



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: June 17, 2021

To: Humboldt County Zoning Administrator

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

Subject: **Mother Tree Family Farms, LLC, Special Permits (2)**
Record Number PLN-13138-SP
Assessor's Parcel Number (APN) 208-231-014
Dinsmore Area

Table of Contents	Page
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	6
Maps	
Topo Map	10
Zoning Map	11
Aerial Map	12
Site Plans	13
Attachments	
Attachment 1: Recommended Conditions of Approval	14
Attachment 2: CEQA Addendum	21
Attachment 3: Applicant's Evidence in Support of the Required Findings	25
Attachment 4: Referral Agency Comments and Recommendations	100

Please contact Jordan Mayor, 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	Subject	Contact
June 17, 2021	Special Permits	Jordan Mayor

Project Description: Mother Tree Family Farms, LLC, seeks a Special Permit for an existing 10,000-square-foot (SF) outdoor light-deprivation cannabis cultivation operation in greenhouses. Irrigation water is provided by a 200-foot-deep permitted well and 9,000 gallons of storage in four hard tanks. Current processing (drying and machine trimming) is conducted onsite in an existing shed, but the applicant proposes to process offsite at a licensed processing facility or utilize a licensed mobile trim service if available. Power for cannabis operations is provided by four generators. A Special Permit is also requested for the removal of a 1,000,000-gallon pond and restoration of a headwater to a Class III watercourse.

Project Location: The project is located in Humboldt County, in the Dinsmore area, on the northeast side of River Road, approximately 1.75 miles from the intersection of Rattlesnake Bridge Road and River Road, on the property known to be in Section 35 of Township 02 N, Range 05 E, Humboldt Base & Meridian.

Present Plan Land Use Designations: Residential Agriculture (RA). Density: 20-160 acres per unit. Slope Stability: High instability (3)

Present Zoning: Forestry Recreation (FR) - Minimum building site area 40 acres (B-5(40))

Record Number: PLN-13138-SP

Assessor's Parcel Number: 208-231-014

Applicant

Adrian Paulsen
205 Burnt Stump Lane
McKinleyville, CA 95519

Owner

Paulsen Eric T Tr
3741 Greenwood Heights Dr
Kneeland, CA 95549

Agents

N/A

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

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

Major Issues: None

Mother Tree Family Farms, LLC
Record Number: PLN-13138-SP
Assessor's Parcel Number: 208-231-014

Recommended Zoning Administrator Action

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

Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits and adopt the Resolution approving the Mother Tree Family Farms, LLC, Special Permits as recommended by staff subject to the recommended conditions.

Executive Summary: Mother Tree Family Farms, LLC seeks a Special Permit to allow the continued operation of an existing 10,000-square-foot (SF) outdoor light-deprivation cannabis cultivation operation utilizing greenhouses in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The site is designated Residential Agriculture (RA20-160) in the Humboldt County 2017 General Plan and zoned Forestry Recreation (FR-B-5[40]). Cultivation takes place in three separate areas: Cultivation Area 1 (upper area) contains 6,980 SF of cultivation area in four greenhouses, Cultivation Area 2 (middle area) contains 1,808 SF of cultivation area in two greenhouses, and Cultivation Area 3 (lower area) contains 1,200 SF of cultivation area in one greenhouse. An additional 1,200 SF serves as an ancillary plant propagation area adjacent to Cultivation Area 1. Two harvests are anticipated annually in the greenhouses for a growing season that extends from July through October. A Special Permit is also requested for the decommissioning of a pond and restoration of a headwater to a Class III watercourse.

Plants are harvested and dried onsite with the use of heaters and fans in the shed. It is proposed that the crop will be processed offsite at a licensed third-party facility and/or processed onsite by a fully licensed mobile processing contractor and/or another processing method/approach that meets all industry, County, and State rules and guidelines. The applicant and immediate family operate the cultivation areas. Approximately two permanent and up to three seasonal employees may be utilized during peak operations. Two portable toilets are onsite. Four generators are used onsite—a Honda EU3000i, two Yamaha A-I Power SC2000i, and a MQ 15kW. Generator electricity is utilized for nursery and propagation activities in early spring and is used intermittently to pump water in summer months. In the fall, the generators are used to run heaters and dehumidifiers for drying. Six Rivers Portable Toilets provides for the maintenance of onsite facilities. Security measures on the premises include motion sensor lighting and game cameras, guard dogs during operations, a locked gate at the facility entrance, fencing, and cultivation-related products and items stored in locked locations.

Water Resources

Water for irrigation is provided by a 200-foot-deep permitted well (18/19-0057) which was drilled in October 2018, estimated to yield 10 gallons-per-minute based on a 4-hour yield test and 168-foot drawdown depth (Attachment 3). The well is also registered with the California Department of Water Resources (WCR2018-008702). Existing available water storage is 9,000 gallons in four hard water storage tanks on the neighbor's property to the north (APN 208-231-011). A notarized letter authorizing the applicant to store the water tanks on the adjacent parcel, dated June 2019, is on file. Estimated annual water usage is 165,000 gallons annually with peak demand occurring between July and September. No water is planned for use during the months of November through March. A Final Lake and Streambed Alteration Agreement (LSAA, 1600-2019-0194-R1) with the California Department of Fish and Wildlife (CDFW) (Attachment 3) was obtained in October 2019 for the replacement of four culvert crossings and the pond decommissioning, including a Grading and Erosion Control Plan, and reporting measures.

Humboldt County's WebGIS shows a stream running north-south through the center of the property. According to the Biological Report prepared for the project, there are no major tributaries to the Mad River in the general area, and most drainages appear to be Class III watercourses that likely flow primarily during the wet season. There is one blue line drainage on the parcel that appears to be a Class III watercourse, primarily due to the lack of even moderate fish habitat, no aquatic insects observed, and general lack of riparian vegetation. According to the landowner(s) this watercourse has been classified as Class II by CDFW and appears on topographic maps to flow to the Mad River approximately 0.3 mile south of the southern parcel boundary. This watercourse has a fairly incised channel as it nears the pond slated for decommissioning.

The Humboldt Bay Municipal Water District (HBMWD) submitted a letter on December 21, 2018 expressing their concerns about the project. The HBMWD noted that the ponds could be a potential species problem and should be setback from streams, springs, and that they be designed so that they can be drained. All development currently meets, or will meet as a condition of approval, appropriate SMA setbacks and the pond is to be decommissioned upon obtaining appropriate permits. The HBMWD requests that the county verify the water rights and that stormwater runoff could carry chemicals and debris into the Mad River. Compliance with all statutes, regulations, and requirements of the 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. The HBMWD also notes that the project may be subject to subsequent environmental review. The county finds that the analysis as demonstrated in the Addendum to the Commercial Medical Marijuana Land Use Ordinance Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005), January 2016 (Attachment 2) is adequate for CEQA compliance for the proposed project.

Biological Resources

A Biological Report (Attachment 3) was prepared for the project by Natural Resources Management Corporation and concluded that no habitat for listed or sensitive species was identified in the vicinity of the project site and the project and operations are unlikely to have an effect on these species. 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, the Site Management Plan required by the State Water Resources Control Board (Attachment 3), and the LSAA with CDFW (Attachment 3). The survey protocol for Northern Spotted Owl Activity Centers in non-redwood (inland) habitat requires a 1.3-mile habitat analysis buffer for determining potential project effects. The nearest Activity Center to the project site is 1.6 miles northeast of the parcel.

The LSAA includes a requirement for preconstruction surveys by a qualified biologist for foothill yellow legged frog and nesting birds if construction, grading, vegetation removal, or other project related improvements are necessary during the nesting season of protected raptors and migratory birds (March 1 through August 15); adherence to the recommendations in the LSAA are made a condition of approval. Additional Biological Report recommendations are included in the Conditions of Approval which include but are not limited to strict adherence to riparian setback requirements, generators need to have secondary containment large enough to contain all fuel should a leak occur, all storage tanks should have functioning float valves that automatically shut off flow to avoid any sediment runoff to anadromous fish habitat, and no use of monofilament netting due to hazards associated with wildlife. Furthermore, the project is conditioned to adhere to the audible shielding of all generators, the Dark Sky Standards for any propagation greenhouse 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 Northern Spotted Owl, foothill yellow legged frog, or other sensitive species.

Tribal Cultural Resource Coordination

The project was referred to the Northwest Information Center and the Bear River Band of the Rohnerville Rancheria. The Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria in an email dated February 14, 2018 recommended that the project include the "standard inadvertent archaeological discovery language as a condition of project approval." Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources. No known tribal cultural resources are located on the project site.

Access

Access to the site is via a driveway off of Bronco Road via River Road. Bronco Road is a category 4 private maintained roadway. Road Evaluation reports were prepared by the applicant for County Line Creek Road, Bronco Road, River Road, and U.S. Forest Service Road 1 (Attachment 3) which indicate that these roadway segments meet the category 4 equivalent standard and can accommodate the cumulative increased traffic from the project.

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

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number PLN-13138-SP
Assessor's Parcel Number: 208-231-014**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approves the Mother Tree Family Farms, LLC, Special Permits.

WHEREAS, Mother Tree Family Farms, LLC, submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 10,000-square-foot (SF) outdoor light-deprivation cannabis cultivation operation utilizing greenhouses with appurtenant propagation and drying activities, and a Special Permit for the decommissioning of a pond and restoration of a headwater to a Class III watercourse;

WHEREAS, the County **Zoning Administrator**, 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 **Zoning Administrator** held a duly-noticed public hearing on July 17, 2021, and reviewed, considered, and discussed the application for the Special Permits and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Special Permit to allow 10,000-SF outdoor light-deprivation cannabis cultivation operation utilizing greenhouses with 1,200 SF of appurtenant propagation nursery and drying activities, and a Special Permit for the decommissioning of a pond and restoration of a headwater to a Class III watercourse. Power is provided by four generators. Water for irrigation is provided by a permitted groundwater well and 9,000 gallons of hard tank water storage.

EVIDENCE: a) Project File: PLN-13138-SP

- 2. FINDING:** **CEQA.** The requirements of CEQA have been complied with. The Humboldt County Zoning Administrator 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 Water Resources Protection Plan was prepared by Timberland Resource Consultants to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023. Subsequently, a Site

Management Plan was also prepared for the project for the State Water Resources Control Board pursuant to their Cannabis General Order which included best practical treatment or control measures.

- d) A Preliminary Biological Report was carried out by Natural Resource Management Corporation in April of 2019. The Assessment methods included a search of the California Natural Diversity Database. A habitat assessment was conducted in the project area. No habitat for listed or sensitive species was identified in the vicinity of the project site. Northern Spotted Owl habitat exists in the vicinity but the nearest activity center is over 1.6 miles from the site. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species. A final Lake or Streambed Alteration Agreement for the project includes pond decommissioning, a requirement for preconstruction surveys for foothill yellow legged frog by a qualified biologist, and pre-construction nesting bird surveys if construction, grading, vegetation removal, or other project related improvements are necessary during the nesting season of protected raptors and migratory birds (March 1 through August 15).
- e) Road Evaluation Reports were prepared by the applicant for County Line Creek Road, Bronco Road, River Road, and U.S. Forest Service Road 1 (Attachment 3) which indicate that these roadway segments meet the category 4 equivalent standard.

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

4. FINDING

The proposed development is consistent with the purposes of the existing Forestry Recreation (FR) Zone in which the site is located.

EVIDENCE

- a) The FR-Zone is applied to areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use.
- b) All general agricultural uses are principally permitted in the FR-Zone.
- c) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation of up to 10,000 of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 10,000 SF of outdoor cultivation on a 40-acre 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 FR (Humboldt County Code Section 314-55.4.6.5).
 - b) The parcel was legally created as Parcel 139 of the Timberline Ranch Estates subdivision as filed in Book 26 of Surveys, Pages 135-143.
 - c) The project will obtain water from a non-diversionary water source. A Final Lake and Streambed Alteration Agreement (LSAA 1600-2019-0194-R1) with CDFW was obtained in October 2019 for the replacement of four culvert crossings and a Grading and Erosion Control Plan associated with pond decommissioning.
 - d) Road Evaluation Reports were completed by the applicant in May 2018. The Evaluations addressed County Line Creek Road, Bronco Road, River Road, and U.S. Forest Service Road 1. All road segments evaluated were found to be functionally appropriate for the expected traffic.
 - e) The cultivation of cannabis will not result in the conversion of timberland.
 - f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, and more than 600 feet from any school, church, public park or tribal cultural resource.
- 6. FINDING** The cultivation of 10,000 SF of cannabis and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
- EVIDENCE**
- a) The site is located on a road that has been certified by the applicant to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
 - b) The site is in a rural part of the county where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park, or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
 - c) Irrigation water will come from a groundwater well that has been permitted by the Environmental Health Department.
 - d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.
- 7. FINDING** The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
- EVIDENCE**
- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

DECISION

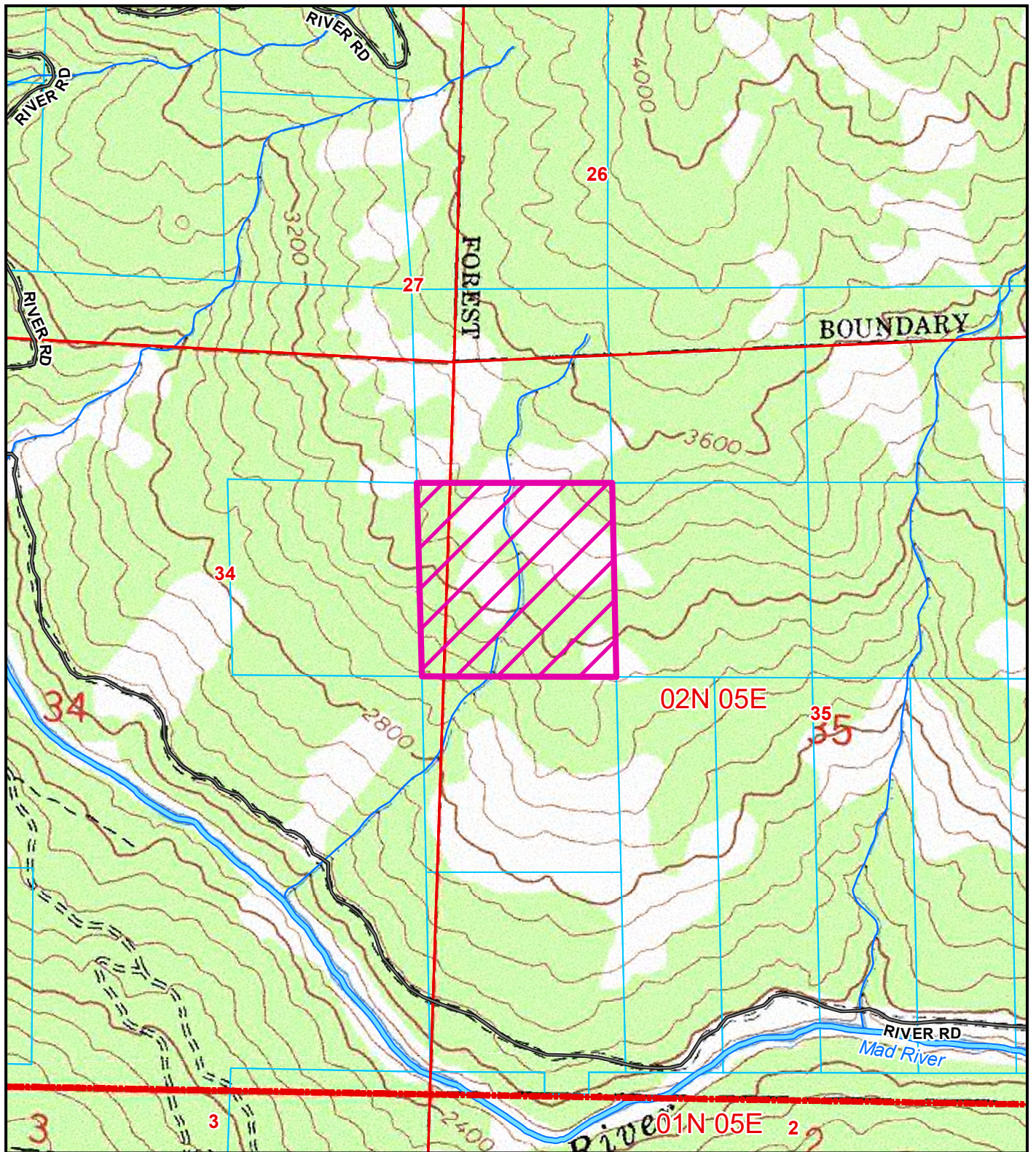
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permits for Mother Tree Family Farms, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on July 17, 2021.

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

John Ford, Zoning Administrator,
Planning and Building Department



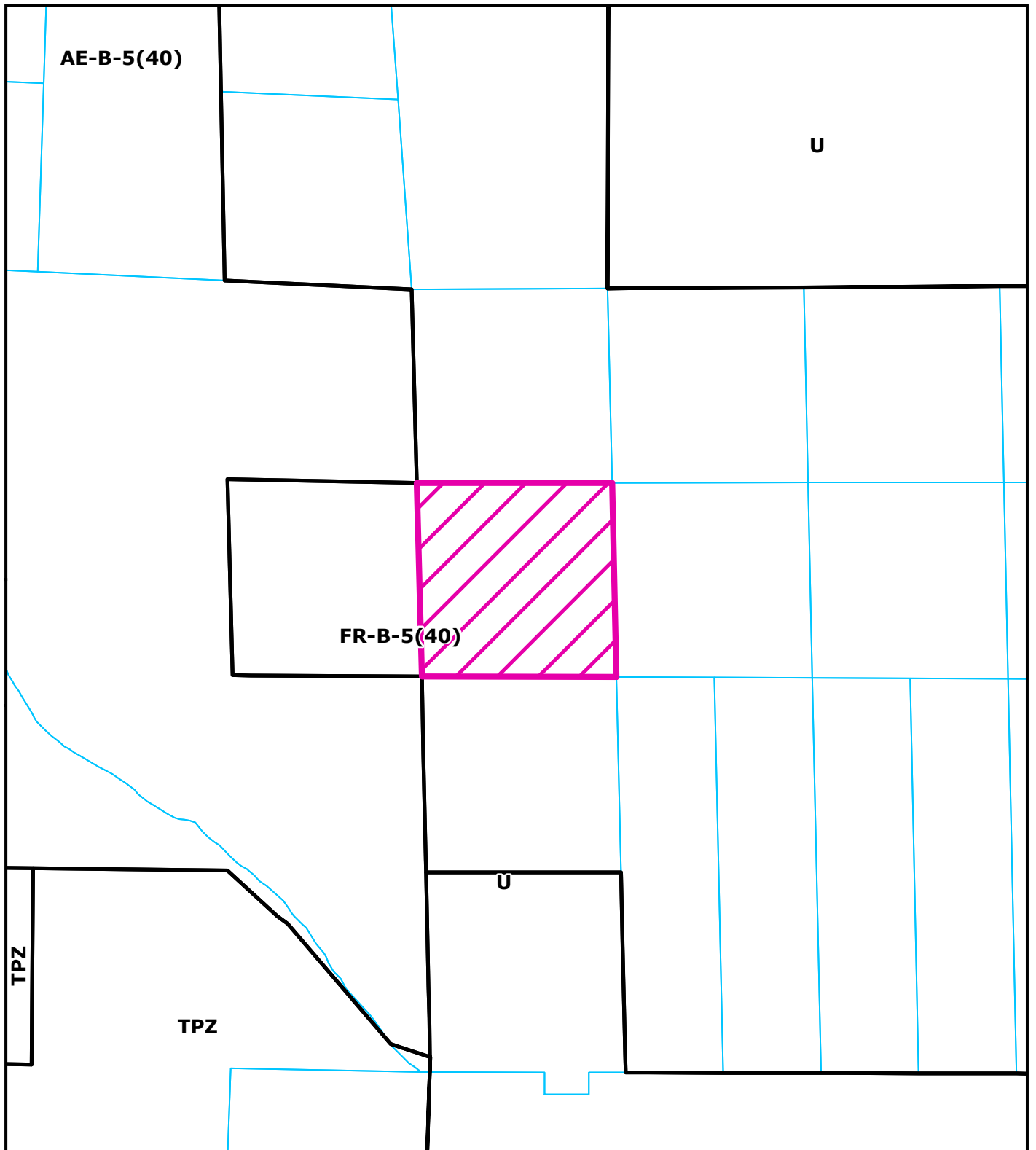
Project Area = 

TOPO MAP
PROPOSED MOTHER TREE FAMILY FARM LLC
DINSMORE AREA
CUP-16-1008
APN: 208-231-014
T02N R05E S34; S35 HB&M (BLAKE MOUNTAIN)




0 1,000 2,000 Feet

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

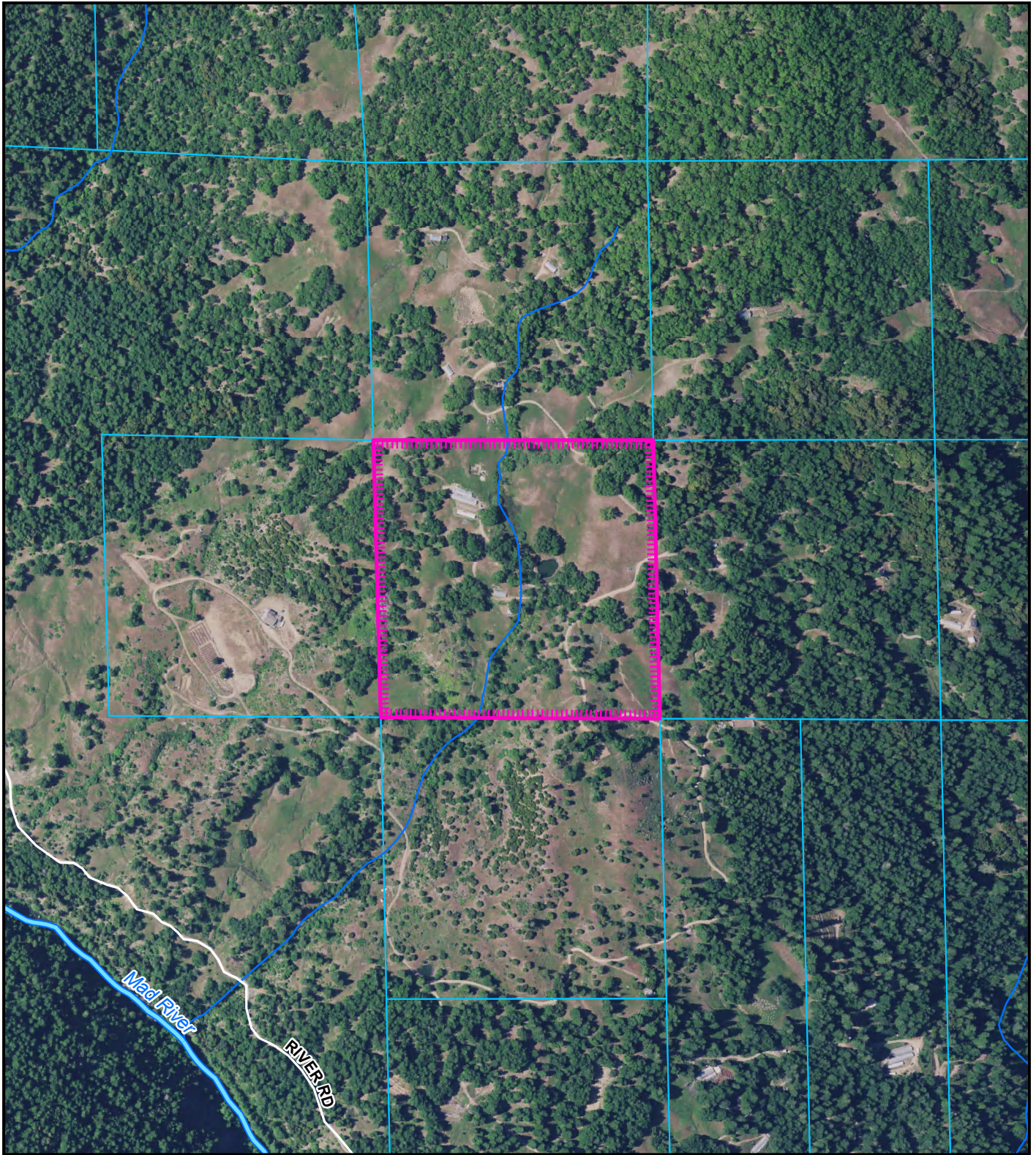


Project Area =

ZONING MAP
PROPOSED MOTHER TREE FAMILY FARM LLC
DINSMORE AREA
CUP-16-1008
APN: 208-231-014
T02N R05E S34; S35 HB&M (BLAKE MOUNTAIN)

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

0 1,000 2,000
 Feet




Project Area = 

**AERIAL MAP
PROPOSED MOTHER TREE FAMILY FARM LLC
DINSMORE AREA
CUP-16-1008
APN: 208-231-014
T02N R05E S34; S35 HB&M (BLAKE MOUNTAIN)**

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

0 850 1,700 Feet



PROPERTY LINE

30 FT SETBACK FROM PROPERTY LINE

300 FT CULTIVATION SETBACK

600 FT CULTIVATION SETBACK

800 FT CULTIVATION SETBACK

CLASS III WATERCOURSE

50 FT WATERCOURSE BUFFER

MIXED-LIGHT CULTIVATION AREA

PUBLIC ROAD

ACCESS ROAD

WELL

CULVERT

WATER STORAGE

SEPTIC TANK AND LEACHFIELD

NOT USED FOR CULTIVATION ACTIVITIES

EXISTING

DECOMMISSIONED

PROPERTY LINE

PARKING SPACE

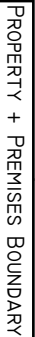
60' DIAMETER EMERGENCY TURNAROUND AREAS (GRAVEL)

WATER DISTRIBUTION LINE (AG)

WATER DISTRIBUTION LINE (domes)

SC-1 - 40.5108, -123.5864
SC-2 - 40.5104, -123.5860
SC-3 - 40.5094, -123.5843

NOTES:
OTHER (NON-CANNABIS) PROPERTY USES -
DOMESTIC, RECREATIONAL, + WILDERNESS
CONSERVATION



1

SITE APN: 208-231-014
PROPERTY OWNER: ERIC PAULSON
MAILING ADDRESS: 3741 GREENWOOD HEIGHTS, KNEELAND, CA 95549

920 SAMOA BLVD, SUITE 210
ARCATA, CA 95521, 707-633-8321

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within 60 days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this filing 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 #14. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
8. Obtain a permit to operate the generators from the North Coast Unified Air Quality Management District and obtain an electric permit from the County's Building Department.
9. The applicant shall submit a grading, erosion and sediment control plan that shall be prepared by a

qualified engineer, if applicable. The plan shall identify the cubic yards of all grading that has been completed, and any proposed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.

10. The applicant shall install water monitoring device on the well and storage tanks as applicable – to monitor water used for cannabis irrigation separate from domestic use.
11. The applicant shall install, at a minimum, 2,500 gallons of water tank storage to be dedicated for fire suppression and assign numbers to greenhouses per CALFIRE recommendation.
12. A Site Management Plan (SMP) was prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities. However, the SMP is deficient at assessing all sediment best practical treatment or control sources topics (i.e., road conditions, erosion control measures, stream setbacks, biological measures) as detailed in SWRCB example SMPs. The applicant shall revise the SMP and submit it to the County. The applicant shall then implement all best practical treatment or control measures detailed in a revised and complete SMP when developed for the project. A letter or similar communication from the SWRCB verifying that all their requirements have been met will satisfy this condition.
13. 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 in order to keep the permit valid.
14. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United 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 nursery greenhouse 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 (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary.
3. The applicant shall abide by recommendations of the Biological Report prepared by Natural Resources Management Corporation and received October 4, 2019 which include but are not limited to, strict adherence to riparian setback requirements and the requirements in the California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement (LSAA, 1600-2019-0194-R1) – including the pre-construction yellow leg frog and nesting bird surveys necessary to

decommission the pond. Additionally, generators need to have secondary containment large enough to contain all fuel should a leak occur, all storage tanks should have functioning float valves that automatically shut off flow to avoid any sediment runoff to anadromous fish habitat, and no use of monofilament netting due to hazards associated with wildlife.

4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. The applicant shall adhere to CALFIRE Fuel Modification Standards.
6. Ensure all generators be located on stable surfaces with a minimum 200-foot buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
7. 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.
8. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
9. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
10. The use of anticoagulant rodenticide is prohibited.
11. Road access across SW corner of the parcel shall remain open for fire and emergency medical services per recommendation from Southern Trinity VFD.
12. 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.
13. 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.
14. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
15. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the

Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.

16. 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.
17. Compliance with all statutes, regulations, and requirements of the SWRCB 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.
18. 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).
19. 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.
20. Comply with the terms of any (current or future) applicable LSAA (1600 or 1602) Permit obtained from CDFW.
21. 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.
22. 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).
23. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
24. Pay all applicable application, review for conformance with conditions and annual inspection fees.
25. 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.
26. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
27. 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

28. Pursuant to the Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."

29. 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).
30. Cultivators engaged in processing shall comply with the following Processing Practices:
- Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - Employees must wash hands sufficiently when handling cannabis or use gloves.
31. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- 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:
 - Emergency action response planning as necessary;
 - Employee accident reporting and investigation policies;
 - Fire prevention;
 - Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - Materials handling policies;
 - Job hazard analyses; and
 - Personal protective equipment policies, including respiratory protection.
 - Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - Operation manager contacts;
 - Emergency responder contacts; and
 - Poison control contacts.
 - 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.
 - Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
32. All cultivators shall comply with the approved processing plan as to the following:
- Processing practices
 - Location where processing will occur
 - Number of employees, if any
 - Employee Safety Practices
 - Toilet and handwashing facilities
 - Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - Drinking water for employees
 - Plan to minimize impact from increased road use resulting from processing
 - Onsite housing, if any
33. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection

has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

34. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
35. 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.
36. 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.
37. 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.
38. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 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 the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

ATTACHMENT 2

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

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

**APN 208-231-014
Dinsmore Area, County of Humboldt**

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

May 2021

Background

Modified Project Description and Project History –

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

Mother Tree Family Farms, LLC, seeks a Special Permit to allow the continued operation of an existing 10,000-square-foot (SF) outdoor light-deprivation cannabis cultivation operation utilizing greenhouses in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The site is designated Residential Agriculture (RA20-160) in the Humboldt County 2017 General Plan and zoned Forestry Recreation (FR-B-5[40]). Cultivation takes place in three separate areas: Cultivation Area 1 (upper area) contains 6,980 SF of cultivation area in four greenhouses, Cultivation Area 2 (middle area) contains 1,808 SF of cultivation area in two greenhouses, and Cultivation Area 3 (lower area) contains 1,200 SF of cultivation area in one greenhouse. An additional 1,200 SF exists as an ancillary immature plant area in Cultivation Area 1. Two harvests are anticipated annually in the greenhouses for a growing season that extends from July through October. Water for irrigation is provided by a 200-foot-deep permitted well (18/19-0057) which was drilled in October 2018, estimated to yield 10 gallons-per-minute. A Final Lake and Streambed Alteration Agreement (LSAA, 1600-2019-0194-R1) with the California Department of Fish and Wildlife was obtained for the replacement of four culvert crossings and the pond decommissioning. A Special Permit is also requested for the decommissioning of a pond and restoration of a headwater to a Class III watercourse.

The project was referred to the Northwest Information Center and the Bear River Band of the Rohnerville Rancheria. The Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria in an email dated February 14, 2018 recommended that the project include the "standard inadvertent archaeological discovery language as a condition of project approval." Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources. No known tribal cultural resources are located on the project site. A Biological Report was prepared for the project that concluded that no habitat for listed or sensitive species was identified in the vicinity of the project site and the project and operations are unlikely to have an effect on these species. The LSAA includes a requirement for preconstruction surveys by a qualified biologist for foothill yellow legged frog and nesting birds if construction, grading, vegetation removal, or other project related improvements are necessary during the nesting season. Additionally, all development currently meets, or will meet as a condition of approval, appropriate Streamside Management Area setbacks preserving them as wildlife corridors.

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

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified 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 10,000 square feet of cultivation with ancillary propagation and 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:

- Site Plan prepared by Mother Earth Engineering received 10/4/19.
- Cultivation and Operations Plan prepared by applicant, undated.
- Water Resources Protection Plan prepared by Timberland Resource Consultants.
- Site Management Plan Application (ID # 407897) dated 2/26/20 for the State Water Resources Control Board Cannabis Cultivation Policy (Cannabis Policy) and Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order).
- A Final Lake and Streambed Alteration Agreement (LSAA, 1600-2019-0194-R1) with the California Department of Fish and Wildlife (CDFW) dated 10/25/19, received 10/30/19.
- A receipt for the purchase and maintenance of a portable toilet from Six Rivers Portable Toilets, LLC, dated 8/25/18, received 9/5/19.
- Road Evaluation Reports for County Line Creek Road, Bronco Road, River Road, and U.S. Forest Service Road 1, prepared by the applicant, dated 5/3/18.

- Parcel Boundary Survey, prepared by Wallace Wright, Licensed Surveyor (LS #4851), dated 3/18/19, received 5/5/19.
- Biological Report prepared by Natural Resources Management Corporation, dated 4/12/19, received 10/4/19.
- Permitted (18/19-0057) Well Completion Report from Fisch Drilling, dated 10/01/18.
- A notarized 5-year access agreement from neighboring parcel owners allowing water tank storage and maintenance on APN 208-231-011, dated 7/24/19, received 9/05/19.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site plan prepared by Mother Earth Engineering stamped received 10/4/19 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by applicant, undated - **Attached**)
5. 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 State Water Board Cannabis General Order (item 6. below)
6. Copy of Notice of Intent 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. (Water Resources Protection Plan prepared by Timberland Resource Consultants – On file and to be superseded by Site Management Plan (Application ID # 407897, once completed – **Attached**)
7. 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. (Notification No. 1600-2019-0194-R1 executed 10/30/19 – **Attached**)
8. If the source of water is a well, a copy of the County well permit, if available. (Permit Number 18/19-0057– **Attached**)
9. 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)

10. 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)
11. 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)
12. 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)
13. Road Evaluation Reports for County Line Creek Road, Bronco Road, River Road, and U.S. Forest Service Road 1 prepared by the applicant, dated 5/3/18. **(Attached)**
14. Biological Report prepared by Natural Resources Management Corporation, received 10/4/19. (Confidential and On File)

Cultivation and Operations Plan

1 PROJECT DESCRIPTION

Existing cannabis cultivation.

Outdoor with no artificial lighting

10,000 sq ft total cultivation area

2 WATER

Water source + Storage:

Primary water source is a permitted well (WCR2018-008702) located at Lat/Long: 40.5118, -123.5869. Water storage consists of 9,000 gallons of water storage tanks on the property directly to the north of the applicant's property for gravity feed.

Irrigation Plan:

Mulching, time of day watering, and moisture retentive soils for water conservation. Water is applied at no more than agronomic rates.

Projected Water Usage:

Estimated 165,000 gallons of water for irrigation per growing season. The following table details the estimated water usage by month.

Month	Estimated Water Usage (Gallons)
January	0
February	0
March	0
April	2,500
May	10,300
June	25,300
July	50,160
August	32,550
September	30,600
October	14,175
November	0
December	0

Water usage will be monitored and recorded following all agency requirements. Including but not limited to : CDFW, State Water Board, ...

3 SITE CHARACTERISTICS

Drainage:

At all times water is used appropriately and applied at no more than agronomic rates.

Site has well-draining soils and natural vegetation is maintained around all cultivation areas. Rock and riprap is installed on all drainage ditches rock to reduce flow velocity and minimize erosion.

Runoff and Erosion Control Measures:

Buffers of native vegetation are maintained around all cultivation areas. The majority of the parcel is covered by trees and perennial bushes and is conserved as wilderness.

All exposed areas of soil have been reseeded and mulched with straw and are monitored and maintained to promote revegetation. Erosion control measures (hay waddles, straw bales, etc.) are implemented prior to each rainy season to help minimize sediment discharge.

Rock is available on nearby parcel. Roads are well maintained with rock and water bars as required. Flats are french drained with sediment traps to promote infiltration.

4 WATERSHED + HABITAT PROTECTION

Applicant is enrolled in the Regional Water Board's Cannabis Discharge Waiver Program with Timber Resource Consultants. TRC is a certified third-party program and has been contracted by the applicant for enrollment and development/implementation of Water Resources Protection Plan to ensure riparian watershed and habitat protection.

All trash, recycling, amendments, fertilizers, and other cultivation related materials are stored such that they are secured from wildlife and cannot be released into the natural environment.

Buffers of natural vegetation and habitat are maintained around all areas of human activity. The majority of parcel is undeveloped and conserved in a wild state.

Cultivation areas will be maintained to prevent nutrients from leaving the site at all times: during the growing season and post-harvest.

5 STORAGE + HAZARDOUS MATERIALS

Storage of fertilizers, pesticides, and other regulated products is in accordance with best practices, including storage within an enclosed space to prevent surface water contamination.

Fertilizers, potting soils, compost, soils, soil amendments, fuels, and all cultivation related items and wastes are stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater and cannot enter the environment.

Amendments and Nutrients:

Amendments will be brought to site and used immediately. No amendment storage onsite.

All other fertilizers, nutrients, etc are stored in shed. Secondary containment provided for all liquid products. All products applied per package directions or more conservatively.

Pesticides and Herbicides:

Only OMRI listed and/or approved products will be utilized for pest and disease control. All products are stored in a shed. Secondary containment is provided for all liquid products. All products are applied using package directions.

Fuel:

Negligible volume of fuel stored onsite. Fuel is stored in 5 gal cans, with approximately 5 cans onsite (25 gal fuel total). All are stored with secondary containment in enclosure. Compliance with all applicable regulations is maintained .

6 SOLID WASTE/RECYCLING

Refuse and garbage is stored in a location and manner that prevents its discharge to receiving water and prevents any leachate or contact water from entering or percolating to receiving waters.

Storage Area: Trash and recycling are stored in trash cans with lids in shed.

Removal Frequency: Trash and recycling removed from site at least once weekly or more frequently.

Disposal Facility: McKinleyville or Eureka transfer station.

Waste Soil/ Growth Media: All soil is amended and reused.

7 DESCRIPTION OF CULTIVATION ACTIVITIES

Existing outdoor cultivation totaling 9,972 square feet of the permitted 10,000 square feet. An additional 1,200 square feet exists as immature plant area.

8 SCHEDULE OF ACTIVITIES

Generator use:

Generator electricity is utilized for nursery and propagation activities in early spring, and is used intermittently to pump water in summer months. Four generators are used onsite; A Honda EU3000i, two Yamaha A-I Power SC2000i, and a MQ 15kW. In the fall, the generators are used to run heaters and dehumidifiers for drying. Generator noise is less than 60 decibels at property line. Noise measurements may be found in Attachment A.

Month	Activities
January	No activity. Infrequent visits for site maintenance.
February	No activity. Infrequent visits for site maintenance.
March	Preparation. Bring materials to site.
April	Bring starts. Plant.
May	Nursery and transplanting.
June	Farm operation and maintenance
July	Farm operation and maintenance. Harvest
August	Farm operation and maintenance. Replant
September	Farm operation and maintenance. Harvest
October	Harvest
November	Dry. Processing (offsite). Clean up.
December	No activity. Infrequent visits for site maintenance.

9 OPERATIONS AND PROCESSING PROTOCOLS

Processing Practices:

Plants are harvested and dried onsite with use of heaters and fans in shed.

Currently crop is mechanically trimmed and/or processed offsite by a licensed facility as feasible. It is proposed that crop will be processed offsite at licensed 3rd party facility and/or processed onsite by a fully licensed mobile processing contractor and/or another processing method/approach that meets all industry, county, state, federal rules and guidelines.

Great care is taken to maintain all work surfaces and equipment in a clean and sanitary condition. Protocols to prevent contamination of cannabis product with mold and mildew are strictly followed. Curing takes place in an environment with temperature and humidity control. The finished product is then moved to a secure location.

Processing operations include the following Processing Practices:

- (1) Processing operations will be maintained in a clean and sanitary condition including all work surfaces and equipment.
- (2) Processing operations will implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
- (3) Persons handling cannabis in processing operations will have access to facemasks and gloves in good operable condition as applicable to their job function.
- (4) Persons handling cannabis will wash hands sufficiently when handling cannabis of use gloves.

Processing Location: Processing offsite at licensed 3rd party facility as available.

Staffing

Operators : Applicant and immediate family operate cultivation site. No employees at this time.

workers : Approximately 2 permanent, +3 seasonal (total season max 5) workers are needed for this operation seasonally.

Days and Hours of Operation

The facility is not open to the public and will not accept visitors without a specific business purpose.

Hours of operation will typically be from 8 AM to 7 PM. Commercial activities such as shipping and receiving will be limited to 8:00 AM to 6:00 PM

Safety Practices: Cultivation and processing operations implement best practices to the highest degree feasible. There are no employees at this time, if the operation chooses to include employees in the future it will comply with all County and State regulations where applicable.

Safe Drinking Water, Toilets, and Sanitary Facilities

At all times, there will be access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations.

Drinking water source : permitted groundwater well

Toilet : Portapotty service current. Permitted septic system to be implemented after cannabis permit approval.

Handwashing : Portapotty service handwashing station. Also in outbuilding

At all times will provide and maintain toilet and hand-washing facilities in accordance with the requirements of Cal-OSHA and ADA/California Accessibility regulation.

Parking + Traffic

parking spaces : more than 4

Workers commute to site from adjacent parcels. Due to the remote location of the facility and the limited commercial activity window, there are anticipated to be no significant noise or traffic impacts upon the occupants of neighboring properties.

Onsite Housing:

No onsite housing for commercial purposes at this time.

10 SECURITY PLAN

The security measures located on the premises will include the following:

- a) Lighting and Surveillance- Motion sensor lighting and game cameras are installed around the facilities.
- b) Alarm —Guard dogs are also present on the property during operations.
- c) Access Control - All entrances to the facility are restricted by locked gates. The remote location of property provides an additional component of security.
- d) Fencing — The cultivation area is fenced with wildlife providing intrusion protection.
- e) All cultivation related items and products will be stored in locked locations.
- f) All Medical Marijuana other than lab samples will be transported to State licensed and/or locally permitted licensed medical cannabis wholesale, distribution, or manufacturing companies by a State licensed and/or locally permitted licensed transport company.

GENERATOR DECIBEL MEASUREMENTS



Honda EU 3000i generator noise measurements (dB's) at 0 ft, 25 ft, 42 ft, and 100 ft.



Yamaha iPower generator noise measurements (dB's) at 0 ft, 25 ft, 50 ft, and 100 ft.



MQ 15 kW generator noise measurements (dB's) at 0 ft, 25 ft, 50 ft, and 100 ft.

Eastern California Cannabis Regulatory Program

Regional Water Quality Control Board

Site Management Plan

January 1, 2019 Version

County:		Tier:	
Operation Name:		Risk:	
Site Name:		Disturbed Area (ft²):	
Site Address:		Cultivation Area (ft²):	
APN(s):		Cumulative Disturbed Area (ft²)*:	
Application ID #:		Cumulative Cultivation Area (ft²)*:	

**For sites with multiple enrollments on the same property, report the combined disturbed area and cultivation area of all cannabis cultivation on the property. If this does not apply, leave this section blank.*

This plan describes how the cultivator is implementing the best practical treatment or control (BPTC) measures listed in Attachment A of the Cannabis General Order. Refer to Attachment D of the General Order for further technical report guidance. If the sections below do not provide sufficient space, you may attach additional pages.

Email the completed and saved electronic form along with maps and photos to

Lahontan.Cannabis@waterboards.ca.gov

1. Sediment Discharge BPTC Measures

A. Site Characteristics

i. Site Map

Attach a map of the site. The map should contain the following features with labels:

- Access roads
- Vehicle parking areas
- Streams
- Stream crossings
- Cultivation site(s)
- Disturbed areas
- Buildings
- Other site features that are referenced in this plan. (e.g. BPTC measures, pesticide/ fertilizer storage, trash/ refuse storage, etc.)

The map should also include:

- A legend
- A north arrow
- A scale bar
- Topographic lines

ii. Access Road Conditions

a. What is the road surface type(s)? Check all that apply.

☐ Asphalt ☐ Gravel ☐ Dirt ☐ Concrete ☐ Other (describe): _____

b. Is there evidence of erosion, such as gullies or rills? If yes, describe current conditions and how they will be remediated in the space below.

☐ Yes ☐ No

c. Does any portion of the access road(s) act as a conveyance for water? If yes, describe in the space below.

☐ Yes ☐ No

d. What is the estimated vehicle traffic on these roads?

Commuter vehicles: _____ per

Commercial vehicles: _____ per

Heavy equipment: _____ per

Other _____: _____ per

e. How is storm water drained from the roads? Check all that apply. Refer to *The Handbook for Forest Ranch and Rural Roads* for information on the methods listed below. (Available at <http://www.pacificwatershed.com/PWA-publications-library>.)

☐ Crowned ☐ Out slope ☐ Armored ditch ☐ Culverts ☐ Rolling dips ☐ Other (describe below)

f. Describe the number, spacing, and discharge location of water drainage features.

g. Select the erosion control and sediment capture measures used on the access roads and water drainage features. Check all that apply.

Erosion Control Measures

- ☐ Erosion control blankets ☐ Geotextiles ☐ Straw mulch ☐ Hydromulch ☐ Wood mulch
☐ Vegetation Preservation ☐ Vegetation Planting ☐ Hydroseeding ☐ Vegetated channels
☐ Check dams ☐ Other: _____

Sediment Capture Measures

- ☐ Fiber Rolls ☐ Silt fences ☐ Other: _____

Describe the selected measures in the space below:

h. What activities are done to maintain the roads? What activities are done to maintain erosion control measures? What is the maintenance schedule?

iii. Streams

a. Do you have any streams, drainages, or channels on or adjacent to your property?

☐ Yes ☐ No

b. If applicable, provide the name(s) of the stream(s). If the stream, drainage, or channel doesn't have a name, write "Unnamed Stream":

c. If there is a stream, what is the distance between the edge of the stream bank and the edge of the disturbed area at the closest point? How did you take this measurement?

_____ feet Measurement method:

d. Do you have any stream crossings?

☐ Yes ☐ No

e. If yes, what types of crossings are they? If there are multiple crossings, check all that apply.

☐ Bridge ☐ Culvert ☐ Low water ☐ Other, Describe: _____

f. If yes, was the crossing designed by a Qualified Professional (e.g. licensed engineer)?

☐ Yes ☐ No

g. Provide a description of all stream crossings, including who designed them, number of crossings, material, size, frequency of use, and any other relevant details. Indicate the location of stream crossings on your site map. Attach photos of all stream crossings and cross-sectional areas of all engineered flow conveyances (e.g. culverts and ditches) used at crossings.

B. Sediment Erosion Prevention and Sediment Capture

If you are classified as Moderate Risk Tier 1 or Moderate Risk Tier 2 and are submitting a Site Erosion and Sediment Control Plan that includes the following information, you may skip this section.

i. Erosion Prevention BPTC Measures

On your site map, indicate the location of erosion prevention BPTC measures described below. Describe erosion prevention BPTC measures around all disturbed areas and features. Include BPTC measures implemented to address erosion resulting from storm water runoff from impervious surfaces, including but not limited to parking lots and roofs of greenhouses, warehouses, or storage facilities. Attach photos documenting implemented measures and locations for planned implementation.

a. How is storm water drained from buildings, greenhouses, and other structures? How are storm water conveyance systems monitored and maintained to protect water quality?

b. What physical BPTC measures have been implemented to prevent or limit erosion? Check all that apply.

- ☐ Straw mulch ☐ Wood mulch ☐ Hydromulch ☐ Plastic covers ☐ Slope stabilization ☐ Soil binders
☐ Erosion control blankets ☐ Geotextiles ☐ Culvert outfall armoring ☐ Other:

Describe the physical BPTC measures checked above, including when they are used and where they are placed.

c. What biological BPTC measures have been implemented to prevent or limit erosion? (e.g. vegetation preservation/ replacement, hydro seeding, etc.)? Check all that apply.

- ☐ Vegetation preservation ☐ Vegetation planting ☐ Hydroseeding ☐ Other:

Describe the biological BPTC measures checked above, including when they are used and where they are employed.

d. What physical and biological BPTC measures do you plan to implement to prevent or limit erosion? Check all that apply.

Physical BPTC measures:

- ☐ Straw mulch ☐ Wood mulch ☐ Plastic covers ☐ Slope stabilization ☐ Soil binders
☐ Culvert outfall armoring ☐ Other:

Biological BPTC measures:

- ☐ Vegetation preservation ☐ Native vegetation planting ☐ Hydroseeding ☐ Other:

Describe the planned BPTC measures and provide an implementation schedule below.

ii. Sediment Control BPTC Measures

On your site map, indicate the location of sediment control BPTC measures described below. Describe sediment control BPTC measures around all disturbed areas and features. Attach photos documenting implemented measures and locations for planned implementation.

a. What physical BPTC measures have been implemented to capture sediment that has been eroded? Check all that apply.

☐ Silt fences ☐ Fiber rolls ☐ Settling ponds/ areas ☐ Other:

Describe the physical BPTC measures checked above, including when they are used and where they are placed.

b. What biological BPTC measures have been implemented to capture sediment that has been eroded? Check all that apply.

☐ Vegetated outfalls ☐ Hydro seeding ☐ Other:

Describe the biological BPTC measures checked above, including when they are used and where they are employed.

c. What physical and biological BPTC measures do you plan to implement to prevent or limit erosion? Check all that apply.

Physical BPTC measures:

☐ Silt fences ☐ Fiber rolls ☐ Settling ponds/ areas ☐ Other:

Biological BPTC measures:

☐ Vegetated outfalls ☐ Hydro seeding ☐ Other:

Describe the planned BPTC measures and provide an implementation schedule below.

iii. Maintenance Activities- Erosion Prevention and Sediment Control

a. How will erosion prevention BPTC measures, sediment control BPTC measures, and stormwater conveyance systems be monitored and maintained to protect water quality? Describe all required maintenance tasks and a schedule for implementation.

b. How will captured sediment be handled? Check all that apply.

☐ Stabilized in place. ☐ Excavated and stabilized on site. ☐ Removed from the site.

Describe the procedure for handling captured sediment below:

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

A. Product List

In the sections below, list all products used and describe how they are delivered to the site, how they are stored, and how they are used at the site. Also describe how products will be removed from the site or stored to prevent discharge if they are not consumed before the winter season. If there is not enough space, list remaining products on a separate sheet.

i. Fertilizers

[illegible]

ii. Pesticides

[illegible]

iii. Herbicides

[illegible]

iv. Rodenticides

[illegible]

B. Product Storage Location

i. Do you use secondary containment for the storage of fertilizers, pesticides, herbicides, and rodenticides?

☐ Yes ☐ No

ii. Where are products stored on site? Indicate the storage location on your site map.

C. Bulk Fertilizers and Chemical Concentrates

i. How are bulk fertilizers and chemical concentrates stored, mixed, and applied?

ii. How are empty containers disposed of?

D. Spill Prevention and Cleanup Plan

i. What procedures are in place to prevent spills of fertilizers, pesticides, herbicides, and rodenticides?

ii. What procedures are in place to clean up spills if they occur?

3. Petroleum Product BPTC Measures

A. Product List

In the sections below, list all products used and describe how they are delivered to the site, how they are stored, and how they are used at the site. Also describe how products will be removed from the site or stored to prevent discharge if they are not consumed before the winter season.

Product Name	Product Description

B. Product Storage Location

i. Do you use secondary containment for the storage of petroleum products?

☐ Yes ☐ No

ii. Where are products stored on site? Indicate the storage location on your site map.

C. Product Use

i. How are fuels, lubricants, and other petroleum products stored, mixed, and applied?

ii. How are empty containers disposed of?

D. Spill Prevention and Cleanup Plan

i. What procedures are in place to prevent spills of petroleum products?

ii. What procedures are in place to clean up spills if they occur?

4. Trash/ Refuse, and Domestic Wastewater BPTC Measures

A. Type of Trash/ Refuse

i. What types of trash/ refuse will be generated at the site? Include a description of all solid waste materials (e.g. spent hydroponic growing media, organic materials, plastic, paper, glass, clay, etc.)

ii. How will trash/ refuse be contained and properly disposed of?

iii. Where will trash/ refuse be stored? Indicate the location of trash/ refuse storage on your site map.

B. Personal Waste

i. How many employees, visitors, and residents will you have at the site?

Employees:

Residents:

Visitors: _____ per _____

ii. What types of domestic wastewater will be generated at the site? Check all that apply.

☐ Household generated wastewater ☐ Chemical toilet waste ☐ Other:

iii. How will domestic wastewater be disposed? Check all that apply.

☐ Sewer

☐ Permitted onsite wastewater treatment system (e.g. septic tank and leach lines) Provide a schematic and a copy of your permit for the system.

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

☐ Outhouse, pit privy, or similar. (Use of this alternative requires approval from the Regional Board Executive Officer. Attach the approval from the Executive Officer and any conditions imposed if using this alternative. Indicate the location of any domestic wastewater treatment, storage, or disposal areas on your site map, as well as the locations of all water wells (e.g. drinking water, irrigation water, commercial water, etc.) inside or within 0.5 mile of the site boundary.)

5. Winterization BPTC Measures**A. Winterization Activities Performed**

What activities will be performed to winterize the site and prevent discharges of waste?

B. Maintenance of Drainage and Sediment Capture Features

What maintenance activities will be performed to remove debris and soil blockages from drainage and sediment capture features (e.g. drainage culverts, drainage trenches, settling ponds, etc.) and ensure adequate capacity exists? Include a description of how all solid waste materials are managed.

C. Revegetation Activities

What revegetation activities will occur at the beginning or end of the precipitation season?

D. Compliance Schedule

If any Winterization BPTC measure cannot be completed before the onset of winter period, contact the Regional Water Board to establish a compliance schedule.

Provide a timeline for implementation of these measures:

6. Cannabis Cultivation Details

A. Growing Methods
i. Where is cannabis grown? <input type="checkbox"/> Fully outdoor <input type="checkbox"/> Hoophouse <input type="checkbox"/> Greenhouse with permeable floors <input type="checkbox"/> Other (please describe):
ii. What type of container is cannabis grown in? Check all that apply. <input type="checkbox"/> In ground <input type="checkbox"/> Raised beds <input type="checkbox"/> Pots/ grow bags/ trays on the ground <input type="checkbox"/> Pots/ grow bags/ trays elevated off the ground <input type="checkbox"/> Other (describe): _____
iii. If cannabis is grown in containers elevated off the ground, is irrigation tailwater collected? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> A portion of it is collected <input type="checkbox"/> N/A If yes, describe what you do with the captured irrigation tailwater:
B. Irrigation Water Treatment
i. Is irrigation water filtered prior to use? <input type="checkbox"/> Yes <input type="checkbox"/> No If irrigation water is filtered, answer the questions below:
ii. What type of filtration is used (i.e. reverse osmosis, ion exchange, etc.)?
iii. What is the maximum volume of water filtered per day?
iv. How are filter residuals (i.e. brines, etc.) disposed of?
v. What is the volume of residual produced? _____ gallons per

7. Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

☐ I have read and accept the above terms.

Operator/Responsible Party _____ Date Prepared _____

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

RECEIVED

OCT 30 2019



CDFW - EUREKA

STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2019-0194-R1
Unnamed Tributary to Mad River, and the Pacific Ocean

Eric Paulsen
Paulsen Water Diversion and Stream Crossings Project
5 Encroachments

This Lake or Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Eric Paulsen (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on March 13, 2019, revised on June 26, and October 25, 2019, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Mad-Redwood River watershed, approximately 11.2 miles NE of the town of Bridgeville, County of Humboldt, State of California. The project is located in Section 35, T02N, R05E, Humboldt Base and Meridian; in the Blake Mountain U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 208-231-014; latitude 40.5113 N and longitude -123.5859 W at the point of diversion (POD).

PROJECT DESCRIPTION

The project is limited to five encroachments (Table 1). Four of the proposed encroachments are to upgrade failing and undersized culverts. Work for these encroachments will include excavation, removal of the failing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as

necessary to minimize erosion. The fifth encroachment is the decommissioning of an onstream pond.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Crossing-1	40.5095, -123.5859	Replace undersized 12" diameter culvert with minimum 30" diameter culvert
Crossing-2	40.5111, -123.5846	Replace undersized 12" diameter culvert with minimum 30" diameter culvert
Crossing-3	40.5109, -123.5863	Replace undersized 18" diameter culvert with minimum 48" diameter culvert
Crossing-4	40.5111, -123.5863	Replace undersized 18" diameter culvert with minimum 48" diameter culvert
Pond Decommission	40.5113, -123.5859	Decommission on-stream pond and restore original stream channel according to the Grading and Erosion Control Plan included in the Notification and in accordance with the terms of this Agreement.

Described features disclosed within the notification but are not covered under this Agreement are listed in Table 2. This Agreement does not retroactively permit any stream crossings, water diversions or other encroachments not described in Table 1. Upon site inspection, CDFW may make additional recommendations regarding these features.

The Notification discloses the use of a well located at Lat/Long 40.5118, -123.5870. This well is presented as the sole source of water for all needs on the property. CDFW did not evaluate hydraulic connection of the wells to surface water, nor was a hydrogeologic evaluation prepared by a licensed geologist provided for CDFW review. The well is located in close proximity to a stream and wetland complex and there is no information to suggest a lack of hydraulic connection.

Pond 2 appears hydrologically connected by receiving waters from the wetland it is contained within and may be subject to FGC section 1602, but was not identified as a project and is not covered under this Agreement.

Table 2. Description of Features Not Notified or Covered Under this Agreement

ID	Latitude/Longitude	Description
Well	40.5118, -123.5869	Domestic and agricultural purposes. Located approximately 100 feet from unnamed tributary to Mad River and closer to a mapped wetland area. Upon site inspection CDFW may determine the well is subject to FGC 1602.
Well	40.5118, -123.5831	Dry well located 50 feet off property within 600 feet from unnamed tributary to Mad River
Pond 2	40.5095, -123.5859	Observed from aerial imagery appears and depicted in a wetland, most likely hydrologically connected. No diversion or modification is authorized by this Agreement. The construction is not retroactively permitted and may not be in compliance with Fish and Game Code.

PROJECT IMPACTS

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

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

Impacts to water quality:

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

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

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

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

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

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.

- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.4 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.5 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.6 Other Agency Permitting Requirements. The U.S. Army Corps of Engineers (Corps) has permitting requirements for certain instream projects under Section 404 of the Federal Clean Water Act. If this project features the placement of dredged or fill materials into the channels of streams (below the ordinary high water mark) that are waters of the United States, a permit may be required by the Corps. If your project needs a permit from the Corps, you will also need to obtain a Water Quality Certification pursuant to Section 401 of the Federal Clean Water Act from the Regional Water Quality Control Board (Regional Water Board). In addition, if your project will involve disturbance within or discharges of pollutants to Waters of the State of California, the Regional Water Boards may require a permit, whether or not the Corps requires a permit. If there is any question regarding the possibility of the project meeting the above limitations, the Permittee should contact the Corps and the Regional Water Board prior to beginning work. This Agreement in no way represents permitting requirements by the Corps or the Regional Water Board. It is the responsibility of the Permittee to contact the Corps, and to comply with the provisions of any Section 404 permit issued, if required by the Corps. Similarly, it is the responsibility of the Permittee to contact the Regional Water Board and to comply with the provisions of any Section 401 Certification, Regional Water Board Waste Discharge Requirements or waiver of Waste Discharge Requirements issued by the Regional Water Board.
- 1.7 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW

are taken. This includes new information becoming available that indicates bypass flows, diversion rates or other measures provided in this Agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.

- 1.8 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions as required below.**
- 1.9 Notification to the California Natural Diversity Database. If any special status species are observed at any time during the project, a qualified Biologist shall submit California Natural Diversity Data Base (CNDDDB) forms to the CNDDDB within five (5) working days of the sightings. A summary of CNDDDB submissions shall be included with the completion notification. Forms and instructions for submissions to the CNDDDB may be found at:
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

2. Avoidance and Minimization Measures

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with Permittee Notification, together with all maps, Best Management Practices (BMPs), photographs, drawings, and other supporting documents submitted with the Notification and received on 03-13-2019, with revisions received on June 26 and October 25, 2019.
- 2.2 Listed Species. This Agreement does not allow for the take, or incidental take of any state or federal listed threatened, endangered, or candidate species. No direct or indirect impacts shall occur to any threatened or endangered species as a result of implementing the project or the project's activities. If the project could result in the "take" of a state listed threatened or endangered species, the Permittee has the responsibility to obtain from CDFW, a California Endangered Species Act Permit (CESA section 2081).
- 2.3 Foothill Yellow-Legged Frog (FYLF) Avoidance. To avoid take of FYLF during its CESA candidacy period, the Permittee shall:
- A. Conduct a Pre-Construction Survey. Within 3-5 days prior to entering or working at the Project Site, a qualified biologist shall examine the project site to

determine the presence/absence of standing or flowing water, and the presence and/or the potential for presence of FYLF adults, juveniles, tadpoles or egg masses within the project area and 150 feet upstream and downstream. Prior to commencing work, Permittee shall provide to CDFW for review preconstruction survey notes and observations.

1. If FYLF are found during the pre-construction survey, Permittee shall:
 - a) Consult CDFW immediately by either telephone or e-mail and provide a short description of observations, including a count of individuals and the life stage(s), conditions at the site, and other aquatic species observed; and
 - b) Either propose site-specific mitigation measures that will be utilized to avoid take or obtain an Incidental Take Permit (ITP) if take of FYLF cannot be avoided. Instream work shall not commence until CDFW has provided written approval of the proposed avoidance measures or an ITP has been issued.
2. If no FYLFs are found during the pre-construction survey and no surface water is present in the project area, work may commence without further surveys.
3. If no FYLFs are found but surface water is present during the pre-construction survey, *or if surface water becomes present at any time during the work period*, a qualified biologist shall survey the work site each day before commencement of work activities where equipment and/or materials may come in contact with FYLFs, streams, or riparian habitat.
4. If FYLFs are observed at any time during the construction season, work in the immediate area shall be halted, CDFW immediately consulted, and conservation measures developed and agreed to by CDFW prior to recommencing work.

B. Qualified Biologist. A qualified biologist is an individual who is experienced in construction level biological monitoring, knowledgeable in the biology, natural history, habits and behaviors of the FYLF, and who is able to recognize all age classes of FYLF relative to other amphibians in the project area. A qualified biologist shall have academic and professional experience in biological sciences or resource management activities. At least 15 days prior to commencement of Project-related surveys for FYLFs, Permittee shall provide to CDFW for review and approval the names and qualifications of individuals requesting qualified biologist status.

C. Decontamination. The Permittee is responsible for ensuring all project personnel adhere to the latest version of the Northern Region California Department of Fish and Wildlife Aquatic Invasive Species (AIS) Decontamination Protocol for all field gear and equipment that will be in contact with water or FYLFs. Heavy equipment and other motorized or mechanized equipment that comes in contact with water should generally follow watercraft decontamination protocols found in the AIS Decontamination Protocol.

- 2.4 Nesting Birds. Actively nesting birds and their nests shall not be disturbed by project activities. If construction, grading, vegetation removal, or other project-related improvements are necessary during the nesting season of protected raptors and migratory birds (**March 1 through August 15**), the Permittee shall notify CDFW of proposed work and a focused survey for bird nests and/or nesting behavior shall be conducted by a qualified biologist within seven (7) days prior to the beginning of project-related activities. Surveys should encompass the area up to 50 feet from disturbance to account for songbirds, and up to 250 feet from disturbance for raptors. If a nest is found or suspected to be present, Permittee shall consult with CDFW regarding appropriate action to comply with the Migratory Bird Treaty Act of 1918 and FGC. If a lapse in project-related work of seven (7) days or longer occurs, another focused survey, and if required, consultation with CDFW shall be required before project work can be reinitiated.

Project Timing

- 2.5 Work Period. All work, not including diversion of water, shall be confined to the period **June 15 through October 15** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation. Limited vegetation removal may occur outside of this work period as per Measure 2.6.
- 2.6 Extension of the Work Period. If weather conditions permit, and the Permittee wishes to extend the work period after October 15, a written request shall be made to CDFW **at least 10-working days before the proposed work period variance**. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 15.
- 2.7 Work Completion. The proposed work shall be completed by no later than **October 15, 2020**. Failure to complete work by this date may result in suspension or revocation of this Agreement. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.

Vegetation Management

- 2.8 **Minimum Vegetation Removal.** No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.
- 2.9 **Vegetation Maintenance.** Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of Authorized Activity to the use of hand tools. Vegetation management shall not include treatment with herbicides.
- 2.10 **Avoidance of Nesting Birds.** Vegetation maintenance/removal as necessary within the scope of the project shall be confined to the period commencing August 16 and ending February 28, of any year in which this Agreement is valid, provided the work area is outside of the actively flowing stream. Work may continue during precipitation events provided stream flows have not risen into work areas and sediment delivery will not result.

General Stream Protection Measures

- 2.11 **Fish and Aquatic Amphibians.** If possible, work shall be conducted when the affected stream channel is void of surface water. If surface water is present during construction, the Permittee shall: a) have a biologist or other qualified professional survey the site and adjacent area for fish, amphibians, and turtles three (3) days or less before commencing project activities and b) if fish, amphibians, or turtles are detected, CDFW will be contacted and work shall not commence until authorized by a CDFW representative.
- 2.12 **Stream Protection.** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other material deleterious to fish, plant life, mammals or bird life shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream.
- 2.13 **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.
- 2.14 **Maintain Aquatic Life.** When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to FGC section 5937.

- 2.15 Maintain Passing of Fish Up and Down Stream. It is unlawful to construct or maintain in any stream any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish (*wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn or ovum of any of those animals*) up and down stream pursuant to FGC section 5901
- 2.16 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.17 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.18 Clean-up. Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high-water mark before such flows occur or the end of the yearly work period, whichever comes first. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.19 Erosion Control Measures
- 2.19.1 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 (2) to four (4) 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.
- 2.19.2 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, replacement of damaged sediment fencing, coir rolls/logs and/or straw bale dikes and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify CDFW immediately.

2.19.3 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.

2.19.4 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 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.

2.20 Waste Containment and Disposal. Permittee shall contain all operation associated refuse in enclosed, wildlife proof, storage containers, at all times, and relocate refuse to an authorized waste management facility, in compliance with State and local laws, on a regular and ongoing basis. All refuse shall be removed from the site and properly disposed of, at the close of the cultivation season and/or when the parcel is no longer in use. Photo documentation of newly installed storage containers shall be included in the Work Completion Report.

2.21 Site Management Plan. Permittee shall submit to CDFW the initial preparation and subsequent updates to the project's Site Management Plan that is prepared in conformance with the State Water Board's Cannabis Cultivation Policy and Guidelines.

Stream Crossings

2.22 Road Approaches. The Permittee shall treat road approaches to new or re-constructed permanent crossings to minimize erosion and sediment delivery to the watercourse. 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. Road approaches shall be armored from the crossing for a minimum of *50 feet in both directions*, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable, clean, screened, angular rock.

- 2.23 Excavated Fill.** Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 2.24 Runoff from Steep Areas.** The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- 2.25 Crossing Maintenance.** The Permittee shall provide site maintenance for the life of the structures, including, but not limited to, re-applying erosion control to minimize surface erosion and ensuring drainage structures, streambeds and banks remain sufficiently armored and/or stable.
- 2.25.1** The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow.
- 2.25.2** No heavy equipment shall enter the wetted stream channel.
- 2.25.3** No fill material, other than clean rock, shall be placed in the stream channel.
- 2.25.4** Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.
- 2.25.5** Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.
- 2.26 Isolation of Work Site.** Only when work in a flowing stream is unavoidable (e.g., perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations. Permittee shall adhere to the following conditions:
- 2.26.1 Stream Diversion.** Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
- 2.26.2 Coffer Dams.** Prior to the start of construction, Permittee shall isolate the work area. Cofferdams shall be installed to divert stream flow; isolate and dewater the work site; catch and retain sediment-laden water; and minimize sediment transport downstream. Water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam

and discharge downstream of the downstream coffer dam. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately. Permittee shall use only clean, non-erodible materials such as sand bags, on-site rock, and/or plastic sheeting. Mineral soil shall not be used in the construction of cofferdams.

2.26.3 Stranded Aquatic Life. Once coffer dams are installed, a qualified biologist or other qualified professional trained to identify listed species shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern. CDFW staff who prepared this Agreement shall be contacted immediately if any of these species are detected.

2.26.4 Dewatering. Permittee shall catch and retain sediment-laden water and minimize sediment transport downstream. Flowing water shall be cleanly bypassed and/or prevented from entering the work area through pumping or gravity flow, and cleanly returned to the stream below the work area. 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.

2.26.5 Remove any Materials upon Completion. Permittee shall remove any turbid water and sediment present in the work area prior to restoring water flow through the project site and place them in a location where they cannot enter the Waters of the State. Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.

2.26.6 Restore Normal Flows. Permittee shall restore normal flows to the effected stream immediately upon completion of work at that location.

2.27 Culvert Installation.

2.27.1 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥ 1.0 times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

2.27.1 Where diversion potential exists, a critical dip shall be installed to direct flood flow over the crossing fill and back into the channel. Critical dips shall be constructed to accommodate the entire estimated 100-year flood flow

and may be installed by lowering the existing fill over the crossing or by constructing a deep, broad rolling dip over the crossing surface to prevent flood flow from diverting down the road.

- 2.27.2 If the project is located in a high to very high Fire Hazard Severity Zone as designated by CAL FIRE, CDFW recommends culvert materials consist of corrugated metal pipe. Use of High-Density Polyethylene pipe is discouraged.

http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps

- 2.27.3 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.

- 2.27.4 Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). The Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets.

- 2.27.5 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.

- 2.27.6 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.

- 2.27.7 Project Inspection. The Project shall be inspected by Timberland Resource Consultants or a licensed engineer to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

Stream Restoration

- 2.28 Stream Restoration Plan. The Permittee shall submit a Stream Restoration Plan to CDFW prior to conducting remediation activities or ensure that Grading and

Erosion Control Plan included in the Notification complies with the terms of this Agreement. The Stream Restoration Plan (SRP) shall detail the dimensions and slopes of the stream channel to be remediated. The SRP shall describe any material utilized to restore the channel to a natural condition. The SRP shall include a revegetation plan for remediation of the impacted channel reach.

2.29 The Project shall be inspected by Timberland Resources Consultants or a licensed engineer to ensure that the stream restoration was implemented as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

2.30 Revegetation Plan. The Permittee shall submit a revegetation plan with the SRP to CDFW for review and approval prior to implementation of riparian habitat restoration activities. The Revegetation Plan shall, at a minimum, include the following:

2.30.1 The identification of the area and vegetation types that will be restored.

2.30.2 A planting design and palette appropriate to the vegetation type, cover, stratum, and level of biodiversity (i.e., species richness and composition). Use of a reference site is recommended.

2.30.3 Use regionally appropriate native plants for a riparian vegetation type. The derivation of plant material such as containers, plugs, cuttings, divisions, or seeds from coastal areas of Humboldt, Del Norte and Mendocino Counties within 30 miles of the coast. All native seed material shall be from the North Coast ecoregion (Humboldt, Mendocino, Sonoma or Del Norte Counties), if practical. If quantities are not able to be satisfied from these collection sites, propagules may be obtained from other counties in Northern California with pending approval from a restoration ecologist or botanist.

2.30.4 Cuttings of willows, cottonwoods conducted when dormant. Collection of cuttings within an area dispersed to maintain genetic and sexual diversity, and to avoid adversely impact existing riparian vegetation. Cuttings hydrated between harvesting and planting (e.g., soak cuttings in water several days to a week to stimulate rooting prior to planting). Cuttings planted to depth of 75% of their length with buds pointing up and bottom of cutting in moist soil or water.

2.30.5 Planting conducted after the first seasonal rains have saturated soils

beyond the first several inches (November/December) and before April.

- 2.30.6 No application of fertilizer on plants or chemical controls on weeds.
- 2.30.7 Measurable success criteria based on plant survival, density, or cover.
- 2.30.8 Monitoring conducted for a minimum of five years to determine whether the revegetation goals and objectives have been met. Remedial measures if revegetation goals and objectives are not met.
- 2.30.9 Annual status reports on the revegetation efforts shall be submitted to CDFW in the by **October 31 of each year** following initial planting for the length of the monitoring period.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 **CDFW Notification of Work Initiation.** The Permittee shall contact CDFW within the seven-day period **preceding the beginning of work** permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date.
 - 3.1.1 Prior to commencing work, Permittee shall provide to CDFW for review preconstruction FYLF survey notes and observations.
- 3.2 **Work Completion.** The proposed work shall be completed by no later than **October 15, 2020**. to complete work by this date may result in suspension or revocation of this Agreement. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions** and shall be submitted to CDFW, LSA program at 619 Second Street, Eureka, CA 95501 **within seven (7) days** of project completion.
 - 3.2.1 **Wildlife Entrapment Prevention for Reservoirs.** A notice of completed work, with supplemental photos, shall be submitted to CDFW.
 - 3.2.2 Photo documentation of newly installed storage containers shall be included in the Work Completion Report. A notice of completed work, with supplemental pictures, shall be submitted to CDFW **within seven (7) days** of project completion as part of the work completion report.
- 3.3 **Project Inspection.** The Project shall be inspected by Timberland Resources Consultants or a licensed engineer to ensure that the stream crossings were installed as designed and the stream restoration was implemented and is functioning as designed. A copy of the inspection report, including photographs of

each site, shall be submitted to CDFW within 90 days of completion of each separate encroachment project. The Permittee shall submit the **Project Inspection Report** to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.

- 3.4 Site Management Plan. The Permittee shall submit to CDFW the project's **Site Management Plan within 30 days of submittal to the Water Board**. Permittee shall submit subsequent revisions and updates to the Site Management Plan that is prepared in conformance with the State Water Board's Cannabis Cultivation Policy and Guidelines.
- 3.5 Invasive Species Management for Reservoirs. The Permittee shall submit all required documents described in the Invasive Species Management for Reservoirs, **Bullfrog Management Plan** (Exhibit A) no later than **December 31** of each year the pond is in existence. The Bullfrog Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.6 Stream Restoration Plan. The Permittee shall submit a **Stream Restoration Plan** by **May 15, 2020** or outline how the Grading and Erosion Control Plan included in the Notification complies with the terms of this Agreement. The Stream Restoration Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.7 Revegetation Plan. The permittee submit a **Revegetation Plan** to CDFW by **May 15, 2020**, for review and approval prior to implementation of riparian habitat restoration activities (condition 2.25). The Revegetation Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.7.1 Annual status reports on the revegetation efforts shall be submitted to CDFW by **October 31 of each year** following initial planting for the length of the monitoring period.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

To Permittee:

Eric Paulson
3741 Greenwood Heights Drive
Kneeland, CA 95549
707-845-6456
coralburl@gmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2019-0194-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, or obtaining any other permits or authorizations that might be required under, other federal, state, or local laws or regulations before beginning the project or an activity related to it. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 5948 (obstruction of stream).

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, the Permittee shall

submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

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

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under CEQA; and 3) after payment of the applicable FGC section 711.4 filing fee listed at

<https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

TERM

This Agreement shall **expire five (5) years** from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605, subdivision (a)(2) requires.

EXHIBITS

The documents listed below are included as exhibits to the Agreement and incorporated herein by reference.

Exhibit A: Bullfrog Management Plan

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's

behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.


AUTHORIZATION

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


CONCURRENCE

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

FOR ERIC PAULSON


Eric Paulson Date 10-30-19

FOR DEPARTMENT OF FISH AND WILDLIFE


Cheri Sanville Date 11/6/19
Senior Environmental Scientist Supervisor

Prepared by: Christine Hahn Vertical, Environmental Scientist, October 25, 2019

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN FOR 1600-2019-0194-R1

GENERAL BULLFROG INFORMATION

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

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

MONITORING

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

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

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

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

SUCCESS CRITERIA

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

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

OPTIONS FOR MANAGEMENT

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

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

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Scientist Christine Hahn Vertical at christine.hahnvertical@wildlife.ca.gov

Direct Removal

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

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

Management Authorization

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

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

Pond Dewatering

Pond dewatering may be appropriate if the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

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

REPORTING

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

APPENDIX A. BULLFROG REFERENCE PHOTOS



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



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



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

State of California
Well Completion Report
 Form DWR 188 Submitted 10/1/2018
 WCR2018-008702

Owner's Well Number _____ Date Work Began 09/21/2018 Date Work Ended 10/01/2018
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
 Secondary Permit Agency _____ Permit Number 18/19-0057 Permit Date 07/23/2018

Well Owner (must remain confidential pursuant to Water Code 13752)		Planned Use and Activity	
Name <u>Eric Paulsen</u>	Activity <u>New Well</u>		
Mailing Address <u>3741 Greenwood Heights Drive</u>	Planned Use <u>Water Supply Domestic</u>		
City <u>Kneeland</u> State <u>CA</u> Zip <u>95549</u>			

Well Location			
Address <u>0 Bronco RD</u>		APN <u>208-231-014</u>	
City <u>Mad River</u>	Zip <u>95552</u>	County <u>Humboldt</u>	Township <u>02 N</u>
Latitude _____ N	Longitude _____ W	Range <u>05 E</u>	Section <u>35</u>
Deg. _____ Min. _____ Sec. _____	Deg. _____ Min. _____ Sec. _____	Baseline Meridian <u>Humboldt</u>	
Dec. Lat. <u>40.5118270</u>		Dec. Long. <u>-123.5869780</u>	
Vertical Datum _____		Horizontal Datum <u>WGS84</u>	
Location Accuracy _____		Elevation Accuracy _____	
Location Determination Method _____		Elevation Determination Method _____	

Borehole Information		Water Level and Yield of Completed Well	
Orientation <u>Vertical</u> Specify _____	Depth to first water <u>55</u> (Feet below surface)		
Drilling Method <u>Direct Rotary</u> Drilling Fluid <u>Air</u>	Depth to Static _____		
Total Depth of Boring <u>200</u> Feet	Water Level <u>32</u> (Feet) Date Measured <u>10/01/2018</u>		
Total Depth of Completed Well <u>200</u> Feet	Estimated Yield* <u>10</u> (GPM) Test Type <u>Air Lift</u>		
	Test Length <u>4</u> (Hours) Total Drawdown <u>168</u> (feet)		
	*May not be representative of a well's long term yield.		

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	2	top soil
2	14	silty clay
14	26	sandstone
26	48	shale
48	151	blue sandstone
151	173	sandstone shale mix
173	200	soft sandstone

Casings	
---------	--

Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specificatons	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	60	Blank	PVC	OD: 5.563 in. SDR: 21 Thickness: 0.265 in.	0.265	5.563			
1	60	200	Screen	PVC	OD: 5.563 in. SDR: 21 Thickness: 0.265 in.	0.265	5.563	Milled Slots	0.032	

Annular Material	
Material	Aluminum
Thickness	0.005 in.
Modulus	10.0E6
Poisson's Ratio	0.33
Yield Strength	40.0E3
Ultimate Strength	50.0E3
Friction Coefficient	0.15
Thermal Expansion Coefficient	12.5E-6
Thermal Conductivity	170.0
Heat Capacity	0.21
Specific Heat	0.9
Density	0.098
Surface Energy	0.0001
Surface Tension	0.0001
Surface Friction Coefficient	0.15
Surface Adhesion Coefficient	0.15
Surface Roughness	0.0001
Surface Hardness	0.0001
Surface Elasticity	0.0001
Surface Plasticity	0.0001
Surface Viscosity	0.0001
Surface Permeability	0.0001
Surface Porosity	0.0001
Surface Conductivity	0.0001
Surface Resistance	0.0001
Surface Capacitance	0.0001
Surface Inductance	0.0001
Surface Impedance	0.0001
Surface Reactance	0.0001
Surface Susceptance	0.0001
Surface Transmittance	0.0001
Surface Reflectance	0.0001
Surface Absorptance	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001
Surface Transmissivity	0.0001
Surface Absorptivity	0.0001
Surface Emissivity	0.0001
Surface Refractive Index	0.0001
Surface Reflectivity	0.0001


Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Other Bentonite		Sanitary Seal
20	200	Filter Pack	Other Gravel Pack	3/8 Inch	Pea Gravel

Other Observations:	
---------------------	--

Borehole Specifications					
Borehole ID:					
Date:					
Location:					
Depth:					
Diameter:					
Drill Type:					
Operator:					
Status:					

Depth from Surface Feet to Feet		Borehole Diameter (inches)
0	200	10

Certification Statement

Name		FISCH DRILLING	
Person, Firm or Corporation			
3150 JOHNSON ROAD		HYDESVILLE	CA 95547
Address		City	State Zip
Signed	 electronic signature received	10/01/2018	683865
C-57 Licensed Water Well Contractor		Date Signed	C-57 License Number

Attachments

scan.pdf - Location Map

DWR Use Only

CSG #	State Well Number	Site Code	Local Well Number

				N					W
--	--	--	--	---	--	--	--	--	---

Longitude Deg/Min/Sec

APN:

Ap# 208-231-014

45' off
to
property

well site

50' off off
of property
line

Neighbors
House
about
500'
SE

1360'

Dry
200'

600ft

1410'

Well 145'
green
houses

Seasonal

water
course

1380'

1400'

Bronco Rd
Gate

Locked
Green
Gate

County Line Creek Rd



Highway 36 East
left onto County Line Creek Rd
App. 7 miles South
to Bronco Rd

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: ERIC Paulsen APN: 208-231-014

Planning & Building Department Case/File No.: 13138

Road Name: COUNTY LINE CREEK RD - HUMBOLDT COUNTY
(complete a separate form for each road)

From Road (Cross street): COUNTY LINE CREEK RD (TRINITY CO)

To Road (Cross street): RIVER RD

Length of road segment: 1 miles Date Inspected: 4/20/18

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

Check one of the following:

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

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

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

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

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

Signature

ERIC Paulsen

Date

5-3-18

Name Printed

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

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: ERIC PAULSEN APN: 208-231-014

Planning & Building Department Case/File No.: 13138

Road Name: BRONCO RD (complete a separate form for each road)

From Road (Cross street): RIVER ROAD

To Road (Cross street): PROPERTY

Length of road segment: 1 miles Date Inspected: 4/20/18

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

Check one of the following:

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

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

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

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

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

Signature

Date

Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.2205.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Eric Paulsen APN: 208-231-014
Planning & Building Department Case/File No.: 13138
Road Name: RIVER ROAD (complete a separate form for each road)
From Road (Cross street): COUNTY LINE CREEK RD
To Road (Cross street): BRENCO ROAD
Length of road segment: 1.4 miles Date Inspected: 4/20/8
Road is maintained by: ☐ County ☒ Other PRIVATE
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

- Box 1 ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.
- Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

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

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

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

Signature

Eric Paulsen

Name Printed

Date

5-3-18

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7265.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Eric Paulsen

APN: 208-231-014

Planning & Building Department Case/File No.: 13138

Road Name: US FS ROAD 1 TRINITY COUNTY
(complete a separate form for each road)

From Road (Cross street): HWY 34

To Road (Cross street): COUNTY LINE CREEK ROAD - TRINITY CO.

Length of road segment: 0.2 miles Date Inspected: 4/20/18

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

Check one of the following:

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

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

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

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

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

Signature

Eric Paulsen

Name Printed

Date

5-3-18

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

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Eric Paulsen APN: 208-231-014

Planning & Building Department Case/File No.: 13138

Road Name: COUNTY LINE CREEK RD (TRINITY CO) (complete a separate form for each road)

From Road (Cross street): USFS R 1

To Road (Cross street): COUNTY LINE CREEK RD (HUMBOLDT COUNTY)

Length of road segment: 4.2 miles Date Inspected: 4/20/18

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

Check one of the following:

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

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

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

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

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

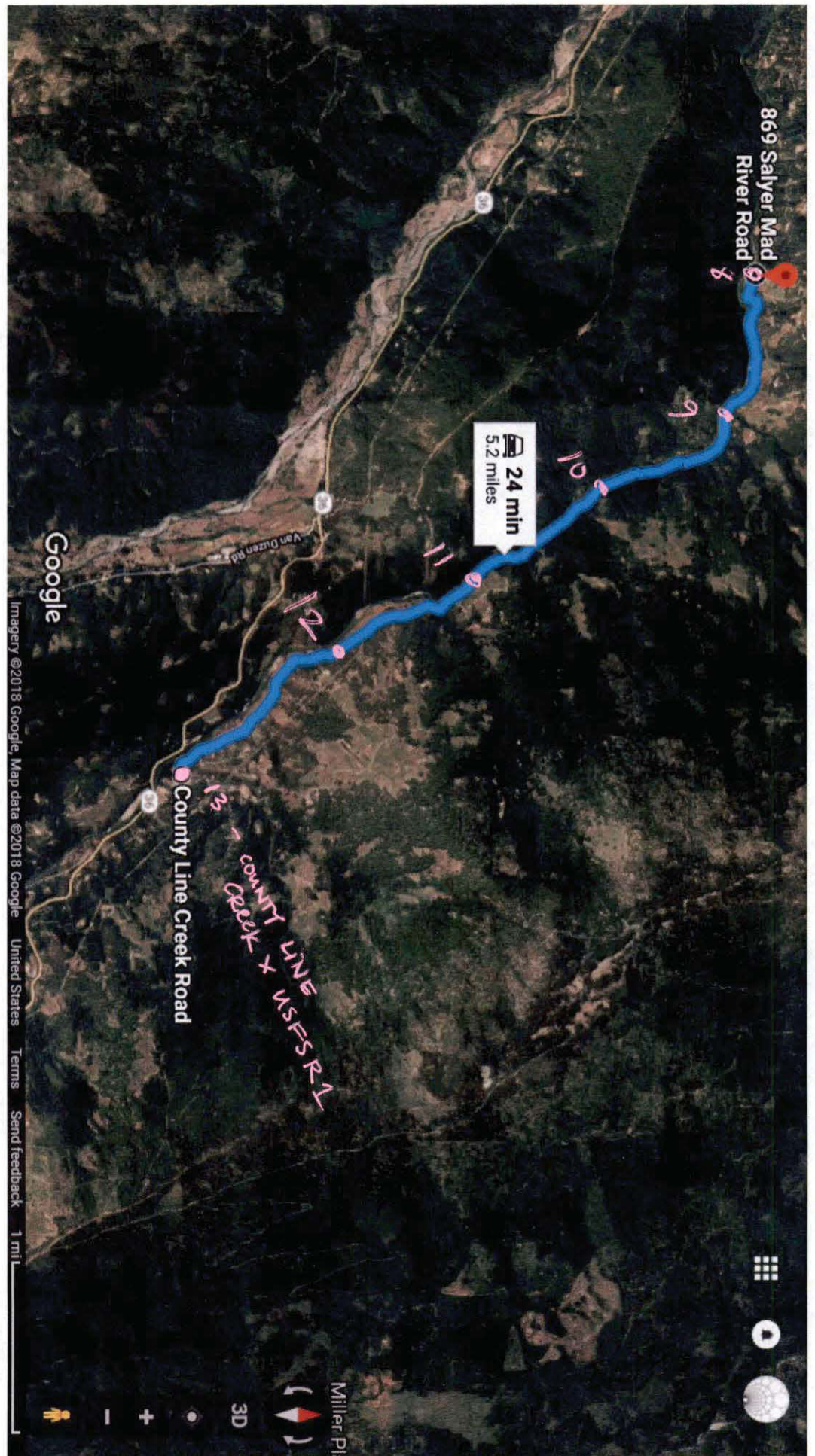
[Signature]
Signature

5-3-18
Date

ERIC Paulsen
Name Printed

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





①



2



3





5



6



7





9







11

12





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	Attached
Cal Fire	✓	Conditional Approval	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band Rohnerville Rancheria	✓	Comments	On file and confidential
Humboldt Bay Municipal Water District	✓	Comments	Attached
Southern Trinity Volunteer Fire Department	✓	Conditional Approval	Attached
Southern Trinity Joint Unified School District		No response	
Humboldt County Sheriff		No Response	
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	
CDFW		No response	
Six Rivers National Forest		No response	
US Forest Service		No response	



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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



Building Division's Referral Comments for Cannabis Operations:

Application No.: 44797
Parcel No.: 209-221-014
Case No.: 13138

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

- ☒ Site/plot plan appears to be accurate.
- ☒ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.

☐ Existing operation appears to have expanded, see comments: _____

☐ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.

☐ Proposed new operation has already started.

☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

☐ Other Comments: revise plot plan to show which
greenhouses are being utilized for
drying cannabis

Name: Ian. Mion

Date: 10/5/17

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



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

9/13/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, NCUR Air Quality Control Board, SWRCB, Division of Water Rights, Humboldt County Sheriff, Ruth Lake Fire Protection District, Southern Trinity Joint Unified School District

Applicant Name Jesse Almas **Key Parcel Number** 208-231-014-000

Application (APPS#) 13138 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-1008

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

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

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

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

Return Response No Later Than 9/28/2017

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

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

☐ Recommend Approval. The Department has no comment at this time.

☒ Recommend Conditional Approval. Suggested Conditions Attached.

☐ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

☒ Other Comments: revise plot plan to show which greenhouses are being used for drying cannabis

DATE: 10/5/17

PRINT NAME: Ian Mison

208-231-014

AP# 13138

APN: 208-231-014

Applicant: Jesse Almas

Directions from Dinsmore Store, Dinsmore, CA
43819 CA-36, Bridgeville, CA 95526

- Head east on CA-36 E toward Bear Creek Rd
6.9 mi
- Turn left onto US Frst Service Rd 1
0.2 mi
- Turn left onto County Line Creek Rd
4.2 mi
- Continue onto Salyer Mad River Rd
2.7 mi

Abbreviations:

U/C = Used for cultivation
N/U = Not used for cultivation
(E) = Existing

Legend:

Watercourse
Road

(E) Greenhouses
6520 sq ft total

(E) Water
Tanks
2 x 3000 gal
2 x 1500 gal
Est 2008

(E) Greenhouse
1200 sq ft
Est 2008

(E) POND
1.1 million gal pond
Est 2010-2014

(E) Storage Shed
600 sq ft
Est 2010
U/C

(E) Cabin
(Abandoned)
375 sq ft
Est 2008
N/U

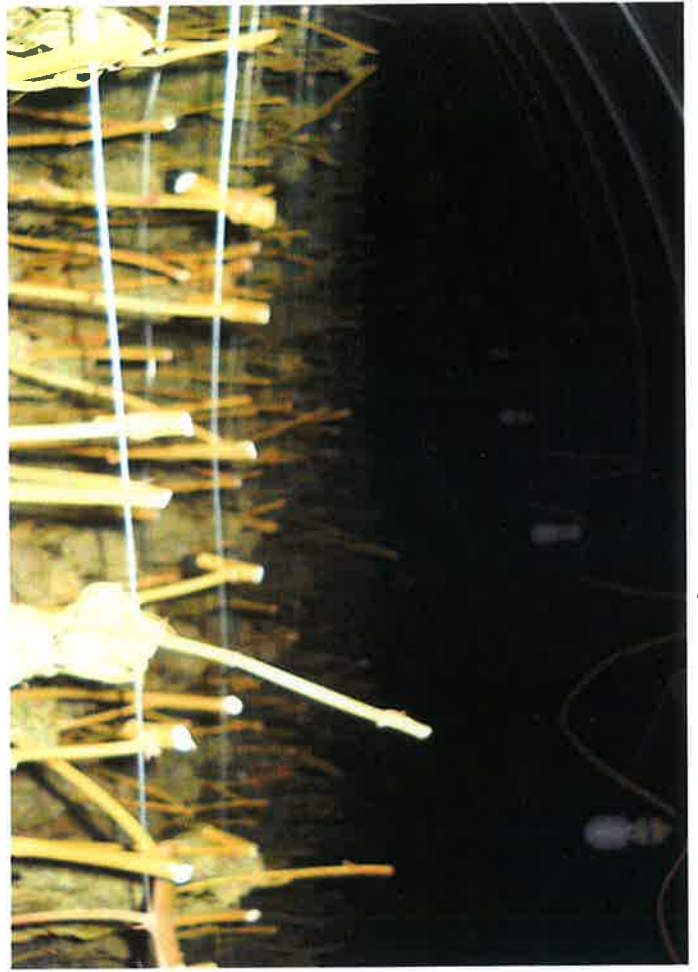
(E) Outdoor
Cultivation
4700 sq ft

Notes:

1. No graded areas on parcel
2. All cultivation areas set back at least 30 ft from property lines.
3. No schools, bus stops, places of worship, public parks, or tribal cultural resources withing 600 ft of cultivation areas
4. Locations of property lines, structures, roads, feature locations and points shown on map are approximate.
5. Feature locations are to applicant's knowledge and have not been verified by mee.
6. GIS data was provided timberland resources consultants.

Google Earth

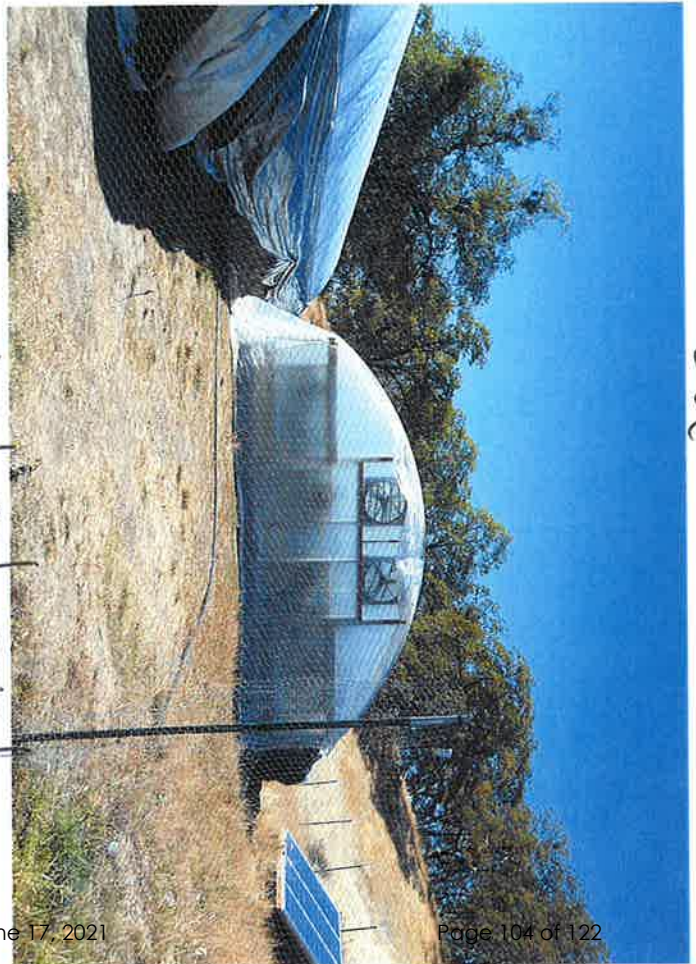
900 ft



ca #2



1 mil gal pond



ca #2





ca # 3



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

DEH Received
9-14-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

17/18-0678

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, NCUR Air Quality Control Board, SWRCB, Division of Water Rights, Humboldt County Sheriff, Ruth Lake Fire Protection District, Southern Trinity Joint Unified School District

Applicant Name Eric Paulson **Key Parcel Number** 208-231-014-000

Application (APPS#) 13138 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-1008

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

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

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

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

Return Response No Later Than Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following:

Conditional Approval

DISTRIBUTED
3-23-18

Comments:

DEH recommends approval with the following conditions:

(1) **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.

(2) **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

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





DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3586

AVIATION 839-5401

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

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

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 03-14-2018

RE:

Applicant Name	Jesse Almas
APN	208-231-014
APPS#	13138 CUP16-1008

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Items 1, 2, 6, & 7 on Exhibit "C"

// END //

Additional Review is Required by Planning & Building Staff

APPS # 13138

All of the following questions are to be answered by Planning and Building Department staff. No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

1. **ROADS – PART 1.** Does the project takes access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?

☐ YES ☐ NO

If **YES**, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the *Road Evaluation Report(s)* for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

2. **ROADS – PART 2.** Does the project takes access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?

☐ YES ☐ NO

If **YES**, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

3. **ROADS – PART 3.** Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? ☐ YES ☐ NO

If **YES**, a *Road Evaluation Report* must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the *Road Evaluation Report* form must be completed.

4. **Deferred Subdivision Improvements.** Does the project have deferred subdivision improvements? ☐ YES ☐ NO

How to check: Method 1: Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel __ of Parcel Map No. __" then there may be deferred subdivision improvements; further research will be needed. Method 2: Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

If **YES** then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

5. **AIRPORT- PART 1 (ALUCP).** Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? ☐ YES ☐ NO

If **YES**, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

Additional Review is Required by Planning & Building Staff

The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer **AND** is the project proposing to construct (or permit) a fence, building or other structure? ☐ YES ☐ NO

If **YES**, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:
- If Box 1 is checked **NO**, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
 - If Box 2 is checked **YES**, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
 - If Box 3 is checked **YES**, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
 - If Box 1 is checked **YES** and Box 2 is checked **NO** and Box 3 checked **NO or NA**, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer? ☐ YES ☐ NO

If **YES**, include the following requirement:

The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

// END //

Exhibit "D"

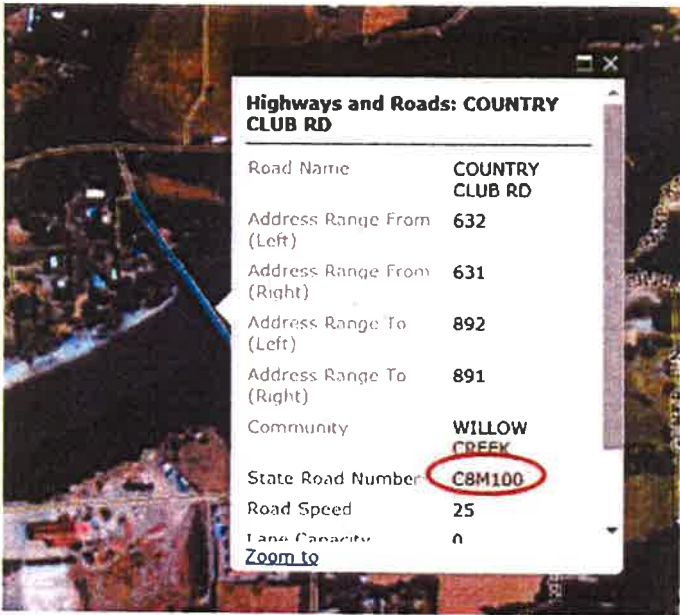
Road Evaluation Reports

1. **ROADS – Road Evaluation Reports.** Planning and Building Department staff shall request that the applicant provide Road Evaluation Reports for the project. The particular roads that require a Road Evaluation Report is to be determined by following the guidance shown below.

The Department has developed a Road Evaluation Report form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a Road Evaluation Report form be completed.

When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate Road Evaluation Report form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

The Road Evaluation Report form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in RED.

A County maintained road will have a 5 or 6 character identifier. The general format is ABCDDD where:

- A is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- B is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- C is a grid identifier letter for the Y-axis for the grid.
- DDD is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

ABCDDD	
A3M020	Murray Road
F6B165	Alderpoint Road
6C040	Thomas Road

Exhibit "D"

Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the green heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the red heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. This list will be updated frequently. Make sure you are using the most up to date list.

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thome Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

Exhibit "D"

Road Evaluation Reports

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Kings Peak Road	C4A020	P.M. 1.0 to P.M 12.20
McCann Road	6D090	P.M.1.0 to P.M.2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[End of County maintained]
Sprowel Creek Road	6B095	P.M 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M 0.00 to 3.25[End of County maintained]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //

RECEIVED

SEP 22 2017

Humboldt County
Planning Division
**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Humboldt – Del Norte Unit

118 Fortuna Blvd.

Fortuna, CA 95540

Website: www.fire.ca.gov

(707) 726-1272

Ref: 7100 Planning
Date: September 22, 2017John Ford, Director
Humboldt County Planning and Building Department – Planning Division
3015 H Street
Eureka, CA 95501**Attention:** Cannabis Planner (CPOD)**Applicant:** Almas, Jesse**APN:** 208-231-014-000**Area:** Dinsmore**Case Numbers:** CUP16-1008**Humboldt County Application #:** 13138**Type of Application:** Conditional Use Permit**Date Received:** 9/15/2017**Due Date:** 9/28/2017

Project Description: A Conditional Use Permit for an existing 12,4230 square foot outdoor cannabis cultivation operation utilizing full sun and greenhouses is being requested. Irrigation water is provided by an existing 1,000,000 gallon pond and the estimated annual water usage is 9,000 gallons in four (4) hard tanks. Current processing (drying and machine trimming) is on-site in an existing shed and Applicant proposes to process off-site at a licensed processing facility. Power for the operation is provided by a generator.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

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

RESOURCE MANAGEMENT

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

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

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

CANNABIS PROJECTS

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

General Recommendations:

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

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

Laney, Megan

From: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Sent: Monday, October 02, 2017 3:37 PM
To: Planning Clerk
Subject: FW: 208-231-014 Almas, Jesse



Chris Ramey
Battalion Chief, Fire Planning

CAL FIRE

Humboldt-Del Norte Unit
C: 707-599-6442
Duty Days: Tues-Fri

From: Lee, Bo@CALFIRE
Sent: Sunday, October 1, 2017 9:13 PM
To: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Subject: 208-231-014 Almas, Jesse

Reviewed by B1213. Recommend:

- Emergency access
 - Turnarounds
- Signing & building numbers
- Emergency water standards
 - Designated water storage for fire
- Fuel modification standards

Bo Lee
Battalion Chief
CAL FIRE
Humboldt-Del Norte Unit
707-499-2244

December 21, 2018

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

RE: Case Number CUP16-1008, Key Parcel Number 208-231-014-000

Humboldt Bay Municipal Water District (District) submits this letter to express concerns regarding Conditional Use Permit 16-1008, submitted by Eric Paulson (Applicant). There are a number of impacts from these projects that need to be considered including water quality and impacts on protected species.

The Applicant seeks a conditional use permit for operation of an existing 12,420 square foot outdoor cannabis cultivation operation. The irrigation water is provided by an existing 1,000,000 gallon pond. Although it is not noted in the project description, there is a stream that goes through the property and may be a water source.

I. The ponds could be a potential species problem

Section 55.4.12.8 of the Cannabis Land Use regulations require that ponds and reservoirs be set back from streams, springs, and other hydrologic features. They also have to be designed so that they can be drained.

II. The Project May Harm Mad River Water Flows and Fish

There is an unnamed creek that appears to be a tributary of the Mad River. The Mad River is a waterway subject to the protections of the public trust doctrine which establishes a local government responsibility to maintain the flows of the waterway for public use. (*Cal. ex rel. State Lands Com v. Superior Court* (1995) 11 Cal.4th 50, 63 [the beds of navigable rivers are owned by the state in trust for the public. Therefore, we respectfully request that the County verify the water rights at the Water Board claimed to be owned and permitted by the applicant prior to issuing a CUP. In addition, storm water runoff from the project could carry chemicals and debris into the Mad River, contaminating not only the drinking water source, but also fish and other species in the water bodies, assuming the creek terminates into the Mad River.

It is the District's understanding and belief that the State Water Board has determined that the Mad River is fully appropriated and there are no more water rights available for appropriation. (See State Water Board Order 98-08; Water Code, § 1206.) Therefore, we respectfully request that the County verify with the Water Board the water rights claimed to be owned and permitted by the applicant prior to issuing a CUP.

III. The Project May Be Subject to CEQA Review

There is a reasonable possibility that the activity will have a significant effect on the environment. Therefore, a full environmental review may need to be conducted for this project. Reliance on a prior environmental document or an exemption will not adequately capture the likely environmental impacts, especially given the cumulative impacts of this project, in conjunction with other projects in the Mad River area.

Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts... The individual effects may be changes resulting from a single project or a number of separate projects. (CEQA Guidelines, § 15355, subd. (a).) Essentially, an agency cannot forego environmental review if, "taking into consideration the effects of past, current, and probable future projects, the environmental effect is significant." (*Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 226, 285.)

There are a number of cannabis operations occurring in the Mad River area, drawing on limited water and posing a potential threat to the drinking water source and sensitive habitats. This is only one of many similar operations in the area. While the County may find reason to conclude each project individually is exempt, a point not conceded by the District, permitting each of these operations based on an exemption avoids adequate analysis of impacts of the cumulative impact on the river.

* * *

For the above reasons, the District requests the Planning Department require full environmental review of Conditional Use Permit applications CUP16-1008 for Cannabis Cultivation Sites. Additionally, we request that the District be notified when the level of environmental review is determined and when the draft environmental document is available for review by the public.

In closing, we respectfully request all referral comments be included in the Planning Commission Packets. This will allow the Commissioners to have a full understanding of the agencies/public concerns.

Respectfully,

John Friedenbach,
General Manager

Cc: Gordon Leppig, CDFW
Kason Grady, NCRWQCB, Division Chief Cannabis Regulatory



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



9/13/2017

PROJECT REFERRAL TO: ~~Ruth Lake Fire Protection District~~ *S Trinity VFD*

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, NCUR Air Quality Control Board, SWRCB, Division of Water Rights, Humboldt County Sheriff, ~~Ruth Lake Fire Protection District~~, Southern Trinity Joint Unified School District
S Trinity VFD

Applicant Name Jesse Almas **Key Parcel Number** 208-231-014-000

Application (APPS#) 13138 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-1008

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

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

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

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

Return Response No Later Than 9/28/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

☐ Recommend Approval. The Department has no comment at this time.

☒ Recommend Conditional Approval. Suggested Conditions Attached. *road across SW corner of parcel should remain open for fire + EMS*

☐ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: *recommend add to mailing list - USDA Forest Service*

741 State Hwy 36 Bridgeville Ca 95526 - usfs provides wildland fire protection on this location.

DATE: 9/16/17

PRINT NAME: William H. German chief STVFD