Logging Roads, Landings, and Logging Road Watercourse Crossings

14 CCR 914.6 Waterbreaks

There are few usable roads on the interior of the property. The eastern entrance of the property off Fish Canyon Rd. (Access Road A) accesses Conversion Area A where it terminates near water tanks. Access to Conversion Area B is through the neighboring parcel on the south.

"Access Road A" leading to Conversion Area A from Fish Canyon Rd. is approximately 550 feet and is rocked. Little surface erosion is observable and generally this road exhibited no signs of improper drainage or sediment movement. "Access Road A" does not pose an imminent erosion hazard. The road accessing Conversion Area B on the neighboring parcel to the south was not assessed.

No scouring or downcutting was observed on surface or fill slopes associated with grading or terracing in Conversion Areas A or B. Conversion Area A and associated roads appears stable. Graded areas are well vegetated and there are no apparent negative erosion control issues resulting from the timberland conversion. Overall, the soils, slope, aspect and climate are suitable for the converted uses. There were no watercourse crossings associated with roads on the parcel.

The conversion areas appear to comply with 14 CCR Article 12 concerning Logging Roads, Landings and Logging Road Watercourse Crossings; 14 CCR 914.6 concerning Waterbreaks.

Watercourses and Water Resources

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

The conversion area is located western facing slope. The areas downslope from the timberland conversion sites were surveyed for the presence of Class I through Class IV waters and domestic water sources. No timber operations were conducted within Watercourse and Lake Protection Zone (WLPZ)

buffers required by Humboldt County or the California Forest Practice Rules. No watercourses or Water Resources appear to have been negatively affected by conversion activities.

The conversion area appears to comply with 14 CCR 1104.1(a)(2)(F) concerning watercourse and water resources.

Hazard Reduction

14 CCR 1104.1(a)(2)(D)(6): "Full slash and woody debris treatment may include any of the following: a. burying; b. chipping and spreading; c. piling and burning; or d. removing slash and woody debris from the site for treatment in compliance with (a)-(b). Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated."

The conversion site and the surrounding timber stand was walked and assessed for debris resulting from timberland conversion activities at Conversion Area A and associated access roads. There is a small residual pile of stacked oak logs associated with conversion activities at Conversion Area A (Observation Site 1). The log pile is old and in advanced state of decay. This was not observed to be an imminent fire hazard, but the landowner was advised to treat it.

Recommendations: Remove and/or cut logs at Observation Site 1 to a minimum of 2 feet in length as per 14 CCR 1104.1(a)(2)(D)(1).

Biological Resources

14 CCR 1104.1 (2)(H): "No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895. 1"

A query of the California Natural Diversity Database (CNDDDB) on June 25, 2019 showed no observations of sensitive, rare, threatened, or endangered species (RTES) or species of special concern (SSC) within Conversion Areas A or B. This does not imply that rare, threatened or endangered plants or animals were not currently, or historically, present in these areas. Without having a biological assessment for these species prior to conversion activities, it is impossible to know if conversion activities negatively affected them.

One (1) Northern spotted owl (NSO) activity center (AC), HUM 0012, is located approximately 1.26 miles southwest of the parcel. The last known occupation of this AC was in 2001 where a pair exhibited nesting behavior. No other RTES or SSCs were observed during the field assessment of the property. A copy of the CNDDDB map generated by this query is included in this report.

Conversion activities did not appear to have altered habitat for other non-listed species of wildlife (i.e. no evidence of felled snags). Only 0.6 acres of forested habitat was converted to non-timberland use likely causing less than significant impact to sensitive species. Additionally, there is abundant wildlife habitat elsewhere on the property in the form of tree cavities, grazing/foraging sites and mast-producing tree species such as oaks.

The conversion area appears to comply with 14 CCR 1104.1 (2)(H). No recommendation is suggested regarding biological resources.

Cultural Resources

14 CCR 1104.1 (2)(1): "No timber operations are allowed on significant historical or archeological sites."

The Garberville area was settled by the Sinkyone groups of native Americans. The overall topography of the parcel was generally on a western facing slope and generally did not exhibit the types of occupation sites often located on trending ridgelines. No archeological sites were observed during the conversion evaluation. All relative Native American entities have been notified of the operation activities.

The conversion area appears to comply with 14 CCR 1104.1 (2)(1). No recommendation is suggested regarding cultural resources.

Summary of Recommendations

Overall, it is the opinion of the RPF that the past unauthorized conversion activities did not entirely meet the standards set forth in the CFPRs and requires the following mitigation recommendations:

1. Hazard Reduction
 - Treat slash and woody debris associated with Conversion Area A (Shown as Observation Point 1 on Conversion Evaluation Map) as described above and in 14 CCR 1104.1(a)(2)(D)(6).

Site Maps

General Location Map: Shows ownership boundary in proximity to recognizable landmarks and general location of conversion within property boundary.

Timberland Conversion Evaluation Map: Location of timber conversion operations, Boundary of the conversion area, location and classification of watercourses, Observation Sites and roads.

California Natural Diversity Database (CNDDDB) Project Location Map: Location of timber conversion in relation to biological resources.

Resources

California Forest Practice Rules 2017. Sacramento: CAL FIRE, 2017. Print.

California Natural Diversity Database. California Department of Fish and Wildlife. Web. <https://www.wildlife.ca.gov/Data/CNDDDB>. Version 5.56.24. Accessed June 29, 2019.

California Native Plant Society, Rare Plant Program. 2019. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org> [accessed May 1, 2019].

Forest Practice Watershed Mapper v2. CAL FIRE. Web. http://egis.fire.ca.gov/watershed_mapper/. Accessed October 3, 2018.

Handbook of North American Indians – Volume 8 – California (Smithsonian Institution 1978)

Humboldt County Web GIS. County of Humboldt. Web. <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>. Accessed January 10, 2019.

Google Earth Pro

Additional Information

Photos



Photo 1: Observation Site 1, Hazard Reduction.



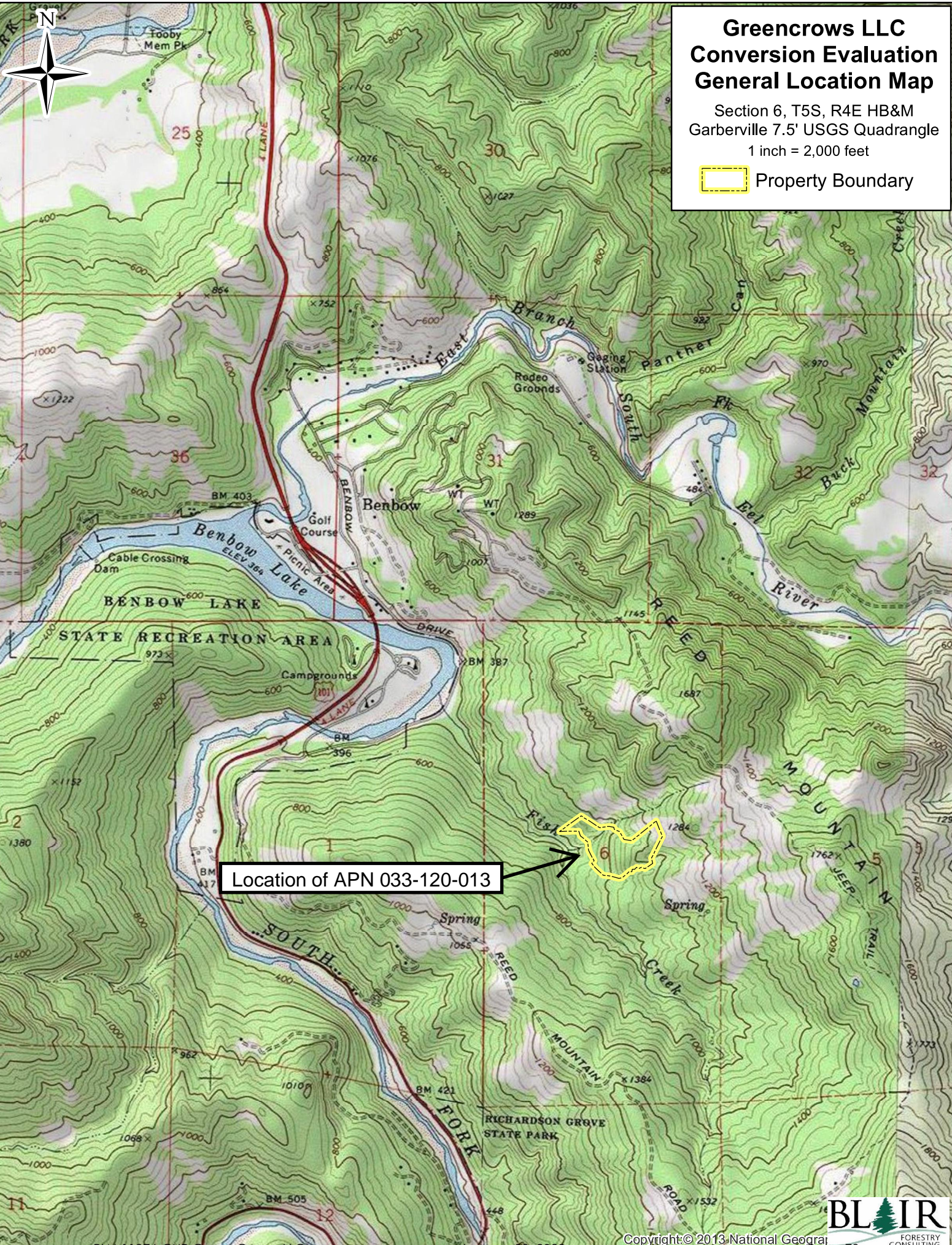
Photo 2: Conversion Area B.



Greencrows LLC Conversion Evaluation General Location Map

Section 6, T5S, R4E HB&M
Garberville 7.5' USGS Quadrangle
1 inch = 2,000 feet

 Property Boundary








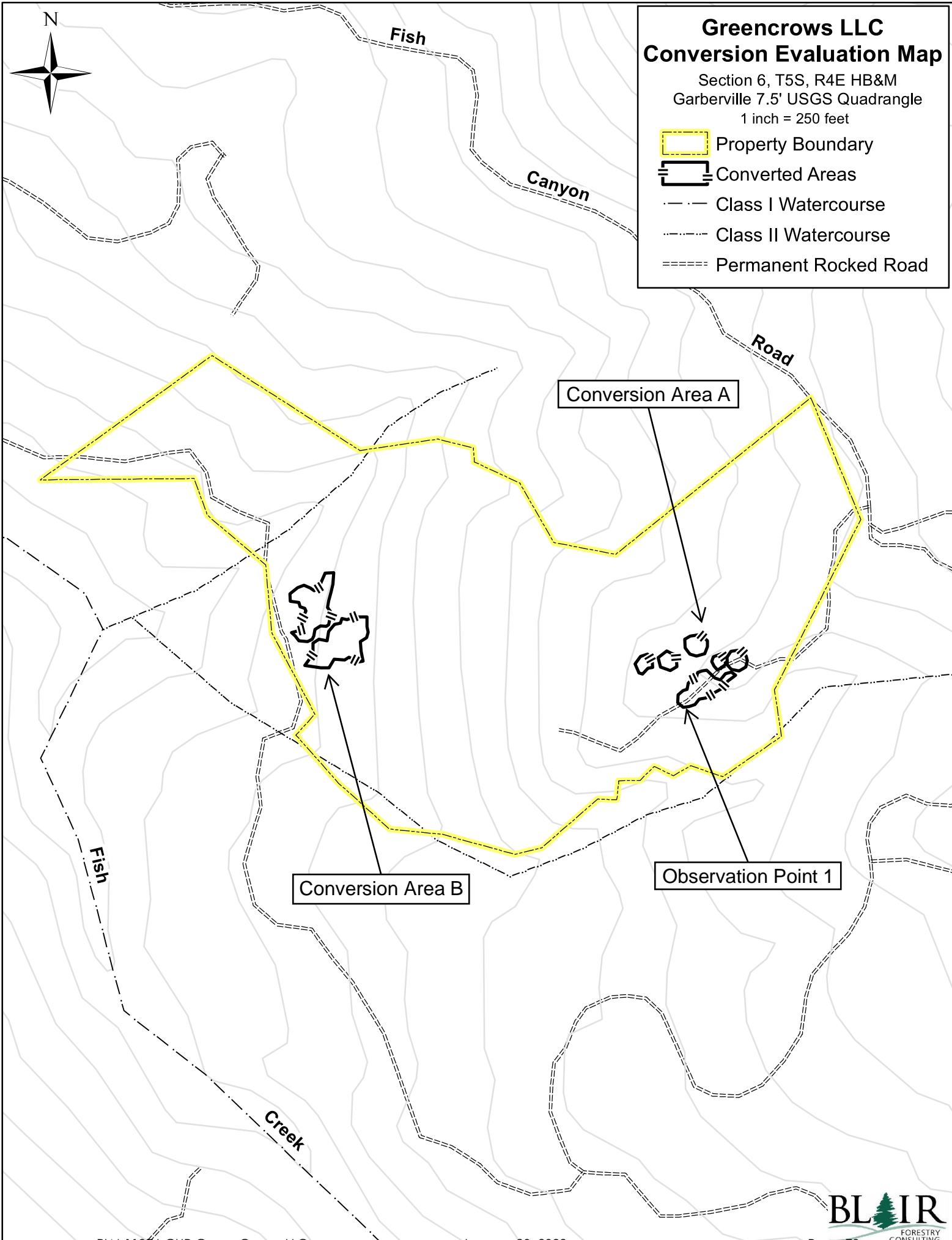
Location of APN 033-120-013



Greencrows LLC Conversion Evaluation Map

Section 6, T5S, R4E HB&M
Garberville 7.5' USGS Quadrangle
1 inch = 250 feet

-  Property Boundary
-  Converted Areas
-  Class I Watercourse
-  Class II Watercourse
-  Permanent Rocked Road



GREEN CROWS

WATER CATCHMENT SYSTEM

1360 Red Rock Rd. Garberville, CA 95542

AREA	Longitude	Latitude	Area	Gallons			
G	-123.766879	40.052321	384	16665.6			
E	-123.766919	40.0521823	1000	43400			
F	-123.766963	40.052076	1230	53382			
#20	-123.766736	40.052059	1000	43400			
#14	-123.766237	40.05269	288	12499.2			
#11	-123.766353	40.052512	280	12152			
Total Water Catchment Surface Area			4182	181498.8	Avg. Catchment capacity		
Average Rainfall				70 inches			
Gallons per sqft per inch				0.62			
Water Storage							
	Longitude	Latitude	map number	qty	Gallons Each	Gallons Total	
Lower Flat	-123.769201	40.052435	1	4	2500	10000	
	-123.769615	40.052702	2	7	3000	21000	
	-123.769893	40.05224	3	4	5000	20000	
	-123.769684	40.052123	5	1	15000	15000	
Upper Flat	-123.76612	40.052556	2	2	3000	6000	
	-123.76745	40.052505	3	16	5000	80000	
	-123.767563	40.052587	4	1	15000	15000	
						167000	Gallons

Greenhouse "E"

- total catchment footprint area (in square feet): **1000**
- total collection capacity (in gallons): **43400 gallons per year**
- a detailed description of the type, nature, and location:
 - Type: **Rainwater Catchment**
 - Nature: **Plastic Covered Greenhouse**
 - Location: **-123.766353, 40.052512**
- photographs of the rain catchment system infrastructure.



Greenhouse "F"

- total catchment footprint area (in square feet): **1230**
- total collection capacity (in gallons): **53382 gallons per year**
- a detailed description of the type, nature, and location:
 - Type: **Rainwater Catchment**
 - Nature: **Plastic Covered Greenhouse**
 - Location: **-123.766353, 40.052512**
- photographs of the rain catchment system infrastructure.



Greenhouse "G"

- total catchment footprint area (in square feet): **270**
- total collection capacity (in gallons): **11718 gallons per year**
- a detailed description
 - Type: **Rainwater Catchment**
 - Nature: **Plastic Covered Greenhouse**
 - Location: **-123.766353, 40.052512**
- photographs of the rain catchment system infrastructure.



Processing Building "11"

- total catchment footprint area (in square feet):
- total collection capacity (in gallons),
- a detailed description of the type, nature, and location
 - Type: **Rainwater Catchment**
 - Nature: **Drying / Storage Structure**
 - Location: **-123.766353, 40.052512**
- photographs of the rain catchment system infrastructure.



Residence "14"

- total catchment footprint area (in square feet): **288**
- total collection capacity (in gallons): **12499.2**
- a detailed description:
 - Type: **Rainwater Catchment**
 - Nature: **Private Residence**
 - Location: **-123.766237, 40.05269**
- photographs of the rain catchment system infrastructure.



Greenhouse "20"

- total catchment footprint area (in square feet): **1000**
- total collection capacity (in gallons): **43400**
- a detailed description
 - Type: **Rainwater Catchment**
 - Nature: **Plastic Covered Greenhouse**
 - Location: **-123.766736, 40.052059**
- photographs of the rain catchment system infrastructure



Water Storage Tanks (Upper Flat)

- total catchment footprint area (in square feet): **0**
- total storage capacity (in gallons): **104,000 gallons**
- a detailed description
 - Type: **Water Storage Tanks**
 - Nature: **3,000 Gallon Plastic Water Tanks**
 - Locations:
 - -123.76612 40.052556
 - -123.76745 40.052505
 - -123.767563 40.052587
- photographs of the rain catchment system infrastructure (see pages below)





Water Storage Tanks (Lower Flat)

- total catchment footprint area (in square feet): **0**
- total storage capacity (in gallons): **63,000 gallons**
- a detailed description
 - Type: **Water Storage Tanks & Bladder**
 - Nature: **15,000 Gal Bladder + 3000 Gal Plastic Water Tanks**
 - Locations:
 - -123.769201 40.052435
 - -123.769615 40.052702
 - -123.769893 40.05224
 - -123.769684 40.052123
- photographs of the rain catchment system infrastructure (see pages below)



ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	On file
CAL FIRE	✓	No Comments	
Garberville Regional Fire Dept.		No Response	
California Department of Fish and Wildlife		No Response	
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria		No Response	
Southern Humboldt Joint Unified School District		No Response	
County Counsel		No Response	
Humboldt County Sheriff	✓	Comments	On file
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	

- Summary
- Project Description
- Workflow
- 1 Referral Assignments
- 2 Planning Information
- 3 GP / Zoning Information
- 4 CEQA
- 5 Camnabis
- Project Tracking
- 6 Referral Task Log (2)
- Fee (10)
- Payment
- Workflow History (40)**
- Comments (19)
- Documents (65)
- Conditions of Approval (0)

A notice was added to this record on 2021-01-08.
 Condition: Severity: Notice
 Total conditions: 1 (Notice: 1)

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Task	Due Date	Assigned Date	Comments
Building Inspections	06/04/2020	06/03/2020	6/3/2020 MM
Assigned to Department	Mican Matheson	Approved with Conditions	Revise and resubmit plot plan to show location of SRA Hydrant locations and its required turnout or turnaround, Show ADA parking and access for proposed Processing facil
Building Department	Mican Matheson	Status Date	
Action by Department	Mican Matheson	06/04/2020	
Start Time	End Time	Hours Spent	
		0.0	
Billable	Overline		
No	No		
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)	
Display E-mail Address in ACA	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA	
No	<input checked="" type="checkbox"/> All ACA Users		

- Record Creator
- Licensed Professional
- Contact
- Owner
- Estimated Hours
- 0.0
- Action Updated
- Workflow Calendar
- Workflow Blockout

Green Crows LLC - CUP Existing 11,711 OD

> Hearing

> 1360 Red Rock Rd
Benbow, CA 95542

> Green Crows LLC

> 17 total Task

11/17/2021 by Laura McClenegan

● 8 completed ○ 2 active



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Condition: Severity: Notice
Total conditions: 1 (Notice: 1)

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Task	Due Date	Assigned Date	Comments
Environmental Health	07/10/2020	06/25/2020	
Assigned to Department Environmental Health	Assigned to Ben Dorf	Status Approved with Conditions	
Action by Department Environmental Health	Action By Ben Dorf	Status Date 06/30/2020	
Start Time	End Time	Hours Spent 0.0	
Billable	Overtime		
No	No		Comments Applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system, or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources.