



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: November 4, 2021

To: Humboldt County Planning Commission

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

Subject: **Mountain Creek Farms and Research Facility Conditional Use Permit**
Record Number: PLN-11806-CUP
Assessor's Parcel Number (APN): 217-391-006
29371 Alderpoint Road, Alderpoint Area

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
November 4, 2021	Conditional Use Permit	Cameron Purchio

Project Description: A Conditional Use Permit for an existing 22,340 square foot (SF) cannabis cultivation operation consisting of 5,140 SF of mixed light cultivation grown in three (3) greenhouses, 12,800 SF of outdoor cultivation in ten (10) greenhouses grown utilizing light deprivation techniques, and 4,400 SF of full sun outdoor cultivation. No ancillary propagation occurs onsite. Irrigation water is sourced from an existing 1,200,000-gallon onstream pond. Existing available water storage is 1,210,500 gallons consisting of the catchment pond and various hard-sided tanks. Estimated annual water usage is 221,559 gallons. Drying and bucking occurs onsite, with all other processing occurring offsite at a licensed processing or manufacturing facility. A maximum of three (3) persons will be onsite during peak operations. Power for cultivation is provided by a solar system and generators.

Project Location: The project is located in the Alderpoint area, on the west side of Alderpoint Road, approximately 1.2 miles north of Blocksburg on the property known as 29371 Alderpoint Road, Alderpoint.

Present Plan Land Use Designations: Residential Agriculture (RA40) Density: Forty (40) acres per dwelling unit, Slope Stability: High Instability (3).

Present Zoning: Forestry Recreation (FR-B-5(40))

Record Number: PLN-11806-CUP

Assessor's Parcel Number: 217-391-006

Applicant	Owner	Agent
Collin Kingery 600 F Street Suite 520 Arcata, CA 95521	Larabee Creek Farms LLC 600 F Street Suite 520 Arcata, CA 95501	Green Road Consulting, Inc. Kaylie Saxon 1650 Central Avenue Suite C McKinleyville, CA 95519

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

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

Major Issues: None.

Mountain Creek Farms and Research Facility

Record Number: PLN-11806-CUP

Assessor's Parcel Number: 217-391-006

Recommended Commission Action:

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

Adopt the Resolution to 1) find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) pursuant to Section §15164 of the State CEQA Guidelines, 2) make all of the required findings for approval of the Conditional Use Permit and 3) approve the Mountain Creek Farms and Research Facility project as recommended by staff subject to the recommended conditions.

Executive Summary: Mountain Creek Farms and Research Facility seeks a Conditional Use Permit to allow the continued cultivation of 22,340 square foot (SF) of cannabis cultivation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Forestry Recreation (FR-B-5(40)). Cultivation takes place in the northern portion of the subject property and consists of 5,140 SF of mixed light cultivation grown in three (3) greenhouses, 12,800 SF of outdoor cultivation in ten (10) greenhouses utilizing light deprivation techniques, and 4,400 SF of full sun outdoor. Ancillary propagation does not occur onsite. Two (2) harvests are anticipated annually for the mixed light and outdoor light deprivation greenhouses and one (1) annual harvest is anticipated in the full sun outdoor area.

Drying and bucking occurs onsite, while all other processing occurs offsite at a licensed processing or manufacturing facility. A maximum of three (3) persons will be onsite during peak operations. Power for cultivation is sourced from onsite solar panels and supplemented with generators. The generators utilized onsite consist of the following ratings: one (1) 30KW, one (1) 7KW, and four (4) 3KW. The operation is secured behind a locked entry gate located off Alderpoint Road.

Water Resources

Estimated annual water usage is 221,559 gallons (9.9 gal/SF) with peak demand occurring in August at approximately 61,860 gallons. Water for irrigation will be provided by an existing 1,200,000-gallon onstream pond. A review of aerial imagery from the Humboldt County WebGIS shows the pond has been in existence since before 2005. The pond currently has an Statement of Water Diversion and Use (S027000) on file with the State Water Resources Control Board (SWRCB). Conditions of approval require the applicant to obtain a Right to Use and Divert Water or other appropriative water right from the SWRCB as requested by the SWRCB in their referral comments (see Attachment 4). The applicant is also required to notify the California Department of Fish and Wildlife for use and maintenance (as applicable) of the pond and comply with all terms and conditions of the Final Streambed Alteration Agreement. The current catchment area for rainwater accumulation consists of the pond surface area and has an area of approximately 22,400 square feet. The average rainfall within the Alderpoint/Blocksburg area over the last ten (10) years is 63.6 inches. Using a conversion factor of 0.623, there is an average potential volume of rainwater catchment of 888,000 gallons, which is sufficient to meet the needs of the project. Water storage onsite is 1,210,500 gallons consisting of the catchment pond and various hard sided tanks.

A Site Management Plan (SMP) was prepared by Green Road Consulting, dated April 5, 2019 (Attachment 3), that includes recommended best practices for erosion control, monitoring irrigation volumes to prevent runoff, and utilizing a secure storage facility for all cultivation-related materials consistent with the SWRCB Order WQ 2017-0023-DWQ - General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities. The site contains Class I and Class II watercourses and the SMP recommends

various improvements to protect water quality and maintain necessary crossings. The site also contains three (3) rainwater catchment ponds of 70,000, 430,000, and 1,200,000 gallons respectively. Only the 1,200,000-gallon onstream pond is used to support cultivation activities and the other two ponds are utilized for aesthetics only. The project is conditioned to implement all remaining corrective actions detailed in the SMP, require the applicant to monitor water use from the pond and water tanks annually to demonstrate there is sufficient water available to meet operational needs, submit a final Lake or Streambed Alteration Agreement once available, and comply with forbearance requirements for the onstream pond. Additionally, conditions of approval require the applicant to obtain and maintain appropriate water rights/permits for the onstream pond from both the SWRCB and California Department of Fish and Wildlife (CDFW).

According to Humboldt County WebGIS and as depicted on the Site Plan, Larabee Creek (Class I) traverses the eastern portion of the site, with an unnamed Class II watercourse traversing the southern portion of the site. Although not shown on the County WebGIS, the site plan depicts a second unnamed Class II watercourse within the northeastern portion of the site. As the site plan does not depict the respective Streamside Management Area (SMA) buffers, the project is conditioned to require the applicant submit an updated site plan depicting the respective SMA buffers and setback distances of all cultivation areas from the onsite ponds and required SMA buffers. Based on review of the County WebGIS and site plan, all cultivation areas are located outside of the required SMA buffers.

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Lower Eel Watershed, which under Resolution 18-43 is limited to 336 permits and 116 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 67 permits and the total approved acres would be 30 acres of cultivation.

Biological Resources

A search of CDFW California Natural Diversity Database (CNDDDB) biological resources database was performed on October 4, 2021. No special status species were documented onsite, and the nearest Northern Spotted Owl (NSO) activity center is located approximately 1.27 miles from the project area. The project will be designed so that noise and light does not impact wildlife. Conditions of approval require light and noise attenuation measures. Additionally, the project will follow all applicable rules of Dark Sky Standards for lighting associated with security. The project is conditioned such that generators shall have secondary containment for fluid catchment and noise attenuation, and noise generated from generators shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. The project is also conditioned to avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work. Further, conditions of approval require the applicant to 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 impact NSO or other sensitive species.

Timber Conversion

A Timber Conversion Evaluation Report was prepared by Blair Forestry Consulting in October 2019 (Attachment 3), which notes that approximately 0.37 acres of the 40-acre site has been converted within three (3) unauthorized conversion sites, which is below the three-acre conversion exemption maximum. The Report notes that the property remained unchanged as far back as 1998, except for the installation of two (2) onsite ponds, which were installed sometime prior to 2004. Additionally, a relatively small number of trees were removed in three (3) areas to facilitate cannabis cultivation between 2016 and 2018, which is after the CMMLUO baseline date of January 1, 2016. The area where the conversion occurred is dominated with oak woodland, interspersed with large and small Douglas-fir, madrone, and live oak. The Report concludes the past unauthorized conversion activities did not entirely meet the standards set forth in the California Forest Practice Rules and recommends the areas depicted on the Timberland Conversion Evaluation Map be replanted as detailed in the Report.

To remedy unauthorized timber conversion after the CMMLUO environmental baseline date of January 1, 2016, the applicant/owner will be responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for the CMMLUO. The project is conditioned to require the property be evaluated by a Registered Professional Forester (RPF) to determine the amount of timber conversion that occurred prior to and after the CMMLUO baseline date. The applicant/owner shall restock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date at a rate of 3:1. Further, the project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a period of two (2) years. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met. The Report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection.

Access

Access to the site is via a private drive on Homestead Road, a non-County-maintained road, which is accessed from Sunset Ridge Road, a non-County-maintained road, which is accessed from Alderpoint Road, a County-maintained road. The subject parcel is located adjacent to Alderpoint Road, but direct access requires travel on approximately 300 feet of Sunset Ridge Road and 200 feet of Homestead Road. A Road Evaluation Report was prepared by the applicant (dated June 6, 2019; Attachment 3) for a 0.2-mile segment of the private driveway from Alderpoint Road, which indicates that the roadway meets a Category 4 road equivalent standard and is adequate for the proposed use. The submitted road evaluation included sufficient photographic evidence to verify the roadway condition as described, including roadway width and line of sight. Per comments received from the Department of Public Works, Land Use Division in March 2020, all driveways and public road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance), and any existing or proposed non-county maintained access roads that will serve as access for the project that connect to a County maintained road shall be improved to current standards for a commercial driveway. Such improvements required include paving the access road (Sunset Ridge Road) for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Alderpoint Road), which has been included as a condition of approval.

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

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

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

(MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE:

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Site Management Plan was prepared by Green Road Consulting in April 2019 to show compliance with the State Water Board Cannabis General Order for Waste Discharge. Conditions of approval require the applicant to adhere to and implement the recommendations of the SMP and submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability to show compliance with the General Order.
- d) Review of the California Natural Diversity Database (CNDDDB) in October 2021 indicates no mapped sensitive species onsite. However, Northern Spotted Owl (NSO) habitat exists in the vicinity and the nearest activity center is within approximately 1.27 miles of the site. The proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices. Because the site is forested and offers potential habitat for NSO, 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. The project is also conditioned to avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work. Furthermore, the project is conditioned to adhere to Dark Sky Standards for all 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 impact NSO or other sensitive species.
- e) A Timber Conversion Evaluation Report was prepared by Blair Forestry Consulting in October 2019, which notes that approximately 0.37 acres of the 40-acre site has been converted within three (3) unauthorized conversion sites, which is below the three-acre conversion exemption maximum. The Report notes that the property remained unchanged as far back as 1998, except for the installation of two (2) onsite ponds, which were installed sometime prior to 2004. Additionally, a relatively small number of trees were removed in three (3) areas to facilitate cannabis cultivation between 2016 and 2018, which is after the CMMLUO baseline date of January 1, 2016. To remedy unauthorized timber conversion after the CMMLUO environmental baseline date of January 1, 2016, the applicant/owner will be responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for the CMMLUO. The project is conditioned to require the property be evaluated by a Registered Professional Forester (RPF) to determine the amount of timber conversion that occurred prior to and after the CMMLUO baseline date. The applicant/owner shall re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date at a rate of 3:1. Further, the project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and

implement the Restocking Plan within a period of two (2) years. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met. The Report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection.

- f) A Cultural Resources Investigation was prepared for the project by Archaeological Research and Supply Company in January 2021, which did not identify any resources on the subject site and recommends inclusion of the Inadvertent Discovery Protocol, included as an ongoing condition of approval.
- g) Access to the site is via a private drive on Homestead Road, a non-County-maintained road, which is accessed from Sunset Ridge Road, a non-County-maintained road, which is accessed from Alderpoint Road, a County-maintained road. A Road Evaluation Report was prepared by the applicant in June 2019 for a 0.2-mile segment of the private driveway from Alderpoint Road, which indicates that the roadway meets a Category 4 road equivalent standard and is suitable for safe access to and from the project site. The project is conditioned to make roadway improvements outlined in the referral response received from the Department of Public Works, Land Use Division, dated March 2020. Specifically, conditions or approval require the applicant to pave the access road (Sunset Ridge Road) for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Alderpoint Road) in order to meet commercial driveway standards.

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-B-5(40)) zone in which the site is located.

EVIDENCE a) The Forestry Recreation (FR) Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.

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 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in

existence prior to January 1, 2016. The application for 22,340 square feet of cultivation on a 10-acre parcel is consistent with this and the cultivation area verification on file.

- d) The site contains several Class I and Class II watercourses and the SMP recommends various improvements to protect water quality and maintain necessary crossings. Conditions of approval require the applicant to adhere to and implement the projects and recommendations contained in the Final SAA and provide evidence to the Planning Department that the projects included in the Final SAA are completed to the satisfaction of CDFW. Conditions of approval also require the applicant to implement the recommendations in the SMP. By implementing permit conditions from CDFW, as well as the recommendations in the SMP, impacts to the SMA are minimized.

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 (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created by an approved and recorded Parcel Map Subdivision (Parcel 64 of Book 001, Page 95).
- c) Water for irrigation is provided by a 1,200,000-gallon onstream pond that is located at the head of an unnamed Class II watercourse that is a tributary to Larabee Creek. A review of aerial imagery from the Humboldt County WebGIS shows the pond has been in existence since before 2005. The catchment area consists of the pond surface area and has an area of approximately 22,400 square feet. The average rainfall within the Alderpoint/Blocksburg area over the last ten (10) years is 63.6 inches. Using a conversion factor of 0.623, there is an average potential volume of rainwater catchment of 888,000 gallons, which is sufficient to meet the needs of the project. Water storage onsite is 1,210,500 gallons consisting of the catchment pond and various hard sided tanks. Estimated annual water usage is 221,559 gallons (9.9 gal/SF) with peak demand occurring in August at approximately 61,860 gallons. Water for irrigation will be provided by an existing 1,200,000-gallon onstream pond. Conditions of approval require the applicant to obtain a Right to Use and Divert Water or other appropriative water right from the SWRCB as requested by the SWRCB in their referral comments (see Attachment 4). The applicant is also required to notify the California Department of Fish and Wildlife for use and maintenance (as applicable) of the pond and comply with all terms and conditions of the Final Streambed Alteration Agreement.
- d) Access to the site is via a private drive on Homestead Road, a non-County-maintained road, which is accessed from Sunset Ridge Road, a non-County-maintained road, which is accessed from Alderpoint Road, a County-maintained road. A Road Evaluation Report was prepared by the applicant in June 2019 for a 0.2-mile segment of the private driveway from Alderpoint Road, which indicates that the roadway meets a Category 4 road equivalent standard and is functionally appropriate for the expected traffic. The project is conditioned to make roadway improvements outlined in the referral response received from the Department of Public Works, Land Use Division, dated March 2020. Specifically, conditions of approval require the applicant to pave the access road (Sunset Ridge Road) for a minimum width of 20 feet

and a length of 50 feet where it intersects the County road (Alderpoint Road) in order to meet commercial driveway standards.

- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) A Timber Conversion Evaluation Report was prepared by Blair Forestry Consulting in October 2019, which notes that approximately 0.37 acres of the 40-acre site has been converted within three (3) unauthorized conversion sites, which is below the three-acre conversion exemption maximum. The Report notes that the property remained unchanged as far back as 1998, except for the installation of two (2) onsite ponds, which were installed sometime prior to 2004. Additionally, a relatively small number of trees were removed in three (3) areas to facilitate cannabis cultivation between 2016 and 2018, which is after the CMMLUO baseline date of January 1, 2016. To remedy unauthorized timber conversion after the CMMLUO environmental baseline date of January 1, 2016, the applicant/owner will be responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for the CMMLUO. The project is conditioned to require the property be evaluated by a Registered Professional Forester (RPF) to determine the amount of timber conversion that occurred prior to and after the CMMLUO baseline date. The applicant/owner shall re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date at a rate of 3:1. Further, the project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a period of two (2) years. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met. The Report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

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

EVIDENCE

The project site is located in the Lower Eel Watershed, which under Resolution 18-43 is limited to 336 permits and 116 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 67 permits and the total approved acres would be 29.99 acres of cultivation.

7. FINDING

The cultivation of 22,340 SF of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that has been certified 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 10 acres. 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.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Water for irrigation is provided by a 1,200,000-gallon onstream pond that is located at the head of an unnamed Class II watercourse that is a tributary to Larabee Creek. A review of aerial imagery from the Humboldt County WebGIS shows the pond has been in existence since before 2005. The catchment area consists of the pond surface area and has an area of approximately 22,400 square feet. The average rainfall within the Alderpoint/Blocksburg area over the last ten (10) years is 63.6 inches. Using a conversion factor of 0.623, there is an average potential volume of rainwater catchment of 888,000 gallons, which is sufficient to meet the needs of the project. Water storage onsite is 1,210,500 gallons consisting of the catchment pond and various hard sided tanks. Estimated annual water usage is 221,559 gallons (9.9 gal/SF) with peak demand occurring in August at approximately 61,860 gallons. Water for irrigation will be provided by an existing 1,200,000-gallon onstream pond. Conditions of approval require the applicant to obtain a Right to Use and Divert Water or other appropriate water right from the SWRCB as requested by the SWRCB in their referral comments (see Attachment 4). The applicant is also required to notify the California Department of Fish and Wildlife for use and maintenance (as applicable) of the pond and comply with all terms and conditions of the Final Streambed Alteration Agreement.
- e) A Site Management Plan was prepared by Green Road Consulting in April 2019 to show compliance with the State Water Resources Control Board (SWRCB) General Order and to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected. Conditions of approval require the applicant to adhere to and implement the recommendations in the SMP and comply with the State Water Resources Control Board's Cannabis Cultivation Policy.

8. 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 currently developed with an existing residence. The approval of cannabis cultivation on this parcel will not conflict with the ability for the existing residence to continue utilized on this parcel.

DECISION

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

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

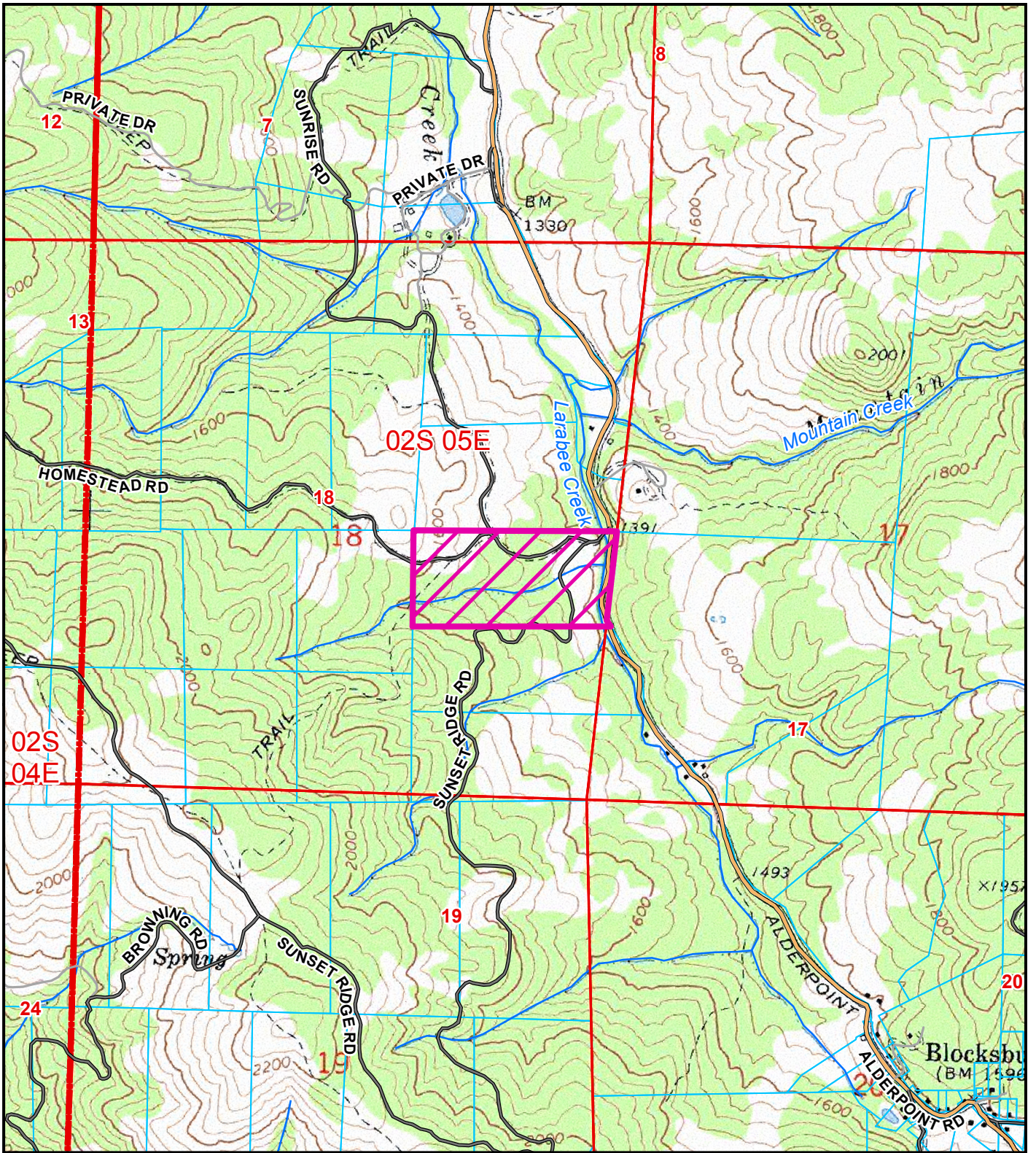
Adopted after review and consideration of all the evidence on November 4, 2021.

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

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

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

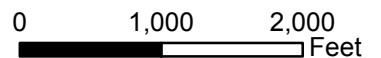
 John Ford, Director
 Planning and Building Department



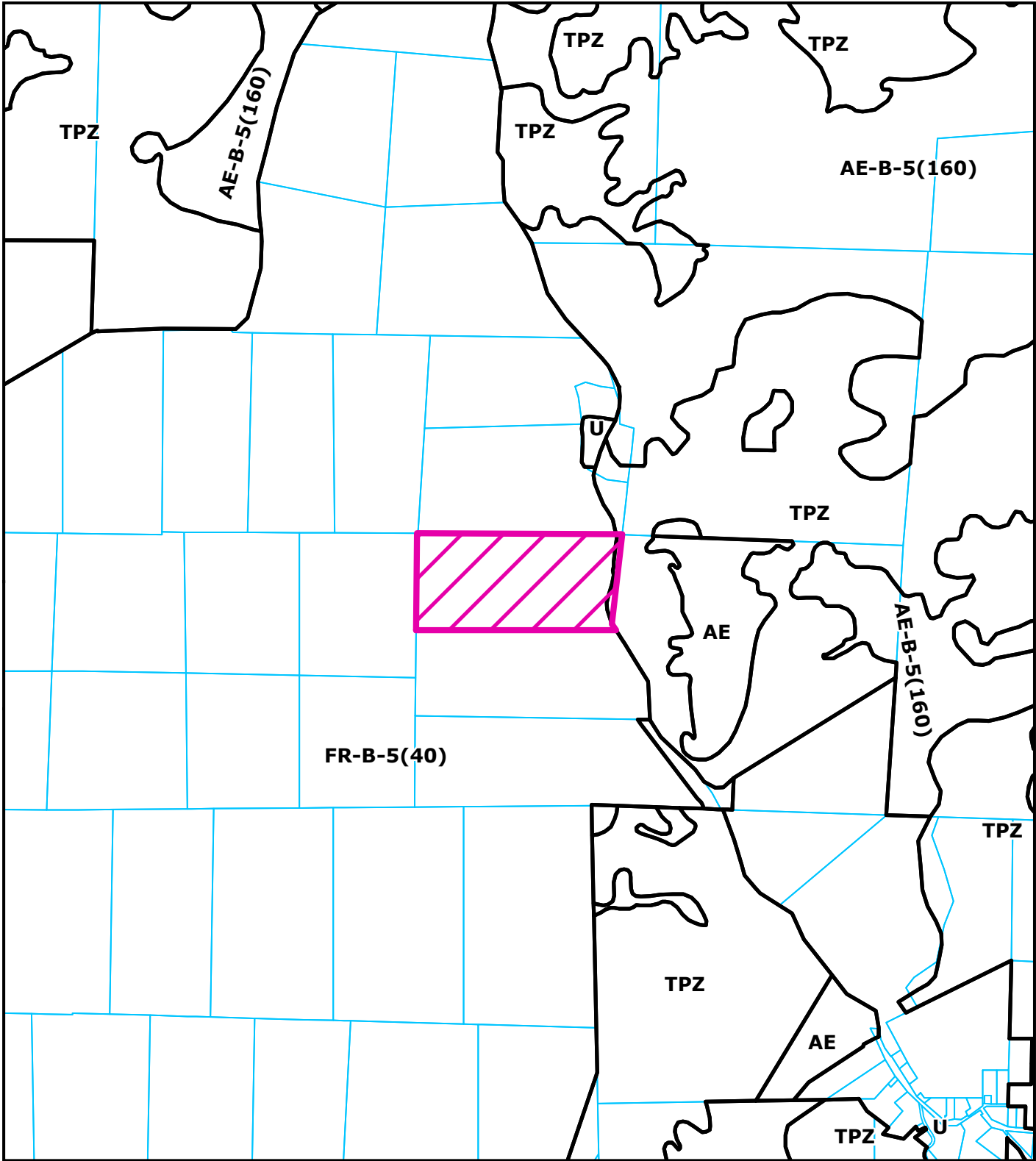
**TOPO MAP
 PROPOSED MOUNTAIN CREEK FARMS AND RESEARCH FACILITY
 BLOCKSBURG AREA**

Project Area = 

**CUP-16-390
 APN: 217-391-006-000
 T02S R05E S18; S17 HB&M (BLOCKSBURG)**



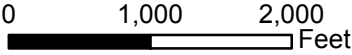
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



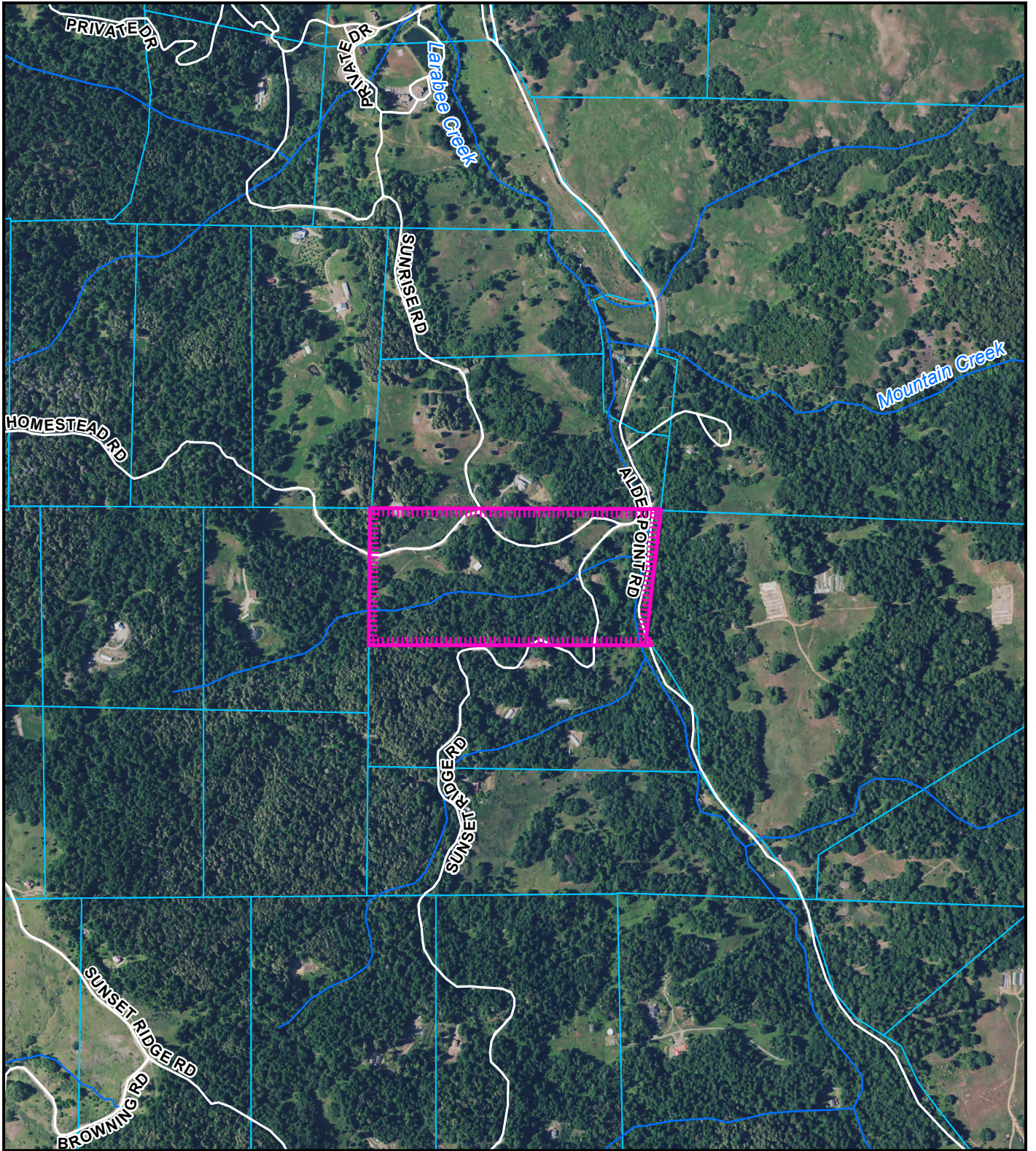
**ZONING MAP
 PROPOSED MOUNTAIN CREEK FARMS AND RESEARCH FACILITY
 BLOCKSBURG AREA
 CUP-16-390**

Project Area = 

**APN: 217-391-006-000
 T02S R05E S18; S17 HB&M (BLOCKSBURG)**



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.

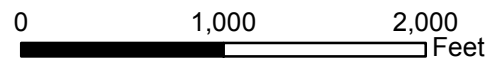


**AERIAL MAP
 PROPOSED MOUNTAIN CREEK FARMS AND RESEARCH FACILITY
 BLOCKSBURG AREA**

Project Area = 

**CUP-16-390
 APN: 217-391-006-000**

T02S R05E S18; S17 HB&M (BLOCKSBURG)



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.



VICINITY MAP
1:10,000

MOUNTAIN CREEK FARMS & RESEARCH FACILITY

APN: 217-391-006

AERIAL MAP

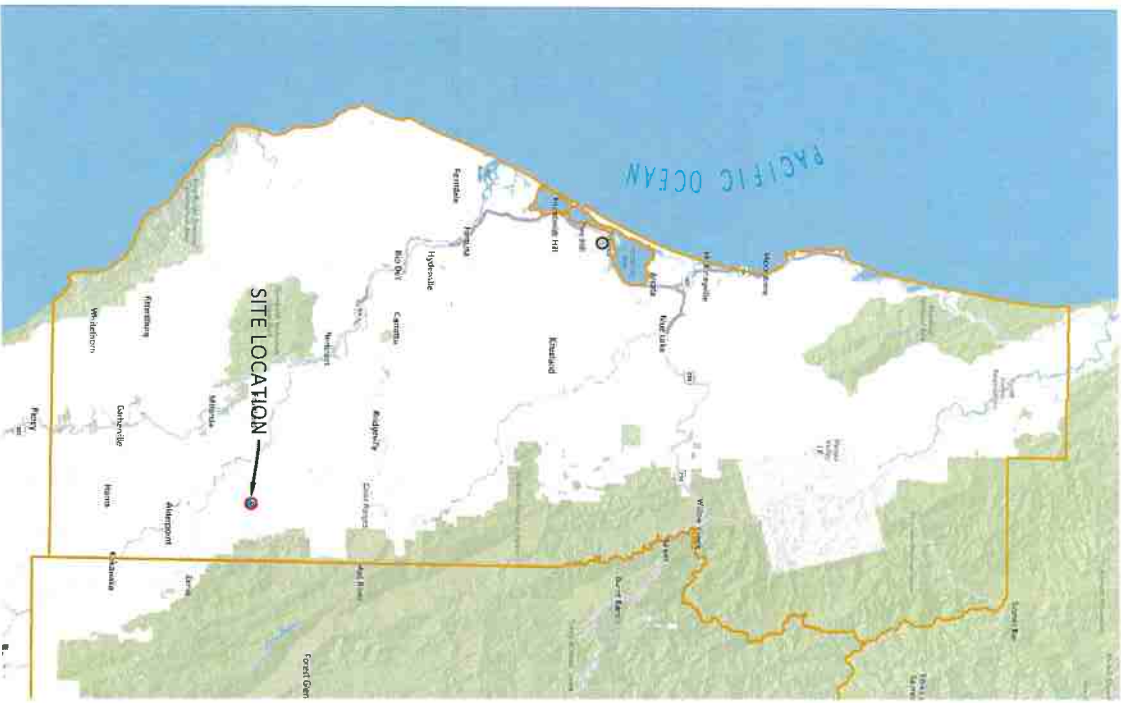


IMAGE SOURCE: BING 2020

PROJECT DIRECTIONS

- FROM: EUREKA, CA
- HEAD SOUTH ON US-101 (19.9 MI)
- TAKE EXIT 685 FOR CA-36E (0.3 MI)
- TURN LEFT ONTO CA-36E (23.9 MI)
- TURN RIGHT ONTO ALDERPOINT RD (17.8 MI)
- TURN RIGHT ON UNNAMED ROAD (0.2 MI)
- DESTINATION WILL BE ON LEFT

29371 ALDERPOINT RD

TRAVEL TIME
APPROXIMATELY: 1H 19 MIN (58.8 MI)

- SHEET INDEX
- CP-COVER PAGE
- C1-PARCEL OVERVIEW

PROJECT INFORMATION

LAT/LONG: 40.2899, -123.6531
 APN: 217-391-006
 APPLICANT: MOUNTAIN CREEK FARMS & RESEARCH FACILITY
 PARCEL SIZE: ± 40 ACRES
 ZONING: U
 APPLICATION TYPE:
 COASTAL ZONE: N
 100 YEAR FLOOD: N

AGENT:
 KAYLIE SAXON
 GREEN ROAD CONSULTING INC
 1650 CENTRAL AVE. SUITE C
 MCKINLEVILLE, CA 95519
 707-630-5041



IMAGE SOURCE: BING 2020

SURROUNDING BUILDINGS

THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR OTHER CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE.
 THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.



PROJECT INFORMATION

PROPERTY OWNER	COLIN KINGERY
ADDRESS	APN: 217-391-006
SHEET INFO	COVER PAGE



NO.	NOTES	DATE
1	NOTES/INITIALS	00/00/00
2	NOTES/INITIALS	00/00/00
3	NOTES/INITIALS	00/00/00
4	NOTES/INITIALS	00/00/00
5	NOTES/INITIALS	00/00/00
6	NOTES/INITIALS	00/00/00

DATE: 7/9/21
 DRAFTER: AS SHOWN
 SCALE: AS SHOWN
 SHEET: CP

11806

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall submit a revised plot plan showing the following, in addition to what is shown:
 - a. Respective Streamside Management Area buffers per the Humboldt County Code (314-61) Streamside Management Areas and Wetlands Ordinance.
 - b. Setback distances of all cultivation areas from the onsite ponds and required SMA buffers.The site plan shall be submitted to the Planning Department for review and approval. A sign-off from the Planning Department will satisfy this condition.
6. 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 #7 through #15. 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.
7. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage, graded flats, 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.

8. The applicant shall pave the access road (Sunset Ridge Road) for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Alderpoint Road) in order to meet commercial driveway standards. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County-maintained right of way. A sign-off from the Public Works Department will satisfy this condition.
9. Portable toilet and handwashing facilities shall be utilized for cultivation staff. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
10. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
11. The applicant is required to submit copies of all documents filed with the State Water Resources Control Board, including but not limited to a Notice of Applicability. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
12. The applicant shall demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system, or by providing the Department of Environmental Health (DEH) with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State Regional Water Quality Control Board definition of a Tier 0 system.
13. The applicant shall implement all corrective actions and recommendations detailed in the Site Management Plan, prepared by Green Road Consulting, dated April 5, 2019. These recommendations include but are not limited to installation of proper containment for liquid petroleum and chemicals, installation of various erosion control and sediment recovery materials, road improvements including waterbars and culvert maintenance, removal of decommissioned water bladder, pond overflow improvements, and various slope stabilizations. A sign-off from the Planning Department will satisfy this condition.
14. The applicant shall notify the California Department of Fish and Wildlife (CDFW) for use and maintenance (as applicable) for the onstream pond and replacement and/or repair of culverts as described by the Site Management Plan. The applicant shall submit a copy of the Final Streambed Alteration Agreement issued by The applicant shall adhere to and implement the Final Streambed Alteration Agreement issued by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
15. The applicant shall obtain A Right to Use and Divert Water or other appropriative water right from the State Water Resources Control Board for use of the instream pond for irrigation. The applicant shall adhere to and comply with all requirements of the water right. The applicant shall submit a copy of the Right to Use and Divert Water or other appropriative water right to the Planning Department. A sign-off from the Planning Department will satisfy this condition.
16. The applicant shall construct noise containment structures for all generators used on the parcel.

The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.

17. All security lighting shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard. Note: No on-site propagation is authorized by this permit.
18. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
19. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
20. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the rainwater catchment pond and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
21. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
22. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
23. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and

Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. The applicant shall abide by recommendations detailed in the Site Management Plan, prepared by Green Road Consulting, dated April 5, 2019, which includes but are not limited to Sediment Discharge BPTC Measures, Sediment Erosion Prevention and Sediment Capture, Fertilizer, Pesticide, Herbicide, and Rodenticide BPTC Measures, Petroleum Product BPTC Measures, Trash/Refuse, and Domestic Wastewater BPTC Measures, and Winterization BPTC Measures. Should additional ground disturbance or habitat conversion be proposed in the future; ensuing supplemental lighting associated with mixed-light cultivation is fully contained with black out tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work. The project will remain in compliance of 14CCR 939.9(e). In the event that sensitive species and or communities are present onsite, the applicant shall abide by all guidelines outlined in the Rapid Assessment to avoid negative impacts to the natural community.
3. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work to verify the absence of NSO in the project vicinity.
10. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
11. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.

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

25. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

26. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."

27. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

28. Cultivators engaged in processing shall comply with the following Processing Practices:

- a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
- b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
- c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
- d. Employees must wash hands sufficiently when handling cannabis or use gloves.

29. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
- b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
- c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

30. All cultivators shall comply with the approved processing plan as to the following:

- a. Processing practices
- b. Location where processing will occur
- c. Number of employees, if any

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

31. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP 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.

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.

32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #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 Conditions of Approval #30 and 31 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

ATTACHMENT 2

**CEQA ADDENDUM TO THE
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 217-391-006; 29371 Alderpoint Road, Alderpoint
County of Humboldt**

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

October 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.

The modified project involves a Conditional Use Permit for an existing 22,340 square foot (SF) medical cannabis cultivation operation consisting of 5,140 SF of mixed light cultivation grown in three (3) greenhouses, 12,800 SF of outdoor cultivation in ten (10) greenhouses grown utilizing light deprivation techniques, and 4,400 SF of full sun outdoor cultivation. Ancillary propagation does not occur onsite. Irrigation water is sourced from an existing 1,200,000-gallon rainwater catchment pond. Water storage consists of 1,210,500 gallons in the rainwater catchment pond and various hard-sided tanks. Estimated annual water usage is 221,559 gallons (9.9 gal/SF). Drying and bucking occurs onsite, with all other processing occurring offsite at a licensed processing or manufacturing facility. A maximum of three (3) persons will be onsite during peak operations. Power for cultivation will be sourced from onsite solar panels and supplemental generators.

A Cultural Resources Investigation for Blocksburg Kingery Property was performed by Archeological Research and Supply Company in January 2021, which did not discover any cultural resources on the subject property and recommended inadvertent discovery protocols as a condition of approval for the project, included as an ongoing condition of approval.

A search of the California Natural Diversity Database (CNDDDB) biological resources database was performed on October 4, 2021. No special status species were documented onsite, and the nearest Northern Spotted Owl (NSO) activity center is located approximately 1.27 miles from the project area. Conditions of approval require the operator to avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating work to verify the absence of NSO in the project vicinity. 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 project plan will comply with 14CCR 939.9(e). The project is also conditioned to limit impacts to biological resources, including ensuring that any supplemental lighting used for cultivation and security lighting adheres to Dark Sky Association standards and that project related noise does not harass nearby wildlife. Additionally, all development currently meets, or will meet as a condition of approval, appropriate Streamside Management Area (SMA) 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 relocating cultivation to an environmentally superior location, water conservation techniques to avoid excess evaporation, and site drainage, erosion, and runoff control measures implemented in accordance with the Site Management Plan for the site to protect water quality. Additionally, all development currently meets appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors. No timber conversion has occurred since the baseline.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the 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 22,340 square feet of cultivation with ancillary drying and bucking 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 (see Attachment 3 for a complete listing):

- Site Plan prepared by Green Road Consulting, dated 7/9/2021.
- Cultivation and Operations Plan prepared by Green Road Consulting, dated 6/6/2019.
- Site Management Plan (WDID 1B16074CHUM) prepared by Green Road Consulting dated 4/5/2019, for the State Water Resource Control Board (State Water 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).
- Road Evaluation for private onsite road network prepared by applicant, dated 6/6/19, with Road Evaluation Photos, prepared by Green Road Consulting.
- Timberland Conversion Evaluation Report prepared by Blair Forestry Consulting, dated 10/3/19.
- A Cultural Resources Investigation of the Blocksburg Kingery Property, Final Report, Blocksburg, Humboldt County, California, Blocksburg 7.5' USGS Quadrangle, Assessor's Parcel Number: 217-391-006, 40 acres, Nick Angeloff, MA, and Decho Angeloff, Archaeological Technician, with

contributions by Jerry Rohde, MA, Archaeological Research and Supply Company, Rio Dell, CA, dated January 2021.

- CNDDDB biological resources search conducted by LACO Associates on 10/4/2021.

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 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. (**Attached** – Site Plan prepared by Green Road Consulting, dated 7/9/2021)
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. (**Attached** – Cultivation and Operations Plan prepared by Green Road Consulting, dated 6/6/19)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not Applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above).
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (**Attached** – Site Management Plan prepared by Green Road Consulting dated 4/5/2019; Conditions of approval – Maintain enrollment in State Cannabis Cultivation Program)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Conditions of Approval require submittal of final executed Streambed Alteration Agreement)
9. If the source of water is a well, a copy of the County well permit, if available. (Not Applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior

unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (**Attached** - Timberland Conversion Evaluation Report prepared by Blair Forestry Consulting, dated 10/3/19)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form), prepared by applicant and not dated. (On file)
16. Road Evaluation for private onsite road network prepared by applicant, dated 6/6/19, with Road Evaluation Photos, prepared by Green Road Consulting. (**Attached**)
17. A Cultural Resources Investigation of the Blocksburg Kingery Property, Final Report, Blocksburg, Humboldt County, California, Blocksburg 7.5' USGS Quadrangle, Assessor's Parcel Number: 217-391-006, 40 acres, Nick Angeloff, MA, and Decho Angeloff, Archaeological Technician, with contributions by Jerry Rohde, MA, Archaeological Research and Supply Company, Rio Dell, CA, dated January 2021. (On file)
18. CNDDDB biological resources search conducted by LACO Associates on 10/4/2021. (On file)



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Site Plan Overview and Cultivation and Operations Plan

Applicant

Mountain Creek Farms & Research Facility

Mailing Address

Parcel: 217-391-006

Agent

Ariel Kittredge

Green Road Consulting, Inc.

1650 Central Avenue, Suite C

McKinleyville, CA 95519

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Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

RE: Mountain Creek Farms LLC– Humboldt County APPS 11806– APN: 217-391-006

June 6th, 2019

To Whom It May Concern:

The following information should be added to the Cultivation and Operations Plan for Mountain Creek Farms, APPS #11806, APN: 217-391-006.

Cultivation Area

The location of the existing mixed light and outdoor cultivation occurs in three (3) general locations on the parcel.

Mixed Light Cultivation- 5,140ft²

Greenhouse #1 /#2

Greenhouses #1/#2 are 20'x96' greenhouse structures (1,920 ft² each) totaling 3,840ft² of mixed light cultivation.

Greenhouse #3

Greenhouse #3 is 20'x65' greenhouse structures totaling 1,300 ft² of mixed light cultivation.

Light Deprivation Cultivation (Outdoor)-9,600ft²

*Please note, the Applicant anticipates two harvests annually using light deprivation techniques.

Greenhouse #4/#5

Greenhouses #4/#5 are 20'x96' greenhouse structures (3,840 ft² each) totaling 3,840 ft² of light deprivation cultivation.

Greenhouse#6/#7

Greenhouses #6/#7 are 20'x80' greenhouse structures (1,600 ft² each) totaling 3,200 ft² of light deprivation cultivation.

Greenhouse #8 - #10

Greenhouses #8 - #10 are 20'x96' greenhouse structures (1,920 ft² each) totaling 5,760 ft² of light deprivation cultivation.

Full-Term (Outdoor) Cultivation Area-4,400ft²

*Please note, the Applicant anticipates one harvest annually from the full-term cultivation areas.

Cultivation Area #1

Cultivation Area #1 consists of 896 ft² of full-sun, outdoor canopy area.

Cultivation Area #2

Cultivation Area #2 consists of 1,432 ft² of full-sun, outdoor canopy area.

Cultivation Area #3

Cultivation Area #3 consists of 856 ft² of full-sun, outdoor canopy area.

Cultivation Area #4

Cultivation Area #4 consists of 1,216 ft² of full-sun, outdoor canopy area.

**Total Outdoor Cultivation=17,200ft²*

Cultivation Schedule

The light deprivation and mixed light cultivation schedule are as follows:

1st Run

March-April: Veg

April-July: Flower

July: Harvest

2nd Run

July-August: Veg

August-November: Flower

November: Harvest

The Applicant anticipate one annual harvest from their full-term (outdoor) cultivation the cultivation schedule is as follows.

May-June: Veg

June-October: Flower

November: Harvest

Onsite Sanitation

The Applicant has an existing septic onsite. Until said septic can permitted with the Humboldt County Department of Environmental Health, the Applicant will provide their employees with portable toilets and clean drinking water in the form of five-gallon water tanks.

Number of Employees

The Applicant anticipate using 2-3 seasonal employees to meet the demands of production.

Employees Safety Practices

All those working on the property will be instructed in safe and proper techniques for performing any duties pretraining to cultivation and/ or processing. This includes the utilization of personal protective equipment and proper use of tools and necessary instruments required for the performance of one's duties. Personal protective equipment shall be provided for all employees and/or independent contractors via the proponent as well as having ample personal protective equipment in stock and onsite. Clean and safe drinking water will be in the form of filtered spring water. For the safety of the public and employees working while intoxicated will not be tolerated. All Employee and/or independent contractors shall be made aware of the following.

- I. Location of fire extinguishers and the "P.A.S.S" technique.
- II. List of operations manager contacts;
- III. List of emergency control contacts;
- IV. List of poison control contacts;
- V. Location of first aid kit;
- VI. Location of Restroom and hand washing stations;
- VII. Location of clean drinking water and;
- VIII. Location of Personal protective equipment.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed.

Road Impact

To minimize the impact of increased road usage the Applicant will rock the road, this will ensure the debris pickup from increased road usage will be minimized.

Employee Onsite Housing

There will be no employee onsite housing.

Processing

Until an appropriate structure can be permitted and constructed, the Applicant will seek out a licensed third-party processor.

Onsite Relocation

Onsite relocation of cannabis cultivation is not part of the Applicants proposed plans. Therefore, no remediation plan is necessary.

LSAA Final Agreement

At this time, the Applicant has submitted their initial 1600 notification to the California Department of Fish and Wildlife. A final Lake and Streambed Alteration Agreement (LSAA) has yet to be reached with the Department. Once a Final Agreement has been reached a copy of the Agreement will be provided to your office.

Proposed Pond

At this time the Applicant has no plans to install a new rainwater catchment pond.

I. Site Plan Overview

1.0 Project Information

Mountain Creek Farms & Research Facility ("Applicant") is submitting this application for a Type 3 Use Permit for 29,300 square feet of existing outdoor and Type 2 Permit for 8,100 square feet of existing mixed light commercial cannabis cultivation on a 41-acre parcel, located near Blocksburg, CA ("Parcel"), Assessor's Parcel Number 217- 391-006.

All water used for cultivation is sourced from two (2) Rain Catchment Ponds and one (1) Point of Diversion sourced from a pond. The Applicant also has five (5) Rain Catchment Tanks using rain as a water source. There are two (2) 3,000-gallon and three (3) 4,760-gallon Rain Catchment Tanks, one (1) 3,000-gallon HDPE Tank, one (1) 20,000-gallon Bladder, one (1) 434,000-gallon Rain Catchment Pond, and one (1) 1,420,000-gallon Rain Catchment Pond that total 1,894,280 gallons of water storage. The Applicant estimates to use 221,559-gallons of water annually.

The 40'x80' Dry Shed was built in 2005, and is being used for drying harvest cannabis and storing fertilizers. The 6'x10' Trailer was built in 2017, and is used to store all cultivation related waste. The Residence is not being used for any part of cultivation, and is only used as a place of living.

The Applicant will have two (2) harvests sometime in July and October via light deprivation in the greenhouses and one (1) harvest for their full term outdoor cultivation. All processing occurs outside by collective members using a trimming machine.

This application is submitted through his agent, Ariel Kittredge of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

The Type 3 Use and Type 2 Permit would achieve the following results for the Applicant:

- a. Permit 29,300 square feet of Outdoor commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO;
- b. Permit 8,100 square feet of Mixed Light commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO; and
- c. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County Blocksburg, CA. The Parcel is comprised of 41-acres and is identified by Assessor's Parcel Number ("APN") 217- 391-006.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is FR-B-5(40) with a Current General Plan of AL40; AG (FRWK). The CMMLUO permits existing Outdoor commercial cannabis

cultivation on land zoned as FR-B-5(40) with cultivation sites between 10,000 square feet and 43,560 square feet with a Type 3 Use Permit and existing Mixed Light commercial cannabis cultivation on land zoned as FR-B-5(40) with cultivation sites up to 10,000 square feet with a Type 2 Special Permit.

2.2 Site Topography

A map of the Parcel’s topography is included as Attachment “A.”

3.0 Easements

The following information is taken from Exhibit “A” of the recorded Grant Deed, a copy of which is included in the Evidence of Ownership and Authorization section of this Application.

“EXHIBIT “A”
DESCRIPTION

That real property situate in the County of Humboldt, State of California, described as follows:

PARCEL ONE:

Parcel 30 of Parcel Map No. 64, Larabee Creek Ranch, according to the Map thereof filed in Book 1 of Parcel Maps, Pages 95 to 114 inclusive, Humboldt County Records.

EXCEPTING therefrom all timber on the above described property, as excepted in the Deed from Carmen E. Filice, a single man; Val A. Filice and Elsie E. Filice, husband and wife; and Joe F. Filice and Julia M. Filice, as Trustees, or Successor Trustee of the Filice Family Trust, as set forth in that Declaration of Trust dated December 8, 1992, to Bushnell Survey & Timber Service, Inc., a California corporation, recorded November 7, 1995 as Instrument No. 1995-27445-4, Humboldt County Records.

PARCEL TWO:

An easement for ingress and public utilities in and over the easements 50 feet wide, the center lines of which are shown on the Record of Survey filed in Book 37 of Surveys Pages 41 to 48 inclusive, Humboldt County Records.”

4.0 Natural Waterways

Per the Humboldt County GIS website, one (1) unnamed Class I Watercourse and one (1) Larabee Creek Class I Watercourse passes through the Parcel. The Applicant’s cultivation is well outside of the 100-foot stream side management area the watercourses requires.

No natural waterways have been identified within 100-feet of the proposed cultivation area. Green Road Consulting, Inc. will prepare a Water Resource Protection Plan in accordance with Order R1-2015-0023 by the North Coast Regional Water Quality Control Board.

5.0 Location and Area of Existing Cultivation

Outdoor Cultivation

Greenhouses #2 - #10

Greenhouses #2 - #10 are located to the east of Greenhouse #1 on an existing graded flat. Greenhouses #2 - #10 are each 8’x80’ totaling to 5,120 square feet of outdoor cannabis cultivation.

Greenhouses #11 - #14

Greenhouses #11 - #14 are located to the west of Greenhouse #1 on an existing graded flat. Greenhouses #11 - #14 are each 8’x60’ totaling to 1,440 square feet of outdoor cannabis cultivation.

Cultivation Area #1

Cultivation Area #1 is located in the same located as Greenhouses #2 - #10. It consists of 22,740 square feet of outdoor cultivation.

Mixed Light Cultivation

Greenhouse #1

Greenhouse #1 is located to the north of the residence on an existing graded flat. It consists of a 20’x80’ structure that totals to 1,600 square feet of mixed light cannabis cultivation.

Greenhouses #15 - #18

Greenhouses #15 - #18 are located to the east of Greenhouses #11 - #14 on an existing graded flat. Greenhouses #15 - #18 are each 15’x80’ totaling to 3,600 square feet of mixed light cannabis cultivation.

Greenhouse #19

Greenhouse #19 is located in the same location as Greenhouses #15 - #18 on an existing graded flat. It consists of 2,900 square feet of mixed light cannabis cultivation.

6.0 Setbacks of Cultivation Area

Greenhouses #1 - #10 and Cultivation Area #1

Greenhouses #1 - #10 and Cultivation Area #1 are setback from the northern parcel line by more than 206 feet and the eastern parcel line by approximately 801 feet.

Greenhouses #11 - #14

Cultivation Area #2 is setback from the northern parcel line by approximately 206 feet, the eastern line by more than 801 feet and the western line by more than 928 feet.

Greenhouses #15 - #19

Cultivation Area #3 is setback from the western parcel line by more than 134 feet, the southern line by more than 555 feet.

7.0 Access Roads

The Parcel is located off Alderpoint Road, which is in usable condition.

8.0 Graded Flats

There are existing flats on the Parcel. They may require permitting with the Humboldt County Building Department.

9.0 Existing BuildingsResidence

The Residence is an existing 2,400 square foot structure that is used as a place of living and not for cultivation. It was constructed in 1990s and will require permitting with the Humboldt County Building Department.

Wood Shed

The Wood Shed is an existing 4'x4' structure that is used as wood storage and not for cultivation. It was constructed in 1990s and may require permitting with the Humboldt County Building Department.

Dry Shed

The Dry Shed is an existing 40'x80' structure that is used for storing nutrients, fertilizers, drying harvested cannabis, and basic tools. It was constructed in 2005 and will require permitting with the Humboldt County Building Department.

Trailer

The Trailer is an existing 6'x10' structure that is used for storing cultivation waste. It was brought to the property in 2017 and may require permitting with Humboldt County Building Department.

10.0 Water Source, Storage, Irrigation Plan and Projected Water Usage**10.1 Water Source**

All water used for cultivation is sourced from two (2) Rain Catchment Ponds and one (1) Point of Diversion sourced from a pond. The Applicant also has five (5) Rain Catchment Tanks using rain as a water source.

10.2 Water Storage

There are two (2) 3,000-gallon and three (3) 4,760-gallon Rain Catchment Tanks, one (1) 3,000-gallon HDPE Tank, one (1) 20,000-gallon Bladder, one (1) 434,000-gallon Rain

Catchment Pond, and one (1) 1,420,000-gallon Rain Catchment Pond that total 1,894,280 gallons of water storage.

10.3 Irrigation Plan

All irrigation of cannabis is completed by hand. In 2018, the Applicant will be installing a timed, metered, drip irrigation system to prevent any over watering or runoff.

10.4 Projected Water Use

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

The Applicant estimates their annual water use to be 221,559 gallons.

11.0 Site Drainage, Runoff, Erosion Control Measures and Watershed Protection

Site Drainage, Runoff, Erosion Control Measures

Any watercourse that may be influenced by cultivation drainage or discharge is over 100-feet away. The greenhouses will have proper erosion control (gravel, straw, mulch, etc.) around the base so rain runoff will not cause an erosion issue.

The Applicant will adhere to all best management practices for site drainage, runoff and erosion control set by the North Coast Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the Humboldt County Code section 331-14.

Watershed Protection

The Applicant will be enrolled in the North Coast Regional Water Quality Control Board's Waiver of Waste Discharge program as a Tier II discharger and will have a Water Resource Protection Plan created.

The cultivation area resides far outside of the required 100-foot streamside management area and providing several hundred feet of lush vegetation for any discharge to filter through.

12.0 Distances from Significant Landmarks

There are no schools, school bus stops, state parks, places of worship or Tribal Cultural Resources within 600 feet of the cultivation site.

II. Cultivation and Operations Plan

1.0 Materials Storage

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. The Applicant will be using items that were accepted under Legal Pest Management Practices for Marijuana Growers in California.

All fertilizers and amendments are located in the Dry Shed on the Parcel. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained. All labels are kept and directions are followed when nutrients are applied. The storage area is in need of posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter).

The Applicant has Solar Panels on the roof of the Residence, a 30 KW, 7 KW, and four (4) 3 KW generators.

All cultivation related waste is stored in water tight trash containers in the Trailer and disposed of weekly.

There is no soil pile on-site. The Applicant brings in soil to fill the beds and pots. The soil is reamended for each cultivation cycle. Once the dirt is no longer viable for cultivation, it is removed and disposed of at Wes Green in Arcata.

2.0 Cultivation Activities

Cultivation Activities vary based on climate, strain and the Applicant's personal schedule.

Activities begin in March when plants are brought to the Parcel and placed in the Greenhouses.

The Applicant's Mixed Light greenhouses are equipped with 1,000-Watt Gavita lighting that is powered by the onsite solar panels and generators in order to extend their cultivation season. The Applicant is anticipating planting their Mixed Light greenhouses in March in order to have two (2) harvests in July and October.

The Applicant anticipates the outdoor cultivation greenhouses to have two (2) harvests via light deprivation, and the full-term outdoor cultivation to have one (1) harvest sometime in October.

Greenhouses have permeable floors and will be covered with blackout tarps during sunset hours, ensuring they abide by the International Dark Sky Associations standards. Tarps will be pulled by hand and will not have any negative effects to the surrounding area or the cannabis.

3.0 Processing Practices

Plants will be harvested one at a time using hand shears and taken into the Dry Shed where it will be dried and cured. All processing will be performed outside by collective members with a trimming machine.

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

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

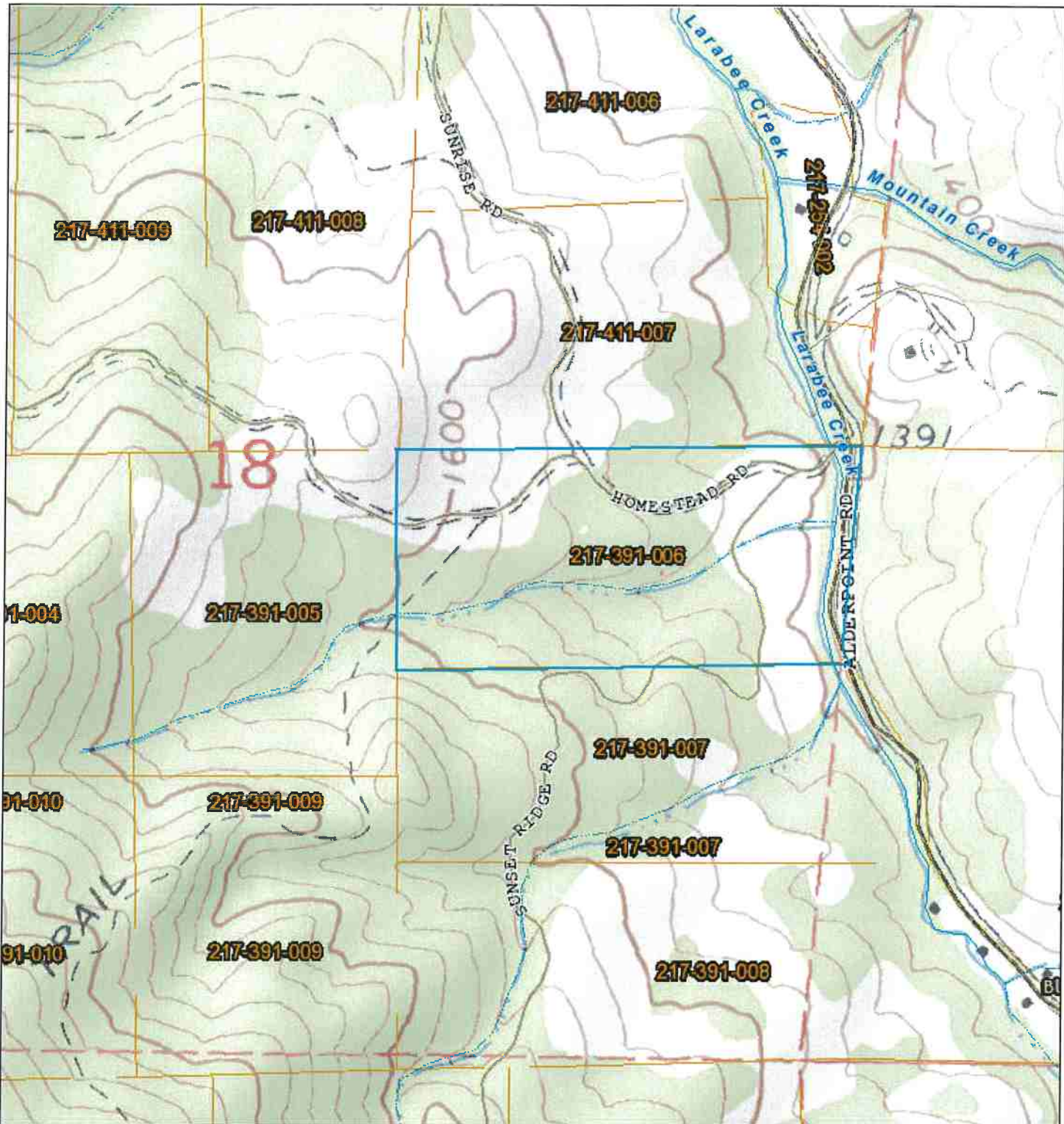
4.0 Security Measures

The access to the parcel is gated and locked. There are game cameras placed over the gate, buildings and cultivation areas.



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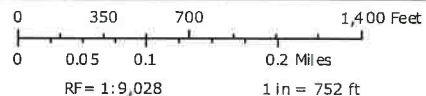
Attachment "A"



ArcGIS Web Map

Humboldt County Planning and Building Department

- | | | |
|---------------------------|---------------------------|-----------------|
| Highways and Roads | — Private or Unclassified | — Intermittent |
| Principal Arterials | — Major River or Stream | — Subsurface |
| — Minor Arterials | Blue Line Streams | — City Boundary |
| — Major Collectors | — Perennial 1-3 | — Counties |
| — Minor Collectors | — Perennial >4 | — Parcels |
| — Local Roads | | |



Printed: September 13, 2017 Web AppBuilder 2.0 for ArcGIS
Map Disclaimer:

While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

Source: NRCS, Humboldt County GIS, Healthy Rural Roads, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FRAP, FEMA, USGS



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Attachment "B"

Cultivation and Water Usage

Month	Stage of Cultivation			Cultivation Space per Stage (Square Footage) *	Water Usage (gallons/month)
	Vegging	Flowering	Harvesting		
EXAMPLE	X	X		1,200 sq. ft. – Vegging 1,500 sq. ft. – Flowering	5,000 gal/month
January					
February					
March	X			3,920 sq ft – vegging	2,430.4
April	X	X		11,500 sq ft – vegging 3,920 sq ft – flowering	13,878
May	X	X		11,500 sq ft – vegging 7,840 sq ft – flowering	17,986.2
June	X	X		17,640 sq ft – flowering 5880 sq ft – vegging	28,224
July	X	X	X	11,760 sq ft – harvesting 10,000 sq ft – flowering 13,000 sq ft – vegging	35,650
August	X	X		7,710 sq ft – vegging 23,000 sq ft – flowering	61,860.5
September	X	X		29,300 sq ft – flowering	61,530
October			X	29,300 sq ft – harvesting	
November					
December					

*with a plant density of 0.85



**GREEN
ROAD
CONSULTING**

Attachment “C”

Generator and Artificial Light Use

Month	Estimated Hours of Generator use (By Time of Day, ex. 12:00 pm – 3:00 pm)	Estimated Hours of Artificial Light Use (By Time of Day, ex. 12:00 pm – 3:00 pm)
January	9pm – 5am	
February	9pm – 5am	
March	9pm – 5am	9pm – 7am
April	9pm – 5am	9pm – 7am
May	9pm – 5am	9pm – 7am
June	9pm – 5am	9pm – 7am
July	9pm – 5am	
August	9pm – 5am	
September	9pm – 5am	
October	9pm – 5am	
November	9pm – 5am	
December	9pm – 5am	

Cultivation and Water Usage

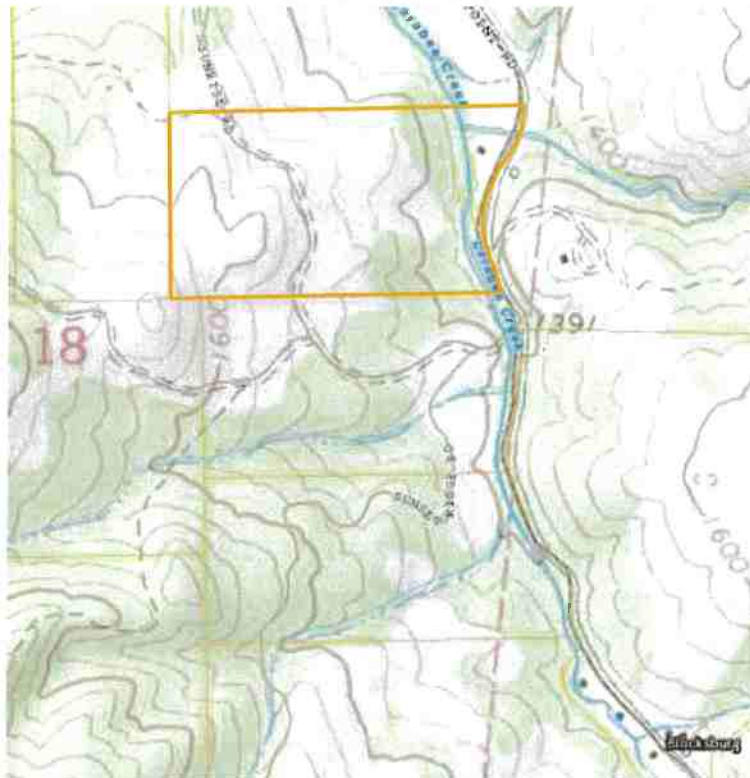
Month	Stage of Cultivation			Cultivation Space per Stage (Square Footage) *	Water Usage (gallons/month)
	Vegging	Flowering	Harvesting		
EXAMPLE	X	X	X	1,200 sq. ft. – Vegging 1,500 sq. ft. – Flowering	5,000 gal/month
January					
February					
March	X			3,920 sq ft – vegging	2,430.4
April	X	X		11,500 sq ft – vegging 3,920 sq ft – flowering	13,878
May	X	X		11,500 sq ft – vegging 7,840 sq ft – flowering	17,986.2
June	X	X		17,640 sq ft – flowering 5880 sq ft – vegging	28,224
July	X	X	X	11,760 sq ft – harvesting 10,000 sq ft – flowering 13,000 sq ft – vegging	35,650
August	X	X		7,710 sq ft – vegging 23,000 sq ft – flowering	61,860.5
September	X	X		29,300 sq ft – flowering	61,530
October			X	29,300 sq ft – harvesting	
November					
December					

*with a plant density of 0.85



Site Management Plan

WDID: 1B16074CHUM



Prepared for:

*State Water Resources Control Board (SWRCB)
North Coast Regional Water Quality Control Board (NCRWQCB)*

Prepared by:

Green Road Consulting
1650 Central Ave., Suite C, McKinleyville CA, 95519
(707) 630-5041

Date of completion:

4/5/2019

General Site Information

Discharger: Collin Kingery

Land Owner: LARABEE CREEK FARMS LLC CO

Site Address: 29371 ALDERPOINT RD, BLOCKSBURG 95514

Mailing Address: 600 F Street Suite 520 PMW unit #3 Arcata CA 95521

Parcel Number: 217-391-006

General Plan Designation: AL40; AG (FRWK)

Zone: FR-B-5(40)

Parcel Size: 41.09 acres

HUC12 Watershed: 180101050601

Disturbed Area: 54,663-ft²

Cultivation Area: 22,960-ft²

Tier Level: 2

Risk Level: High

Abbreviations

CA	Cultivation Area
CPP	Corrugated Plastic Pipe
CMP	Corrugated Metal Pipe
CDFW	California Department of Fish and Wildlife
DRC	Ditch Relief Culvert
GRC	Green Road Consulting
IBD	In-board Ditch
NCRWQCB	North Coast Regional Water Quality Control Board
PWA	Pacific Watershed Associates
SWRCB	State Water Resources Control Board
STX	Stream Crossing

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1. Introduction

This document was prepared by Green Road Consulting (GRC) for Mountain Creek Farms & Research Facility; parcel number 217-391-006, as required by the SWRCB Order WQ 2017-0023-DWQ¹. The purpose of the order is to provide a regulatory structure for cannabis cultivation that reduces contributions to existing water quality issues and prevents additional adverse impacts to water resources throughout California. The purpose of the Site Management Plan is to identify conditions present on a parcel that may pose a threat to water quality and resources and establish a plan to meet or surpass requirements set forth in the order.

Green Road Consulting (GRC) has made an initial assessment of this parcel through field work as well as through a variety of county, state, and private websites (e.g. USDA web soil survey, USGS stream stats program, Google Earth, Humboldt County Web GIS). The parcel boundaries are approximate and obtained from Humboldt County. Property lines on maps created by GRC may be shifted to match property line and corners located in the field. The site was surveyed with a GPS unit (2 to 4-meter accuracy) to document roads, buildings, cultivation sites, watercourses, and areas requiring remediation. Maps were created using the software ESRI ArcMap.

2. Site Characteristics

2.1. General

The site is in South-eastern Humboldt County approximately 1.6 miles north of the City of Blocksburg and can be accessed from Alderpoint Road. The elevation of the site is approximately 1500-ft above sea level. The parcel is located on a foothill near Larabee Creek with drainages to the East that flow into Larabee Creek. Larabee Creek is a tributary to the South Fork Eel River which is on the Section 303(d) list for impairment or threat of impairment to water quality associated with elevated sediment and temperature levels. The South Fork Eel River Watershed is known to have Coho, Chinook, and Steelhead which are listed to be a threatened or endangered species. The hillslopes in the region are known to have high instability. The site geology is part of the Franciscan Complex which is primarily composed of Cretaceous and Jurassic sandstone with smaller amounts of shale, chert, limestone and conglomerate. Unstable areas found during site investigation are demarcated on the Erosion Control and Sediment Map. The area was historically logged with legacy logging roads throughout the site.

2.2. Site Overview

The parcel has a residence, sheds, containers and a storage structure. Current cultivation consists of 22,960-ft². Cultivation areas 1, 2, and 3 (**CA1**, **CA2**, and **CA3**) are located near the residence and cultivation area 4 (**CA4**) is located on the western section of the parcel. The site is not grid tied and requires the use of solar panels and generators with fuel storage. The parcel uses one (1) surface diversion of spring water for domestic uses and two (2) rain catchment ponds as the water sources for cannabis cultivation. Water storage on site is outlined in Table 4. The access road, Homestead Road, was in good condition and is maintained by Larabee Creek Road Association. There are a couple of areas on the site that are potentially

¹ Order entitled "STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2017-0023-DWQ GENERAL WASTE DISCHARGE REQUIREMENTS AND WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF WASTE ASSOCIATED WITH CANNABIS CULTIVATION ACTIVITIES"

unstable as indicated on the Site Overview Map. There are a couple of road segments that need work (see the Remediation Summary table). Generally, fertilizers, fuels and soil amendments need to be stored appropriately. Overall the site is in ok condition, however there is potential for some locations to impact stream systems. The site had approximately 54,663-ft² of disturbed area which makes this a tier 2 site. The site had approximately 1,715-ft² of disturbed area that is located within riparian setbacks (CA1).

The site has four (4) areas of cultivation (CA1, CA2, CA3, and CA4). The total garden area across these sites totals to 22,960-ft². These cultivation areas are outlined in Table 1. CA1 is partially in the North Coast Regional Water Quality Control Boards (NCRWQCB) established riparian setbacks (MP10). This cultivation area will need to be relocated outside of the stream buffer. The decommissioned cultivation area will have the cultivation associated material removed. The area will be stabilized with straw and a native seed. During the initial assessment a 10,000-gallon water bladder was observed within the buffer of a Class III watercourse (MP7). The bladder was without adequate containment and will need to be removed given that storage bladders potentially pose a significant threat water quality. The water bladder will be disposed of at an appropriate waste facility. Proper adherence to the erosion and sediment control measures specified in the Disturbed Area Stabilization Plan will be necessary to ensure that these areas are sufficiently stabilized.

Table 1. Cultivation area overview.

Cultivation Area (CA)	Cultivation Area (ft ²)	Natural Slope (%)	Distance to Water Body (ft)	Water Body Classification
Area 1 (CA1)	3,200	17	285	Class III
Area 2 (CA2)	Nursery Space	17	275	Class III
Area 3 (CA3)	10,160	17	125	Class III
Area 4 (CA4)	9,600	33	950	Class III

Cultivation Area (CA)	Cultivation Area (ft ²)	Natural Slope (%)	Distance to Water Body (ft)	Water Body Classification
Area 1 (CA1)	3,200	17	30	Middle Pond
Area 2 (CA2)	Nursery Space	17	135	Lower Pond
Area 3 (CA3)	10,160	17	90	Lower Pond
Area 4 (CA4)	9,600	33	100	Upper Pond

2.3. Access Roads

The site has 0.78-miles (4,153-ft) of permanent roads, 0.28 miles (1,453-ft) of seasonal access roads, and 0.06 miles (326-ft) of skid roads. The permanent road on the parcel is maintained by the road association. The seasonal access roads on the site are maintained on an as-needed basis. Seasonal roads will be readied for the winter season and will be monitored after extreme weather events. If maintenance is required during the wet season, then that work shall be performed using hand tools. The seasonal roads are only used during the cultivation season, May through October. The roads are used minimally by workers navigating the site and bringing in supplies. Workers are on the site daily and most supplies are brought in the beginning of the season. Vehicles are mainly parked near the residence or the storage building. Stabilization of existing roads will be addressed in the Disturbed Area Stabilization Plan which is required with this report since the site was determined to be high risk because there are disturbed areas within the riparian buffer.

Permanent roads on the parcel are in good condition and are maintained by a road association. There are three (3) stream crossings maintained by the road association. Seasonal roads on the parcel are in poor condition and require maintenance and drainage features to be installed for stabilization. There is one stream crossing maintained by the property owner (MP6).

The access road through the center of the property had been rocked with small diameter round cobbles. This type of rock did not seem to be preventing erosion well enough. The road has a downslope of ~7%, there is an inside ditch, the cut bank is wet, the road shall be out-sloped below CA3; the road pitch shall be 3-5% (MP5). CA3 needs a silt fence or a wattled rim to prevent soils from entering the road and washing into the stream (MP3). The road had been driven on with heavy vehicles during a period of saturation and there were track depressions concentrating water with suspended sediment directly into a class III. There are a few heavy-duty maintenance features that need to be installed since the road is so close to a stream. In the interim, further damage to this road segment could be avoided by driving on the permanent road maintained by the road association and limiting traffic on the seasonal road to accessing the water tanks. All roadwork will only occur during dry weather conditions.

To prevent the road from engrossing the rock applied, after the road has been out-sloped evenly, a non-woven geotextile could be laid prior to rocking the road; at least 6 inches of road base material with compactable mixed grit sizes would be the most appropriate. Another need for remediation is the installation of a heavy-duty water bar for ditch relief because currently the inboard ditch is discharging sediment directly into a class III drainage. The waterbar shall be placed near the edge of CA3 to relieve the flow into ~100 feet of vegetation before entering the stream (MP5).

According to the Pacific Watershed Associates (PWA) Handbook for Forest, Ranch, and Rural Roads, "Waterbars are constructed on unsurfaced forest and ranch roads that will have little or no traffic during the wet season. The waterbar should be extended beyond the shoulder of the road. A berm must block and prevent ditch flow from continuing down the road during flood flows. The excavated waterbar should be constructed to be self-cleaning, typically with a 30° skew to the road alignment with the excavated material bermed on the downhill grade of the road. Water should always be discharged onto the downhill side on a stable slope protected by vegetation. The cross-ditch depth and width must allow vehicle cross-over without destroying the function of the drain."¹ Rock shall be necessary where water leaves the road because there is not enough space for multiple waterbars spaced close enough to prevent serious erosion.

Waterbars can also be used to drain a road surface. These are shallow, abrupt, excavated dips or troughs with an adjacent, downslope hump or mounded berm that are built at an oblique angle across the road. To maintain the greatest effectiveness, the axis of the waterbar (including where it drains onto the adjacent hillslope) should be constructed at a gradient slightly steeper than the road gradient it is intended to drain. This prevents deposition within or at the outlet of the structure and maintains flow and sediment transport along its length. Waterbars are useful only on low standard seasonal or temporary, unsurfaced roads where winter or wet season use will not occur, because traffic easily cuts through the soft berm and fills the adjacent dip. On seasonal rocked roads and roads where waterbars cannot be built and maintained each year, thick rubber flaps or "rubber waterbars" are occasionally constructed into the roadbed. The rubber waterbar is most useful where frequent road grading is not necessary but the road surface needs better drainage. These drainage diversion devices are sometimes made of thick rubber strips or salvaged conveyor belt fabrics, and are dug at least 12 inches into, and anchored in, the roadbed at an

angle oblique to the road alignment, much like a waterbar. They stick up about 4 inches above the running surface and divert surface runoff to the side of the road. The flap bends down as vehicles pass over the waterbar and then immediately springs back to deflect runoff. Unlike waterbars, vehicles can drive over the flap without having to slow down; it folds over and pops back up when the vehicle passes. The main shortcomings include the labor-intensive installation required to build each diversion device, and the difficulty of grading the road surface that contains frequent rubber waterbars. Open top box culverts (usually made of wood or metal) can also be used to drain the road surface, but they often fill with soil and rock, are difficult to grade over, and usually require higher levels of maintenance to keep open and functional. They should have a relatively steep grade so they self-clean during runoff events and are often fitted with a surface grate on top to prevent large rocks from entering the top of the culvert and obstructing flow. Like waterbars, and for maximum effectiveness and minimal maintenance, these less common road drainage structures should be constructed obliquely across the road such that their slope is slightly greater than the grade of the road they are draining. The alternative may be a ditch relief culvert here which is for roads used regularly during the wet season.¹ (see attached diagram in appendices).

Water was ponding on both sides of the fill above the stream crossing on this seasonal road. The work concerning the stream crossing will require a 1600 permit (**MP6**). The culvert is slated for replacement. The road above the culvert will need to be reconstructed with a broad compacted hump so that any water flowing down the road to the crossing will runoff into vegetation and not wear into the fill of the culvert. Specifics about the stream crossing are discussed in an LSAA document.

There is a large graded flat with a metal storage building and two metal storage containers are which is puddling (**MP13**). There is about 100-ft of skid road with an ~14% slope which is driven on and had no drainage features installed. Water is currently flowing down this road and onto the flat. The flat had a landslide ~45' behind the metal building. Preventing puddling on the flat is crucial to safe guard against further slides. The land slide appears to not be affecting a water course and many trees were growing straight out of the earth. The sheared edge of the flat can be gradually angled again by disturbing less than 50 cubic yards of earth during the dry season. Then the slope can be laid with jute cloth from top to bottom. The flats puddles drain to an edge near the base of the skid road and discharge >100' from a class II stream. The point of egress for the water from the flat will be rocked to prevent a gully from forming (**MP13**). The most important step to protect the skid road, the flat and the stream is to install several waterbars (**MP14**). To reduce the cost of maintenance of the water bars, using the permanent road maintained by the road association during the wet season is advised. The slope on site where **CA1**, **CA2** and **CA3** are is ~21%. The Slope from **CA4** to the storage containers is ~14%. The outcrop below this slide is ~33% and the natural slope is ~14%.

2.4. Stream Crossings

There are four (4) stream crossings on the parcel. There is one (1) stream crossing on the property that is the responsibility of the property owner; the other three stream crossings on the parcel are the responsibility of the road association. The culvert which the applicant is responsible for is on a class III stream (**MP6**). The culvert consisted of a 20-ft long, 36-inch CMP on a class III watercourse. The upstream and downstream channel width varied from 30 to 36-inches. The culvert had a 15% rust line and was partially infilled with rock. The culvert was still functioning but was nearing the end of its lifetime. There

was puddling over either side of the culvert and the road will need to be reshaped so that runoff will not wear away the fill face. GRC recommends that since the work to reshape the road will require an LSAA agreement the applicant should replace the culvert with a new 30-foot-long 36-inch diameter culvert. All stream crossings, culverts, or water structures shall be designed to withstand a 100-yr storm event, accounting for any debris in runoff. All in-stream work will require the appropriate notification to the California Department of Fish and Wildlife (CDFW), The State Water Resources Control Board, and the Army Corps of Engineers before any work begins.

Table 2. Overview of stream crossing on the property.

Map Point (MP)	Existing Size (inch)	Type	Watercourse Class	Action
MP6	36	Culvert	Class III	Reshape the fill so that the down slope flow runs off before reaching the stream. Replacing the culvert is recommend.

All stream crossing will be permitted through the appropriate agencies (e.g. CDFW, SWRCB) before work commences.

2.5. Legacy Waste Discharges

There are a few decommissioned skid roads leading from and onto the property which have been revegetated and are stable (near MP15). These skid roads intersected a class II stream and the stream channel has naturalized. No work is required. These skid roads shall be barricaded somehow (e.g. large logs or t-post), outside of the riparian buffer, to indicate that they are never driven on.

3. Erosion Prevention and Sediment Capture

The land disturbance consisted of the cultivation areas, graded flats, potentially unstable areas, places with cultivation related equipment or buildings, soils piles, and unstable road segments. These disturbed areas are more detailed in the Disturbed Area Management Plan. Map points on the Site Overview map correspond to the Remediation Summary Table found in Section 10 of this report. The site assessment for this report revealed that the access roads on the property were mostly in good condition, except for two segments of seasonal roads which were hydrologically connected and lacked drainage features (MP5 & MP14). These roads will require reshaping of the road the installation of waterbars, surface rocking for erosion prevention, and maintenance of drainage feature. The work required for MP6 will necessitate a LSAA agreement from CDFW. Access to the seasonal roads need to be prevented during the wet season. Skid roads are decommissioned and not driven on. There are two areas that were potentially unstable but outside of the riparian buffer. The flat with the large storage building needs to be reinforced where the drainage is (MP13) and vegetated at the grade break (MP12). The slope at CA1 needs to have the gabion wall extended for correct reinforcement (MP11). The Lower Pond has an 18-inch CMP overflow with a perched outlet (MP8). The outlet of the culvert was rocked appropriately to prevent erosion. The fill slopes near CA3 were stabilized and vegetated (MP2).

4. Water Uses

Water for cannabis irrigation is sourced from the sites (2) rainwater catchment ponds, the Middle and Lower Ponds, which collect runoff from the inside ditches along the main road via a ditch relief culvert. Collected rainwater use is non-jurisdictional. Water for domestic uses is sourced from a spring on site which flows into the Upper Pond near **CA4** and then is gravity fed into water tanks. These tanks will need float valves installed to prevent overflow (**MP16**). The water for domestic use is not stored for longer than 30 days. Water tanks for irrigation will be placed on level ground outside of the riparian buffer. Water conservation methods such as method and timing of irrigation will be employed to ensure water is applied at agronomic rates. All irrigation infrastructure will be regularly inspected for leaks and immediately repaired if any are found. Weed free mulch or straw will be used in cultivation areas that do not have ground cover to reduce evaporation and conserve water. The cultivator will have water meters installed and record daily irrigation water usage and maintain records on site for a minimum of 5 years. The estimated annual water use is summarized below in Table 3.

Table 3. Annual water uses on the parcel.

Source	Use	Start Date	End Date	To Storage (gallons)	To Use (gallons)
Spring	Domestic	Jan. 1	Dec. 31	0	50,000
Rainwater Ponds	Cannabis	Apr. 1	Nov. 1	0	360,450

The site has a total of 1,770,500 gallons of water storage available which is summarized in Table 4. The applicant has eight (8) water tanks, a water bladder, and three (3) ponds. There is a disclosed historic cattle pond below **MP16** which fills seasonally and does not appear to cause any issues. The applicant has planned to decommission the water bladder at **MP7** and to add or relocate water storage nearby, outside of the stream buffer.

Table 4. Summary of water storage on the parcel.

Water Storage Type	Size (gallons)	Number	Total (gallons)
Lower Pond	1,250,000	1	1,250,000
Middle Pond	430,000	1	430,000
Upper Pond	70,000	1	70,000
Water Bladder	10,000	1	10,000
HDPE Tank	5,000	2	10,000
HDPE Tank	3,000	4	12,000
HDPE Tank	1,500	1	1,500
HDPE Tank	1,000	1	1,000
Total			1,770,500

5. Fertilizers, Pesticides and Herbicides

5.1. Application, Storage and Disposal

All fertilizers, pesticides, herbicides and rodenticides will be mixed or prepared in locations where they cannot enter a waterbody (surface or groundwater). Fertilizers, pesticides, herbicides and rodenticides shall be applied at agronomic rates specified on the product label. The enrollee will keep a log of their fertilizers, pesticides and herbicides use for annual reporting. All labels will be kept, and directions followed when amendments and fertilizers are applied. All liquid chemicals will be stored in separate secondary containment. During the off season all chemicals will be stored in a locked building. Agricultural chemicals will not be applied within 48-hr of a predicted rain event with a 50% or greater chance of 0.25-inches. Disposal of unused products will be consistent with labels on containers. Empty containers will be disposed of at an authorized recycling center. A spill clean-up kit will be stored in the garage/shop. No restricted materials or pesticides will be used or stored on site. No greater than 319 pounds of nitrogen per acre per year shall be applied. A summary of fertilizers, pesticides, and herbicides used annually are listed below. Total annual Nitrogen use is 297 lbs.

Table 5. Overview of annual chemical use.

Product Name	Chemical Type	N-P-K or Active Ingredient	Annual Use (lbs. or gallons)
Green Cleaner	Pesticide	Soybean Oil	20 gal
Botanicare Trifecta	Pesticide	Essential Oils	20 gal
Botanicare Hydroplex	Fertilizer	0-10-6	50 gal
Botanicare Sweet	Fertilizer	0-0-0	50 gal
Botanicare Karma	Fertilizer	0.1-0.1-0.5	50 gal
Botanicare Grow	Fertilizer	3-1-2	50 gal
Botanicare Bloom	Fertilizer	1-5-4	250 gal
Cal Mag	Fertilizer	2-0-0	50 gal
Carbo Load	Fertilizer	0-0-0	50 gal

5.2. Spill Prevention and Clean Up

Spill cleanup kits will be made available wherever there are chemicals, fuels, or nutrients being handled. In case of a major spill of fertilizers, or any petroleum products, the cannabis cultivator shall immediately notify the California Office of Emergency Services at 1-800-852-7550 and initiate cleanup activities for all spills that could enter a waterbody or degrade groundwater.

6. Petroleum

6.1. Use, Storage, and Disposal

The site has solar power and power from generators. There are 6 solar panels providing 6Kw of power each, for a grand total of 36Kw. There are four (4) 30Kw generators and two (2) 7Kw generators. While in use, the generators will need to be stored with drip containment outside of riparian setbacks. Fueling of the generators, as well as any other equipment or vehicles, will also take place outside of the riparian setbacks. All equipment containing petroleum derivatives will be inspected regularly for leaks. When the generators are not in use they will be stored in a covered building.

There were a few issues on the property associated with petroleum products. There were generators and fuel tanks that need to be placed in adequate containment (**MP1, MP4, and MP9**). Generators will require drip pans and cover from the rain. All small fuel canisters must be kept inside a covered structure with an impermeable basin. In addition, all storage tanks over 110 gallons need to be registered with the County Health Department. There is a large disused diesel storage vessel near the residence that the applicant plans to remove from the site. Lastly, the site lacked an emergency chemical spill kit. However, the applicant has purchased spill kits and will make them readily available wherever chemicals are stored or handled. Generally, all liquid chemicals must be stored in secondary containment bins with watertight lids to prevent spills and leakage. The enrollee will keep a log of their chemical use for the annual reporting and dispose of petroleum related products at appropriate facilities.

Table 6. Overview annual petroleum usage.

Product	Chemical Type	Annual Use (lbs. or gallons)
Gasoline	Petroleum	1,200 gallons
Motor Oil	Petroleum	50 gallons

7. Cultivation Waste, Trash/Refuse and Domestic Wastewater

7.1. Trash/Refuse Overview

All trash will be put in a covered containment or the shipping containers on site and then removed on a regular basis to an authorized landfill. No trash or debris will be allowed to enter a watercourse or riparian setback area. Compostable cultivation waste will be stored in a location and manner where it cannot be transported to surface waters. Spent growth medium (e.g. soil) shall either be reused, disposed of at an appropriate waste site, or be spread outside of riparian setbacks and planted with native vegetation. During the site visit spent growth medium was noticed escaping from **CA3**. The installation of a wattle or a silt fence between the road and **CA3** is required to prevent soils from immigrating to the watercourse (**MP3**). Cultivation related wastes such as stems, and leaves are composted on site. Soil is reused until it is no longer viable. There were two (2) soil piles observed on the site, neither had proper erosion control features employed. Soil piles should be covered with a tarp and surrounded with straw wattles to reduce sediment delivery (see Site Overview Map). Composting and soil piles must be limited to 100 cubic yards or 250 square feet. They must also have perimeter controls and be covered during strong winds. Any soil

to be disposed of may be brought to Wes Green in Arcata for disposal. Alternatively, spoils may be spread on site in a relatively flat, vegetated location outside of riparian buffers and then covered immediately with straw and seeded with a native seed mix. The spread spoils may need to be stabilized with a wattle perimeter at least for the first year. Any compost should be stored in a location and manner to ensure that pollutants and residuals do not migrate or leach in to surface waters or ground water. All cultivation related wastes must be collected and stored daily so that debris is not scattered by the elements. All garbage and recyclables shall be put in containment. Recycling must be stored separate from garbage. All waste material must be removed on a regular basis to maintain a clean and sanitary site.

7.2. Domestic Wastewater BPTC Measures

The site had an existing septic installed; however, the status is not known. The septic is located near the residence. The septic leach fields were in locations permissible by county and no signs of failure. A back permit for the system will likely need to be acquired or a new system will need to be designed and installed if it is determined that the existing septic is not up to standard. Portable toilets will be brought to the site for the seasonal workers if needed. Portable toilets will be serviced regularly and located outside of riparian setbacks and away from unstable areas.

8. Winterization Measures

8.1. Summary

A requirement is that winterization measures be completed annually before the onset of the winter rainy season. The SWRCB has defined the winter season as beginning November 1st and concluding April 1st. Winterization measures apply to cultivation areas, any additional disturbed areas including roads, and stream crossings. These measures aim to prepare the site for an extended period of heavy precipitation during which frequent access, monitoring, and maintenance can be challenging or infeasible. The end goal is to reduce the erosion of unstable areas and prevent the delivery of eroded sediment to sensitive waterways. One of the primary techniques of winterization consists of stabilizing all bare soils with straw and seed. Fiber rolls shall additionally be installed at grade breaks and along slopes of disturbed areas to break up flow paths, thereby reducing the speed and erosive energy of runoff. No heavy machinery shall be used during the winter season to avoid the degradation of saturated roadways and unstable surfaces. Soil stock piles shall be guarded before the onset of winter with a cover and/or perimeter controls such as fiber rolls. Culverts shall be inspected and maintained to ensure integrity during winter. This includes clearing inlets and outlets of sediment and/or debris and ensuring that sufficient energy dissipation exists at outlets to reduce bank erosion. Seasonal access roads shall be locked to ensure that roads are not in use during the wet season by trespassers. Aside from the erosion control components to winterization, a general and thorough site cleanup will be performed to remove all refuse from the site. Additionally, all fertilizers and petroleum products to be left on site will be stored in secondary containment and locked in the shipping container to avoid spillage and discharge to surface or groundwater. Winterization measures for High-Risk Sites are covered in more detail in the Site Erosion and Sediment Control Plan to be submitted for that site.

9. Monitoring

Monitoring is broken up into 3 reports; Facility Status, Site Maintenance, and Storm Water Runoff Monitoring. For Low Risk sites the only monitoring report required is the Facility Status Report. For High-

Risk sites all three monitoring reports need to be completed. See "Site Erosion and Sediment Control Plan" for details on the site maintenance and storm water runoff monitoring. Annual reports for the cultivation site will be submitted to the North Coast Regional Water Quality and Control Board (NCRWQCB) prior to March 1 of the following year. The annual report shall include the following: Facility Status, Site Maintenance, and Storm Water Runoff Monitoring; Name and contact information for the person responsible for operation, maintenance, and monitoring. Reporting documents can be emailed to northcoast@waterboards.ca.gov or mailed to 5550 Skylane Blvd., Ste. A, Santa Rosa, CA 95403.

Table 7. Facility status monitoring requirements.

Monitoring Requirement	Description
Winterization Measures Implemented	Report winterization procedures implemented, any outstanding measures, and the schedule for completion.
Tier Status Confirmation	Report any change in tier status. (Stabilization of disturbed areas may change the tier status of a facility. Contact the Regional Water Board if a change in status is appropriate.)
Third Party Identification	Report any change in third party status as appropriate.
Nitrogen Application	Report monthly and annual total nitrogen use for bulk, solid, and liquid forms of nitrogen. Provide the data as lbs./canopy acre/time (month or year) as described in Nitrogen Management Plan.

"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."

Legally Responsible Person _____ Date _____

10. Remediation Summary Table

Map Point (MP)	Topic	Issue	Remediation Measure	Treatment Priority	Expected Completion Date	Actual Completion Date
MP1	Petroleum Products and Other Chemicals	Generator and large fuel tanks lack adequate containment.	Install covers and drip pans for generators. Install covers and appropriately sized containment for liquid petroleum and chemicals.	High	October 2019	
MP2	Site Maintenance, Erosion Control, and Drainage Features	Fill slope near CA3 is unstable.	Stabilize slope with straw and seed.	Moderate	October 2019	April 2019
MP3	Soil Disposal & Soil Management	There are uncontaminated soils washed away from the CA3 which is >100 ft from the class II but sediment is conveyed via the road.	Install silt fence and or wattles at the low point of the flat to prevent soil discharge into the seasonal road ditch relief which head toward a class III drainage. Repair the planter boxes to retain the soil.	Moderate	October 2019	
MP4	Petroleum Products and Other Chemicals	Fuel powered generator lacked adequate containment and cover.	Put in place a cover and drip basin for generator.	High	October 2019	
MP5	Land Development and maintenance, Erosion Control, and Drainage Features	The road is concentrating runoff and the inboard ditch is delivering sediment into a stream.	Waterbar from the ditch to across the road at the grade break and remove the ditch below the waterbar. Rebuild the road out sloped below the waterbar so that the road drains into vegetation. Rebuild the road above the waterbar so that water flows into the ditch.	High	October 2019	
MP6	Stream Crossing Installation and Maintenance	There road is puddling above the culvert. It may be efficient to replace the culvert with a new one at the same time as fixing the road.	Reconstruct the hump over the culvert, so that the out sloped road drains into the vegetation prior to reaching the culvert. Requires a 1600.	High	October 2019	
MP7	Riparian and Wetland	Water bladder without containment located in stream buffer.	Remove bladder and dispose of it at an appropriate waste disposal facility.	High	October 2019	
MP8	Site Maintenance, Erosion Control, and Drainage Features	Pond overflow outlet has a ten (10) foot drop into Class III drainage.	Install downspout culvert and large amount of rock at exit to dissipate velocity and reduce erosion.	High	October 2019	
MP9	Petroleum Products and Other Chemicals	Fuel powered water pump lacked adequate containment and cover.	Put in place a cover and drip basin for pump.	High	October 2019	

MP10	Riparian and Wetland	CA1 is partially in the 50-ft wetland buffer of the NCRWQCB grandfathered-in setbacks.	The cultivation areas will need to be relocated outside of the pond buffer. Cultivation related waste will be removed, and the ground will be stabilized with straw and native seed mix. (if CDFW says it's an issue)	High	October 2019	
MP11	Land Development and maintenance, Erosion Control, and Drainage Features	There was a landslide which is partially retained by gabion cages.	The wall of gabions needs to be extended.	Low	October 2020	
MP12	Land Development and maintenance, Erosion Control, and Drainage Features	The slope is unstable from a landslide.	Even out the sheer face of the slide to a stabilized dimension and then seed and jute the slope.	Med	October 2020	
MP13	Land Development and maintenance, Erosion Control, and Drainage Features	The flat is eroding at the low spot.	Rock the low spot to stabilize the earth where the flat drains.	Med	October 2019	
MP14	Land Development and maintenance, Erosion Control, and Drainage Features	The road segment is causing puddling on the flat.	Install four waterbars along the road which drain the entire cross section of the road into vegetation.	High	October 2019	
MP15	Winterization	Skid roads and seasonal access roads have not been barricaded.	Prior to the onset of the winter period the seasonal access roads shall be blocked or otherwise closed to motorized vehicles. Skid roads shall be closed to motorized vehicles during all times of year.	Low	October 2019	
MP16	Water Storage and Use	The water tank is overflowing and may be currently routing water into a watercourse.	Install a float valve on the water tank so that the tank will not overflow after filling. (Then the pond water will no longer migrate into the road and will go subsurface.)	High	October 2019	
Septic Symbol	Refuse and Human Waste	Septic system for the one (1) full-time resident.	Back-permit existing septic or design, permit and install new a septic system.	Moderate	October 2021	

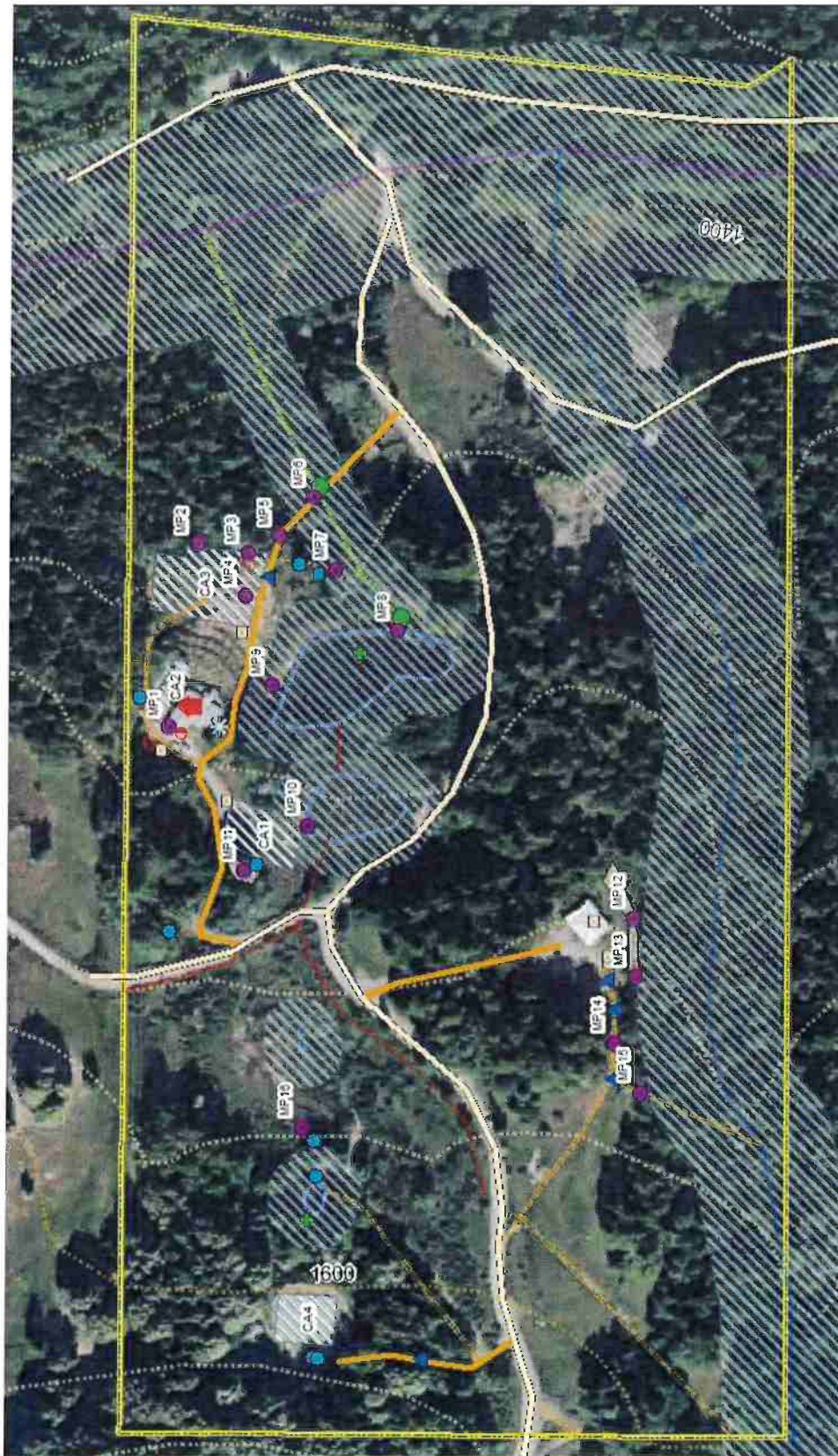
11. Appendices

FIGURE 40. Waterbars are constructed on unsurfaced forest and ranch roads that will have little or no traffic during the wet season. The waterbar should be extended to the cutbank to intercept all ditch flow (1) and extend beyond the shoulder of the road. A berm (2) must block and prevent ditch flow from continuing down the road during flood flows. The excavated waterbar (3) should be constructed to be self-cleaning, typically with a 30° skew to the road alignment with the excavated material bermed on the downhill grade of the road (4). Water should always be discharged onto the downhill side on a stable slope protected by vegetation. Rock (shown in the figure) should not be necessary if waterbars are spaced close enough to prevent serious erosion. (5) The cross ditch depth (6) and width (7) must allow vehicle cross-over without destroying the function of the drain. Several alternate types of waterbars are possible, including one that drains only the road surface (not the ditch), and one that drains the road surface into the inside ditch (BCMF, 1991).



Work Cited

- ¹Weaver, William, PHD, Eileen Weppner, P.G., and Danny Hagans, CPESC. "Handbook for Forest, Ranch, & Rural Roads: A Guide for Planning, Designing, Constructing, Reconstructing, Upgrading, Maintaining, and Closing Wildland Roads." Pacific Watershed Associates. 2014. Accessed 2019. http://www.pacificwatershed.com/sites/default/files/5_-_chapter_4_-_road_and_stream_crossing_design.pdf.



Site Overview Map APN: 217-391-006

Water Source	Generator	Culvert	Seasonal	Watercourses	Class IV	Parcel Boundary	Index Contours
Water Tank	Spoils	Water Bars	Skid	Class I	Class II	Cultivation Area	Contour Interval: 40ft
Water Bladder	Septic	Roads	Storage Shed	Class II	Class III	Stream Buffer	Imagery: 2016 NAIP
Map Points	Residence	Permanent	Fuel Storage	Pond	Intermediate Contours	Pond	

Best Practical Treatment or Control (BPTC) Measures

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

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

No.	TERM
Land Development and Maintenance, Erosion Control, and Drainage Features	
Limitations on Earthmoving	
1.	<p>Cannabis cultivators shall not conduct grading activities for cannabis cultivation land development or alteration on slopes exceeding 50 percent grade, or as restricted by local county or city permits, ordinances, or regulations for grading, agriculture, or cannabis cultivation; whichever is more stringent shall apply.</p> <p>The grading prohibition on slopes exceeding 50 percent does not apply to site mitigation or remediation if the cannabis cultivator is issued separate WDRs or an enforcement order for the activity by the Regional Water Board Executive Officer.</p>
2.	<p>Finished cut and fill slopes, including side slopes between terraces, shall not exceed slopes of 50 percent and should conform to the natural pre-grade slope whenever possible.</p>
3.	<p>Cannabis cultivators shall not drive or operate vehicles or equipment within the riparian setbacks or within waters of the state unless authorized under 404/401 CWA permits, a CDFW LSA Agreement, coverage under the Cannabis General Order water quality certification, or site-specific WDRs issued by the Regional Water Board. This requirement does not prohibit driving on established, maintained access roads that are in compliance with this Policy.</p>
4.	<p>Cannabis cultivation land development and access road construction shall be designed by qualified professionals. Cannabis cultivators shall conduct all construction or land development activities to minimize grading, soil disturbance, and disturbance to aquatic and terrestrial habitat.</p>
5.	<p>The cannabis cultivator shall control all dust related to cannabis cultivation activities to ensure dust does not produce sediment-laden runoff. The cannabis cultivator shall implement dust control measures, including, but not limited to, pre-watering of excavation or grading sites, use of water trucks, track-out prevention, washing down vehicles or equipment before leaving a site, and prohibiting land disturbance activities when instantaneous wind speeds (gusts) exceed 25 miles per hour. Cannabis cultivators shall grade access roads in dry weather while moisture is still present in soil to minimize dust and to achieve design soil compaction, or when needed use a water truck to control dust and soil moisture.</p>
Construction Equipment Use and Limitations	

6.	Cannabis cultivators shall employ spill control and containment practices to prevent the discharge of fuels, oils, solvents and other chemicals to soils and waters of the state.
7.	<p>Cannabis cultivators shall stage and store equipment, materials, fuels, lubricants, solvents, or hazardous or toxic materials in locations that minimize the potential for discharge to waters of the state. At a minimum, the following measures shall be implemented:</p> <ol style="list-style-type: none"> 1. Designate an area outside the riparian setback for equipment storage, short-term maintenance, and refueling. Cannabis cultivator shall not conduct any maintenance activity or refuel equipment in any location where the petroleum products or other pollutants may enter waters of the state as per Fish and Game Code section 5650 (a)(1). 2. Frequently inspect equipment and vehicles for leaks. 3. Immediately clean up leaks, drips, and spills. Except for emergency repairs that are necessary for safe transport of equipment or vehicles to an appropriate repair facility, equipment or vehicle repairs, maintenance, and washing onsite is prohibited. 4. If emergency repairs generate waste fluids, ensure they are contained and properly disposed or recycled off-site. 5. Properly dispose of all construction debris off-site. 6. Use dry cleanup methods (e.g., absorbent materials, cat litter, and/or rags) whenever possible. Sweep up, contain, and properly dispose of spilled dry materials.
Erosion Control	
8.	The cannabis cultivator shall use appropriate erosion control measures to minimize erosion of disturbed areas, potting soil, or bulk soil amendments to prevent discharges of waste. Fill soil shall not be placed where it may discharge into surface water. If used, weed-free straw mulch shall be applied at a rate of two tons per acre of exposed soils and, if warranted by site conditions, shall be secured to the ground.
9.	The cannabis cultivator shall not plant or seed noxious weeds. Prohibited plant species include those identified in the California Invasive Plant Council's database, available at: www.cal-ipc.org/pafr/ . Locally native, non-invasive, and non-persistent grass species may be used for temporary erosion control benefits to stabilize disturbed land and prevent exposure of disturbed land to rainfall. Nothing in this term may be construed as a ban on cannabis cultivation that complies with the terms of this Policy.
10.	<p>Cannabis cultivators shall incorporate erosion control and sediment detention devices and materials into the design, work schedule, and implementation of the cannabis cultivation activities. The erosion prevention and sediment capture measures shall be effective in protecting water quality.</p> <ul style="list-style-type: none"> • Interim erosion prevention and sediment capture measures shall be implemented within seven days of completion of grading and land disturbance activities, and

	<p>shall consist of erosion prevention measures and sediment capture measures including:</p> <ul style="list-style-type: none"> ◦ Erosion prevention measures are required for any earthwork that uses heavy equipment (e.g., bulldozer, compactor, excavator, etc.). Erosion prevention measures may include surface contouring, slope roughening, and upslope storm water diversion. Other types of erosion prevention measures may include mulching, hydroseeding, tarp placement, revegetation, and rock slope protection. ◦ Sediment capture measures include the implementation of measures such as gravel bag berms, fiber rolls, straw bale barriers, properly installed silt fences, and sediment settling basins. • Long-term erosion prevention and sediment capture measures shall be implemented as soon as possible and prior to the onset of fall and winter precipitation. Long-term measures may include the use of heavy equipment to reconfigure access roads or improve access road drainage, installation of properly-sized culverts, gravel placement on steeper grades, and stabilization of previously disturbed land. • Maintenance of all erosion protection and sediment capture measures is required year round. Early monitoring allows for identification of problem areas or underperforming erosion or sediment control measures. Verification of the effectiveness of all erosion prevention and sediment capture measures is required as part of winterization activities.
11.	Cannabis cultivators shall only use geotextiles, fiber rolls, and other erosion control measures made of loose-weave mesh (e.g., jute, coconut (coir) fiber, or from other products without welded weaves). To minimize the risk of ensnaring and strangling wildlife, cannabis cultivators shall not use synthetic (e.g., plastic or nylon) monofilament netting materials for erosion control for any cannabis cultivation activities. This prohibition includes photo- or bio-degradable plastic netting.
12.	Cultivation sites constructed on or near slopes with a slope greater than or equal to 30 percent shall be inspected for indications of instability. Indications of instability include the occurrence of slope failures at nearby similar sites, weak soil layers, geologic bedding parallel to slope surface, hillside creep (trees, fence posts, etc. leaning downslope), tension cracks in the slope surface, bulging soil at the base of the slope, and groundwater discharge from the slope. If indicators of instability are present, the cannabis cultivator shall consult with a qualified professional to design measures to stabilize the slope to prevent sediment discharge to surface waters.
13.	For areas outside of riparian setbacks or for upland areas, cannabis cultivators shall ensure that rock placed for slope protection is the minimum amount necessary and is part of a design that provides for native plant revegetation. If retaining walls or other structures are required to provide slope stability, they shall be designed by a qualified professional.
14.	Cannabis cultivators shall monitor erosion control measures during and after each storm event that produces at least 0.5 in/day or 1.0 inch/7 days of precipitation, and repair or replace, as needed, ineffective erosion control measures immediately.

Access Road/Land Development and Drainage	
15.	Access roads shall be constructed consistent with the requirements of California Code of Regulations Title 14, Chapter 4. The Road Handbook describes how to implement the regulations and is available at < http://www.pacificwatershed.com/PWA-publications-library >. Existing access roads shall be upgraded to comply with the Road Handbook.
16.	Cannabis cultivators shall obtain all required permits and approvals prior to the construction of any access road constructed for cannabis cultivation activities. Permits may include section 404/401 CWA permits, Regional Water Board WDRs (when applicable), CDFW LSA Agreement, and county or local agency permits.
17.	Cannabis cultivators shall ensure that all access roads are hydrologically disconnected to receiving waters to the extent possible by installing disconnecting drainage features, increasing the frequency of (inside) ditch drain relief as needed, constructing out-sloped roads, constructing energy dissipating structures, avoiding concentrating flows in unstable areas, and performing inspection and maintenance as needed to optimize the access road performance.
18.	New access road alignments should be constructed with grades (slopes) of 3- to 8-percent, or less, wherever possible. Forest access roads should generally be kept below 12-percent except for short pitches of 500 feet or less where road slopes may go up to 20-percent. These steeper access road slopes should be paved or rock surfaced and equipped with adequate drainage. Existing access roads that do not comply with these limits shall be inspected by a qualified professional to determine if improvements are needed.
19.	Cannabis cultivators shall decommission or relocate existing roads away from riparian setbacks whenever possible. Roads that are proposed for decommissioning shall be abandoned and left in a condition that provides for long-term, maintenance-free function of drainage and erosion controls. Abandoned roads shall be blocked to prevent unauthorized vehicle traffic.
20.	If site conditions prohibit drainage structures (including rolling dips and ditch-relief culverts) at adequate intervals to avoid erosion, the cannabis cultivator shall use bioengineering techniques ¹² as the preferred measure to minimize erosion (e.g., live fascines). If bioengineering cannot be used, then engineering fixes such as armoring (e.g., rock of adequate size and depth to remain in place under traffic and flow conditions) and velocity dissipaters (e.g., gravel-filled "pillows" in an inside ditch to trap sediment) may be used for problem sites. The maximum distance between water breaks shall not exceed those defined in the Road Handbook.
21.	Cannabis cultivators shall have a qualified professional design the optimal access road alignment, surfacing, drainage, maintenance requirements, and spoils handling

¹² A Primer on Stream and River Protection for the Regulator and Program Manager: Technical Reference Circular W.D. D2-#1, San Francisco Bay Region, California Regional Water Board (April 2003) http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stream_wetland/streamprotectio/rcircular.pdf

	procedures.
22.	Cannabis cultivators shall ensure that access road surfacing, especially within a segment leading to a waterbody, is sufficient to minimize sediment delivery to the wetland or waterbody and maximize access road integrity. Road surfacing may include pavement, chip-seal, lignin, rock, or other material appropriate for timing and nature of use. All access roads that will be used for winter or wet weather hauling/traffic shall be surfaced. Steeper access road grades require higher quality rock (e.g., crushed angular versus river-run) to remain in place. The use of asphalt grindings is prohibited.
23.	Cannabis cultivators shall install erosion control measures on all access road approaches to surface water diversion sites to reduce the generation and transport of sediment to streams.
24.	Cannabis cultivators shall ensure that access roads are out-sloped whenever possible to promote even drainage of the access road surface, prevent the concentration of storm water flow within an inboard or inside ditch, and to minimize disruption of the natural sheet flow pattern off a hill slope to a stream.
25.	If unable to eliminate inboard or inside ditches, the cannabis cultivator shall ensure adequate ditch relief culverts to prevent down-cutting of the ditch and to reduce water runoff concentration, velocity, and erosion. Ditches shall be designed and maintained as recommended by a qualified professional. To avoid point-source discharges, inboard ditches and ditch relief culverts shall be discharged onto vegetated or armored slopes that are designed to dissipate and prevent runoff channelization. Inboard ditches and ditch relief culverts shall be designed to ensure discharges into natural stream channels or watercourses are prevented.
26.	Cannabis cultivators shall ensure that access roads are not allowed to develop or show evidence of significant surface rutting or gulying. Cannabis cultivators shall use water bars and rolling dips as designed by a qualified professional to minimize access road surface erosion and dissipate runoff.
27.	Cannabis cultivators shall only grade ditches when necessary to prevent erosion of the ditch, undermining of the banks, or exposure of the toe of the cut slope to erosion. Cannabis cultivators shall not remove more vegetation than necessary to keep water moving, as vegetation prevents scour and filters out sediment.
28.	Access road storm water drainage structures shall not discharge onto unstable slopes, earthen fills, or directly to a waterbody. Drainage structures shall discharge onto stable areas with straw bales, slash, vegetation, and/or rock riprap.
29.	Sediment control devices (e.g., check dams, sand/gravel bag barriers, etc.) shall be used when it is not practical to disperse storm water before discharge to a waterbody. Where potential discharge to a wetland or waterbody exists (e.g., within 200 feet of a waterbody) access road surface drainage shall be filtered through vegetation, slash, other appropriate material, or settled into a depression with an outlet with adequate drainage. Sediment basins shall be engineered and properly sized to allow sediment settling, spillway stability, and maintenance activities.

Drainage Culverts (See also Watercourse Crossings)	
30.	Cannabis cultivators shall regularly inspect ditch-relief culverts and clear them of any debris or sediment. To reduce ditch-relief culvert plugging by debris, cannabis cultivators shall use 15- to 24-inch diameter pipes, at minimum. In forested areas with a potential for woody debris, a minimum 18-inch diameter pipe shall be used to reduce clogging. Ditch relief culverts shall be designed by a qualified professional based on site-specific conditions.
31.	Cannabis cultivators shall ensure that all permanent watercourse crossings that are constructed or reconstructed are capable of accommodating the estimated 100-year flood flow, including debris and sediment loads. Watercourse crossings shall be designed and sized by a qualified professional.
Cleanup, Restoration, and Mitigation	
32.	Cannabis cultivators shall limit disturbance to existing grades and vegetation to the actual site of the cleanup or remediation and any necessary access routes.
33.	<p>Cannabis cultivators shall avoid damage to native riparian vegetation. All exposed or disturbed land and access points within the stream and riparian setback with damaged vegetation shall be restored with regional native vegetation of similar native species. Riparian trees over four inches diameter at breast height shall be replaced by similar native species at a ratio of three to one (3:1). Restored areas must be mulched, using at least 2 to 4 inches of weed-free, clean straw or similar biodegradable mulch over the seeded area. Mulching shall be completed within 30 days after land disturbance activities in the areas cease. Revegetation planting shall occur at a seasonally appropriate time until vegetation is restored to pre-cannabis or pre-Legacy condition or better.</p> <p>Cannabis cultivators shall stabilize and restore any temporary work areas with native vegetation to pre-cannabis cultivation or pre-Legacy conditions or better. Vegetation shall be planted at an adequate density and variety to control surface erosion and re-generate a diverse composition of regional native vegetation of similar native species.</p>
34.	Cannabis cultivators shall avoid damage to oak woodlands. Cannabis cultivator shall plant three oak trees for every one oak tree damaged or removed. Trees may be planted in groves in order to maximize wildlife benefits and shall be native to the local county.
35.	<p>Cannabis cultivators shall develop a revegetation plan for:</p> <ul style="list-style-type: none"> • All exposed or disturbed riparian vegetation areas, • any oak trees that are damaged or removed, and • temporary work areas. <p>Cannabis cultivators shall develop a monitoring plan that evaluates the revegetation plan for five years. Cannabis cultivators shall maintain annual inspections for the purpose of assessing an 85 percent survival and growth of revegetated areas within a five-year period. The presence of exposed soil shall be documented for three years following revegetation work. If the revegetation results in less than an 85 percent success rate, the unsuccessful vegetation areas shall be replanted. Cannabis cultivators shall identify the location and extent of exposed soil associated with the site; pre- and post-revegetation</p>

	work photos; diagram of all areas revegetated, the planting methods, and plants used; and an assessment of the success of the revegetation program. Cannabis cultivators shall maintain a copy of the revegetation plan and monitoring results onsite and make them available, upon request, to Water Boards staff or authorized representatives. An electronic copy of monitoring results is acceptable in Portable Document Format (PDF).
36.	Cannabis cultivators shall revegetate soil exposed as a result of cannabis cultivation activities with native vegetation by live planting, seed casting, or hydroseeding within seven days of exposure.
37.	Cannabis cultivators shall prevent the spread or introduction of exotic plant species to the maximum extent possible by cleaning equipment before delivery to the cannabis cultivation Site and before removal, restoring land disturbance with appropriate native species, and post-cannabis cultivation activities monitoring and control of exotic species. Nothing in this term may be construed as a ban on cannabis cultivation that complies with the terms of this Policy.
Stream Crossing Installation and Maintenance	
Limitations on Work in Watercourses and Permanently Pooled Areas	
38.	Cannabis cultivators shall obtain all applicable permits and approvals prior to doing any work in or around waterbodies or within the riparian setbacks. Permits may include section 404/401 CWA permits, Regional Water Board WDRs (when applicable), and a CDFW LSA Agreement.
39.	Cannabis cultivators shall avoid or minimize temporary stream crossings. When necessary, temporary stream crossings shall be located in areas where erosion potential and damage to the existing habitat is low. Cannabis cultivators shall avoid areas where runoff from access roadway side slopes and natural hillsides will drain and flow into the temporary crossing. Temporary stream crossings that impede fish passage are strictly prohibited on permanent or seasonal fish-bearing streams.
40.	Cannabis cultivators shall avoid or minimize use of heavy equipment ¹³ in a watercourse. If use is unavoidable, heavy equipment may only travel or work in a waterbody with a rocky or cobble channel. Wood, rubber, or clean native rock temporary work pads shall be used on the channel bottom prior to use of heavy equipment to protect channel bed and preserve channel morphology. Temporary work pads and other channel protection shall be removed as soon as possible once the use of heavy equipment is complete.
41.	Cannabis cultivators shall avoid or minimize work in or near a stream, creek, river, lake, pond, or other waterbody. If work in a waterbody cannot be avoided, activities and associated workspace shall be isolated from flowing water by directing the water around the work site. If water is present, then the cannabis cultivator shall develop a site-specific plan prepared by a qualified professional. The plan shall consider partial or full stream diversion and dewatering. The plan shall consider the use of coffer dams upstream and downstream of the work site and the diversion of all flow from upstream of the upstream

¹³ Heavy equipment is defined as large pieces of machinery or vehicles, especially those used in the building and construction industry (e.g., bulldozers, excavators, backhoes, bobcats, tractors, etc.)

	dam to downstream of the downstream dam, through a suitably sized pipe with intake screens that protect and prevent impacts to fish and wildlife. Cannabis cultivation activities and associated work shall be performed outside the waterbody from the top of the bank to the maximum extent possible.
Temporary Watercourse Diversion and Dewatering: All Live Watercourses	
42.	Cannabis cultivators shall ensure that coffer dams are constructed prior to commencing work and as close as practicable upstream and downstream of the work area. Cofferdam construction using offsite materials, such as clean gravel bags or inflatable dams, is preferred. Thick plastic may be used to minimize leakage, but shall be completely removed and properly disposed of upon work completion. If the coffer dams or stream diversion fail, the cannabis cultivator shall repair them immediately.
43.	When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, the cannabis cultivator shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code section 5937.
44.	If possible, gravity flow is the preferred method of water diversion. If a pump is used, the cannabis cultivator shall ensure that the pump is operated at the rate of flow that passes through the cannabis cultivation site. Pumping rates shall not dewater or impound water on the upstream side of the coffer dam. When diversion pipe is used it shall be protected from cannabis cultivation activities and maintained to prevent debris blockage.
45.	Cannabis cultivators shall only divert water such that water does not scour the channel bed or banks at the downstream end. Cannabis cultivator shall divert flow in a manner that prevents turbidity, siltation, and pollution and provides flows to downstream reaches. Cannabis cultivators shall provide flows to downstream reaches during all times that the natural flow would have supported aquatic life. Flows shall be of sufficient quality and quantity, and of appropriate temperature to support fish and other aquatic life both above and below the diversion. Block netting and intake screens shall be sized to protect and prevent impacts to fish and wildlife.
46.	Once water has been diverted around the work area, cannabis cultivators may dewater the site to provide an adequately dry work area. Any muddy or otherwise contaminated water shall be pumped to a settling tank, dewatering filter bag, or upland area, or to another location approved by CDFW or the appropriate Regional Water Board Executive Officer prior to re-entering the watercourse.
47.	Upon completion of work, cannabis cultivators shall immediately remove the flow diversion structure in a manner that allows flow to resume with a minimum of disturbance to the channel substrate and that minimizes the generation of turbidity.
Watercourse Crossings	
48.	Cannabis cultivators shall ensure that watercourse crossings are designed by a qualified professional.
49.	Cannabis cultivators shall ensure that all access road watercourse crossing structures allow for the unrestricted passage of water and shall be designed to accommodate the

	<p>estimated 100-year flood flow and associated debris (based upon an assessment of the streams potential to generate debris during high flow events). Consult CAL FIRE 100 year Watercourse Crossings document for examples and design calculations, available at: http://calfire.ca.gov/resource_mgt/downloads/100%20yr%20revised%2008-08-17%20(final-a).pdf.</p>
50.	<p>Cannabis cultivators shall ensure that watercourse crossings allow migration of aquatic life during all life stages supported or potentially supported by that stream reach. Design measures shall be incorporated to ensure water depth and velocity does not inhibit migration of aquatic life. Any access road crossing structure on watercourses that supports fish shall be constructed for the unrestricted passage of fish at all life stages, and should use the following design guidelines:</p> <ul style="list-style-type: none"> • CDFW's <i>Culvert Criteria for Fish Passage</i>; • CDFW's <i>Salmonid Stream Habitat Restoration Manual, Volume 2, Part IX: Fish Passage Evaluation at Stream Crossings</i>; and • National Marine Fisheries Service, Southwest Region <i>Guidelines for Salmonid Passage at Stream Crossings</i>.
51.	<p>Cannabis cultivators shall conduct regular inspection and maintenance of stream crossings to ensure crossings are not blocked by debris. Refer to California Board of Forestry Technical Rule No. 5 available at: http://www.calforests.org/wp-content/uploads/2013/10/Adopted-TRA5.pdf.</p>
52.	<p>Cannabis cultivators shall only use rock fords for temporary seasonal crossings on small watercourses where aquatic life passage is not required during the time period of use. Rock fords shall be oriented perpendicular to the flow of the watercourse and designed to maintain the range of surface flows that occur in the watercourse. When constructed, rock shall be sized to withstand the range of flow events that occur at the crossing and rock shall be maintained at the rock ford to completely cover the channel bed and bank surfaces to minimize soil compaction, rutting, and erosion. Rock must extend on either side of the ford up to the break in slope. The use of rock fords as watercourse crossings for all-weather access road use is prohibited.</p>
53.	<p>Cannabis cultivators shall ensure that culverts used at watercourse crossings are designed to direct flow and debris toward the inlet (e.g., use of wing-walls, pipe beveling, rock armoring, etc.) to prevent erosion of road fill, debris blocking the culvert, and watercourses from eroding a new channel.</p>
54.	<p>Cannabis cultivators shall regularly inspect and maintain the condition of access roads, access road drainage features, and watercourse crossings. At a minimum, cannabis cultivators shall perform inspections prior to the onset of fall and winter precipitation and following storm events that produce at least 0.5 in/day or 1.0 inch/7 days of precipitation. Cannabis cultivators are required to perform all of the following maintenance:</p> <ul style="list-style-type: none"> • Remove any wood debris that may restrict flow in a culvert. • Remove sediment that impacts access road or drainage feature performance. Place any removed sediment in a location outside the riparian setbacks and stabilize the sediment. • Maintain records of access road and drainage feature maintenance and consider

	redesigning the access road to improve performance and reduce maintenance needs.
55.	Cannabis cultivators shall compact access road crossing approaches and fill slopes during installation and shall stabilize them with rock or other appropriate surface protection to minimize surface erosion. When possible, cannabis cultivators shall ensure that access roads over culverts are equipped with a critical dip to ensure that, if the culvert becomes blocked or plugged, water can flow over the access road surface without washing away the fill prism. Access road crossings where specific conditions do not allow for a critical dip or in areas with potential for significant debris accumulation, shall include additional measures such as emergency overflow culverts or oversized culverts that are designed by a qualified professional.
56.	Cannabis cultivators shall ensure that culverts used at watercourse crossings are: 1) installed parallel to the watercourse alignment to the extent possible, 2) of sufficient length to extend beyond stabilized fill/sidecast material, and 3) embedded or installed at the same level and gradient of the streambed in which they are being placed to prevent erosion.
Soil Disposal and Spills Management	
57.	Cannabis cultivators shall store soil, construction, and waste materials outside the riparian setback except as needed for immediate construction needs. Such materials shall not be stored in locations of known slope instability or where the storage of construction or waste material could reduce slope stability.
58.	Cannabis cultivators shall separate large organic material (e.g., roots, woody debris, etc.) from soil materials. Cannabis cultivators shall either place the large organic material in long-term, upland storage sites, or properly dispose of these materials offsite.
59.	Cannabis cultivators shall store erodible soil, soil amendments, and spoil piles to prevent sediment discharges in storm water. Storage practices may include use of tarps, upslope land contouring to divert surface flow around the material, or use of sediment control devices (e.g., silt fences, straw wattles, etc.).
60.	Cannabis cultivators shall contour and stabilize stored spoils to mimic natural slope contours and drainage patterns (as appropriate) to reduce the potential for fill saturation and slope failure.
61.	For soil disposal sites cannabis cultivators shall: <ul style="list-style-type: none"> • revegetate soil disposal sites with a mix of native plant species, • cover the seeded and planted areas with mulched straw at a rate of two tons per acre, and • apply non-synthetic netting or similar erosion control fabric (e.g., jute) on slopes greater than 2:1 if the site is erodible.
62.	Cannabis cultivators shall haul away and properly dispose of excess soil and other debris as needed to prevent discharge to waters of the state.

Riparian and Wetland Protection and Management	
63.	Cannabis cultivators shall not disturb aquatic or riparian habitat, such as pools, spawning sites, large wood, or shading vegetation unless authorized under a CWA section 404 permit, CWA section 401 certification, Regional Water Board WDRs (when applicable), or a CDFW LSA Agreement.
64.	Cannabis cultivators shall maintain existing, naturally occurring, riparian vegetative cover (e.g., trees, shrubs, and grasses) in aquatic habitat areas to the maximum extent possible to maintain riparian areas for streambank stabilization, erosion control, stream shading and temperature control, sediment and chemical filtration, aquatic life support, wildlife support, and to minimize waste discharge.
Water Storage and Use	
Water Supply, Diversion, and Storage	
65.	Cannabis cultivators shall only install, maintain, and destroy wells in compliance with county, city, and local ordinances and with California Well Standards as stipulated in California Department of Water Resources Bulletins 74-90 and 74-81. ¹⁴
66.	All water diversions for cannabis cultivation from a surface stream, subterranean stream flowing through a known and definite channel (e.g., groundwater well diversions from subsurface stream flows), or other surface waterbody are subject to the surface water Numeric and Narrative Instream Flow Requirements. This includes lakes, ponds, and springs (unless the spring is deemed exempt by the Deputy Director). See Section 3. Numeric and Narrative Instream Flow Requirements of this Attachment A for more information.
67.	Groundwater diversions may be subject to additional requirements, such as a forbearance period, if the State Water Board determines those requirements are reasonably necessary to implement the purposes of this Policy.
68.	Cannabis cultivators are encouraged to use appropriate rainwater catchment systems to collect from impermeable surfaces (e.g., roof tops, etc.) during the wet season and store storm water in tanks, bladders, or off-stream engineered reservoirs to reduce the need for surface water or groundwater diversions.
69.	Cannabis cultivators shall not divert surface water unless it is diverted in accordance with an existing water right that specifies, as appropriate, the source, location of the point of diversion, purpose of use, place of use, and quantity and season of diversion. Cannabis cultivators shall maintain documentation of the water right at the cannabis cultivation site. Documentation of the water right shall be available for review and inspection by the Water Boards, CDFW, and any other authorized representatives of the Water Boards or CDFW.

¹⁴ California Well Standards are available at: http://www.water.ca.gov/groundwater/well_info_and_other/california_well_standards/well_standards_content.html.

70.	Cannabis cultivators shall ensure that all water diversion facilities are designed, constructed, and maintained so they do not prevent, impede, or tend to prevent the passing of fish, as defined by Fish and Game Code section 45, upstream or downstream, as required by Fish and Game Code section 5901. This includes but is not limited to the supply of water at an appropriate depth, temperature, and velocity to facilitate upstream and downstream aquatic life movement and migration. Cannabis cultivators shall allow sufficient water at all times to pass past the point of diversion to keep in good condition any fish that may be planted or exist below the point of diversion as defined by Fish and Game Code section 5937. Cannabis cultivators shall not divert water in a manner contrary to or inconsistent with these Requirements.
71.	Cannabis cultivators issued a Cannabis SIUR by the State Water Board shall not divert surface water unless in compliance with all additional Cannabis SIUR conditions required by CDFW.
72.	Water diversion facilities shall include satisfactory means for bypassing water to satisfy downstream prior rights and any requirements of policies for water quality control, water quality control plans, water quality certifications, waste discharge requirements, or other local, state or federal instream flow requirements. Cannabis cultivators shall not divert in a manner that results in injury to holders of legal downstream senior rights. Cannabis cultivators may be required to curtail diversions should diversion result in injury to holders of legal downstream senior water rights or interfere with maintenance of downstream instream flow requirements.
73.	<p>Fuel powered (e.g., gas, diesel, etc.) diversion pumps shall be located in a stable and secure location outside of the riparian setbacks unless authorized under a 404/401 CWA permits, a CDFW LSA Agreement, coverage under the Cannabis General Order water quality certification, or site-specific WDRs issued by the Regional Water Board. Use of non-fuel powered diversion pumps (solar, electric, gravity, etc.) is encouraged.</p> <p>In all cases, all pumps shall:</p> <ol style="list-style-type: none"> 1. be properly maintained, 2. have suitable containment to ensure any spills or leaks do not enter surface waterbodies or groundwater, and 3. have sufficient overhead cover to prevent exposure of equipment to precipitation.
74.	No water shall be diverted unless the cannabis cultivator is operating the water diversion facility with a CDFW-approved water-intake screen (e.g. fish screen). The water intake screen shall be designed and maintained in accordance with screening criteria approved by CDFW. The screen shall prevent wildlife from entering the diversion intake and becoming entrapped. The cannabis cultivator shall contact the regional CDFW Office, LSA Program for information on screening criteria for diversion(s). ¹⁶ The cannabis cultivator shall provide evidence that demonstrates that the water intake screen is in good condition whenever requested by the Water Boards or CDFW. Points of re-diversion from off-stream storage facilities that are open to the environment shall have a water intake screen, as required by CDFW.

¹⁶ CDFW's Lake and Streambed program information is available at: <https://www.wildlife.ca.gov/Conservation/LSA>

75.	Cannabis cultivators shall inspect, maintain, and clean water intake screens and bypass appurtenances as directed by CDFW to ensure proper operation for the protection of fish and wildlife.
76.	Cannabis cultivators shall not obstruct, alter, dam, or divert all or any portion of a natural watercourse prior to obtaining all applicable permits and approvals. Permits may include a valid water right, 404/401 CWA permits, a CDFW LSA Agreement, coverage under the Cannabis General Order water quality certification, or site-specific WDRs issued by the Regional Water Board.
77.	Cannabis cultivators shall plug, block, cap, disconnect, or remove the diversion intake associated with cannabis cultivation activities during the surface water forbearance period, unless the diversion intake is used for other beneficial uses, to ensure no water is diverted during that time.
78.	Cannabis cultivators shall not divert from a surface water or from a subterranean stream for cannabis cultivation at a rate more than a maximum instantaneous diversion rate of 10 gallons per minute, unless authorized under an existing appropriative water right.
82.	Onstream storage reservoirs are prohibited unless either: <ul style="list-style-type: none"> • The cannabis cultivator has an existing water right with irrigation as a designated use, issued prior to October 31, 2017, that authorizes the onstream storage reservoir, or • The cannabis cultivator obtains an appropriative water right permit with irrigation as a designated use prior to diverting water from an onstream storage reservoir for cannabis cultivation. Cannabis cultivators with a pending application or an unpermitted onstream storage reservoir shall not divert for cannabis cultivation until the cannabis cultivator has obtain a valid water right.
83.	Cannabis cultivators are encouraged to install separate storage systems for water diverted for cannabis irrigation and water diverted for any other beneficial uses, ¹⁶ or otherwise shall install separate measuring devices to quantify diversion to and from each storage facility, including the quantity of water diverted and the quantity, place, and purpose of use (e.g., cannabis irrigation, other crop irrigation, domestic, etc.) for the stored water.
84.	The cannabis cultivator shall install and maintain a measuring device(s) for surface water or subterranean stream diversions. The measuring device shall be, at a minimum equivalent to the requirements for direct diversions greater than 10 acre-feet per year in California Code of Regulations, Title 23, Division 3, Chapter 2.7 ¹⁷ . The measuring device(s) shall be located as close to the point of diversion as reasonable. Cannabis cultivators shall maintain daily diversion records for water diverted for cannabis cultivation.

¹⁶ Other beneficial uses of water include: domestic, irrigation, power, municipal, mining, industrial, fish and wildlife preservation and enhancement, aquaculture, recreational, stockwatering, water quality, frost protection, and heat control. (California Code of Regulations, Title 23 sections 659-672).

¹⁷ Additional information on measuring devices may be found at https://www.waterboards.ca.gov/water/rights/water_issues/programs/diversion_use/water_use.shtml#measurement

	<p>Cannabis cultivators shall maintain separate records that document the amount of water used for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other beneficial uses of water (e.g., domestic, fire protection, etc.). Cannabis cultivators shall maintain daily diversion records at the cultivation site and shall make the records available for review or by request by the Water Boards CDFW, or any other authorized representatives of the Water Boards or CDFW. Daily diversion records shall be retained for a minimum of five years. Compliance with this term is required for any surface water diversion for cannabis cultivation, even those under 10 acre-feet per year.</p>
85.	<p>The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this Requirement.</p>
86.	<p>Cannabis cultivators shall not use off-stream storage reservoirs and ponds to store water for cannabis cultivation unless they are sited and designed or approved by a qualified professional in compliance with Division of Safety of Dams (DSOD), county, and/or city requirements, as applicable. If the DSOD, county, and/or city do not have established requirements they shall be designed consistent with the Natural Resource Conservation Service National Engineering Manual. Reservoirs shall be designed with an adequate overflow outlet that is protected and promotes the dispersal and infiltration of flow and prevents channelization.</p> <p>All off-stream storage reservoirs and ponds shall be designed, managed, and maintained to accommodate average annual winter period precipitation and storm water inputs to reduce the potential for overflow.</p> <p>Cannabis cultivators shall plant native vegetation along the perimeter of the reservoir in locations where it does not impact the structural integrity of the reservoir berm or spillway. The cannabis cultivator shall control vegetation around the reservoir berm and spillway to allow for visual inspection of berm and spillway condition and control burrowing animals as necessary.</p>
87.	<p>Cannabis cultivators shall implement an invasive species management plan prepared by a Qualified Biologist for any existing or proposed water storage facilities that are open to the environment. The plan shall include, at a minimum, an annual survey for bullfrogs and other invasive aquatic species. If bullfrogs or other invasive aquatic species are identified, eradication measures shall be implemented under the direction of a qualified biologist, if appropriate after consultation with CDFW (pursuant to Fish and Game Code section 6400). Eradication methods can be direct or indirect. Direct methods may include hand-held dip net, hook and line, lights, spears, gigs, or fish tackle under a fishing license (pursuant to Fish and Game Code section 6855). An indirect method may involve seasonally timed complete dewatering and a drying period of the off-stream storage facility under a Permit to Destroy Harmful Species (pursuant to Fish and Game Code section 5501) issued by CDFW.</p>
88.	<p>Water storage bladders are not encouraged for long-term use. If bladders are used, the cannabis cultivator shall ensure that the bladder is designed and properly installed to store water and that the bladder is sited to minimize the potential for water to flow into a</p>

	watercourse in the event of a catastrophic failure. If a storage bladder has been previously used, the cannabis cultivator shall carefully inspect the bladder to confirm its integrity and confirm the absence of any interior residual chemicals prior to resuming use. Cannabis cultivators shall periodically inspect water storage bladders and containment features to ensure integrity. Water storage bladders shall be properly disposed of or recycled and not resold when assurance of structural integrity is no longer guaranteed.
89.	Cannabis cultivators shall not use water storage bladders unless the bladder is safely contained within a secondary containment system with sufficient capacity to capture 110 percent of a bladder's maximum possible contents in the event of bladder failure (i.e., 110 percent of bladder's capacity). Secondary containment systems shall be of sufficient strength and stability to withstand the forces of released contents in the event of catastrophic bladder failure. In addition, secondary containment systems that are open to the environment shall be designed and maintained with sufficient capacity to accommodate precipitation and storm water inputs from a 25-year, 24-hour storm event.
90.	Cannabis cultivators shall not cause or allow any overflow from off-stream water storage facilities that are closed to the environment (e.g., tanks and bladders) if the off-stream facilities are served by a diversion from surface water or groundwater. Cannabis cultivators shall regularly inspect for and repair all leaks of the diversion and storage system.
91.	Water storage tanks, bladders, and other off-stream water storage facilities that are closed to the environment shall not be located in a riparian setback or next to equipment that generates heat. Cannabis cultivators shall place water storage tanks, bladders, and other off-stream water storage facilities that are closed to the environment in areas that allow for ease of installation, access, maintenance, and minimize road development.
92.	Cannabis cultivators shall install vertical and horizontal tanks according to manufacturer's specifications and shall place tanks on properly compacted soil that is free of rocks and sharp objects and capable of bearing the weight of the tank and its maximum contents with minimal settlement. Tanks shall not be located in areas of slope instability. Cannabis cultivators shall install water storage tanks capable of containing more than 8,000 gallons only on a reinforced concrete pad providing adequate support and enough space to attach a tank restraint system (anchor using the molded-in tie down lugs with moderate tension, being careful not to over-tighten) per the recommendations of a qualified professional.
93.	To prevent rupture or overflow and runoff, cannabis cultivators shall only use water storage tanks and bladders equipped with a float valve, or equivalent device, to shut off diversion when storage systems are full. Cannabis cultivators shall install any other measures necessary to prevent overflow of storage systems to prevent runoff and the diversion of more water than can be used and/or stored.
94.	Cannabis cultivators shall ensure that all vents and other openings on water storage tanks are designed to prevent the entry and/or entrapment of wildlife.

96.	<p>Cannabis cultivators shall retain, for a minimum of five years, appropriate documentation for any hauled water¹⁸ used for cannabis cultivation. Documentation for hauled water shall include, for each delivery, all of the following:</p> <ol style="list-style-type: none"> 1. A receipt that shows the date of delivery and the name, address, license plate number, and license plate issuing state for the water hauler, 2. A copy of the Water Hauler's License (California Health and Safety Code section 111120), 3. A copy of proof of the Water Hauler's water right, groundwater well, or other authorization to take water, and the location of the water source, and 4. The quantity of water delivered or picked up from a water source, in gallons. <p>Documentation shall be made available, upon request, to Water Boards or CDFW staff and any other authorized representatives of the Water Boards or CDFW.</p>
Water Conservation and Use	
96.	Cannabis cultivators shall regularly inspect their entire water delivery system for leaks and immediately repair any leaky faucets, pipes, connectors, or other leaks.
97.	Cannabis cultivators shall use weed-free mulch in cultivation areas that do not have ground cover to conserve soil moisture and minimize evaporative loss.
98.	Cannabis cultivators shall implement water conserving irrigation methods (e.g., drip or trickle irrigation, micro-spray, or hydroponics).
99.	Cannabis cultivators shall maintain daily records of all water used for irrigation of cannabis. Daily records may be calculated by the use of a measuring device or, if known, by calculating the irrigation system rates and duration of time watered (e.g., irrigating for one hour twice per day using 50 half-gallon drips equates to 50 gallons per day (1'2'50"0.5) of water used for irrigation). Cannabis cultivators shall retain, for a minimum of 5 years, irrigation records at the cannabis cultivation site and shall make all irrigation records available for review by the Water Boards, CDFW and any other authorized representatives of the Water Boards or CDFW.
Irrigation Runoff	
100.	Cannabis cultivators shall regularly inspect for leaks in mainlines ¹⁹ , laterals ²⁰ , in irrigation connections, sprinkler heads, or at the ends of drip tape and feeder lines and immediately repair any leaks found upon detection.
101.	The irrigation system shall be designed to include redundancy (e.g., safety valves) in the event that leaks occur, so that waste of water and runoff is prevented and minimized.
102.	Cannabis cultivators shall regularly replace worn, outdated, or inefficient irrigation system components and equipment to ensure a properly functioning, leak-free irrigation system at

¹⁸ Water hauler means any person who hauls water in bulk by any means of transportation.

¹⁹ Mainlines are pipes that go from the water source to the control valves.

²⁰ Laterals are the pipes between the control valve and the sprinkler heads.

	all times.
103.	Cannabis cultivators shall minimize irrigation deep percolation ²¹ by applying irrigation water at agronomic rates.
Fertilizers, Pesticides, and Petroleum Products	
104.	Cannabis cultivators shall not mix, prepare, over apply, or dispose of agricultural chemicals/products (e.g., fertilizers, pesticides ²² , and other chemicals as defined in the applicable water quality control plan) in any location where they could enter the riparian setback or waters of the state. The use of agricultural chemicals inconsistently with product labeling, storage instructions, or DPR requirements for pesticide applications ²³ is prohibited. Disposal of unused product and containers shall be consistent with labels.
105.	Cannabis cultivators shall keep and use absorbent materials designated for spill containment and spill cleanup equipment on-site for use in an accidental spill of fertilizers, petroleum products, hazardous materials, and other substances which may degrade waters of the state. The cannabis cultivator shall immediately notify the California Office of Emergency Services at 1-800-852-7550 and immediately initiate cleanup activities for all spills that could enter a waterbody or degrade groundwater.
106.	Cannabis cultivators shall establish and use a separate storage area for pesticides, and fertilizers, and another storage area for petroleum or other liquid chemicals (including diesel, gasoline, oils, etc.). All such storage areas shall comply with the riparian setback Requirements, be in a secured location in compliance with label instructions, outside of areas of known slope instability, and be protected from accidental ignition, weather, and wildlife. All storage areas shall have appropriate secondary containment structures, as necessary, to protect water quality and prevent spillage, mixing, discharge, or seepage.

²¹ Deep percolation occurs when excess irrigation water is applied and percolates below the plant root zone

²² Pesticide is defined as follows.

- Per California Code of Regulations Title 3, Division 6, Section 6000:

(a) Any substance or mixture of substances that is a pesticide as defined in the Food and Agricultural Code and includes mixtures and dilutions of pesticides,

(b) As the term is used in Section 12995 of the California Food and Agricultural Code, includes any substance or product that the user intends to be used for the pesticidal purposes specified in Sections 12753 and 12758 of the Food and Agricultural Code

- Per California Food and Agricultural Code section 12753(b), the term "Pesticide" includes any of the following: Any substance, or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, as defined in Section 12754.5, which may infest or be detrimental to vegetation, man, animals, or households, or be present in any agricultural or nonagricultural environment whatsoever

- In laymen's terms "pesticide" includes rodenticides, herbicides, insecticides, fungicides, and disinfectants

²³ More information on DPR requirements is available at

http://www.cdpr.ca.gov/docs/leg bills/laws_regulations.htm,

<http://www.cdpr.ca.gov/docs/countr/cactirs/penflrs/penflr2017/2017a1ch/attach0301.pdf>, and

<http://www.cdpr.ca.gov/docs/cannabis/index.htm>

	Storage tanks and containers must be of suitable material and construction to be compatible with the substances stored and conditions of storage, such as pressure and temperature.
107.	Throughout the wet season, Cannabis Cultivators shall ensure that any temporary storage areas have a permanent cover and side-wind protection or be covered during non-working days and prior to and during rain events.
108.	Cannabis cultivators shall only use hazardous materials ²⁴ in a manner consistent with the product's label.
109.	Cannabis cultivators shall only keep hazardous materials in their original containers with labels intact, and shall store hazardous materials to prevent exposure to sunlight, excessive heat, and precipitation. Cannabis cultivators shall provide secondary containment for hazardous materials to prevent possible exposure to the environment. Disposal of unused hazardous materials and containers shall be consistent with the label.
110.	Cannabis cultivators shall only mix, prepare, apply, or load hazardous materials outside of the riparian setbacks.
111.	Cannabis cultivators shall not apply agricultural chemicals within 48 hours of a predicted rainfall event of 0.25 inches or greater with a probability greater than 50-percent. In the Lake Tahoe Hydrologic Unit, cannabis cultivators shall not apply agricultural chemicals within 48 hours of any weather pattern that is forecast to have a 30 percent or greater chance of precipitation greater than 0.1 inch per 24 hours. This requirement may be updated based on amendments to the Lahontan Regional Water Board construction storm water general order.
Fertilizers and Soils	
112.	To minimize infiltration and water quality degradation, Cannabis cultivators shall irrigate and apply fertilizer to consistent with the crop need (i.e., agronomic rate).
113.	When used, cannabis cultivators shall apply nitrogen to cannabis cultivation areas consistent with crop need (i.e., agronomic rate). Cannabis cultivators shall not apply nitrogen at a rate that may result in a discharge to surface water or groundwater that causes or contributes to exceedance of water quality objectives, and no greater than 319 pounds/acre/year unless plant tissue analysis performed by a qualified individual demonstrates the need for additional nitrogen application. The analysis shall be performed by an agricultural laboratory certified by the State Water Board's Environmental Laboratory Accreditation Program.
114.	Cannabis cultivators shall ensure that potting soil or soil amendments, when not in use, are placed and stored with covers, when needed, to protect from rainfall and erosion, to prevent discharge to waters of the state, and to minimize leaching of waste constituents into

²⁴ A hazardous material is any item or agent (biological, chemical, radiological, and/or physical), which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors

	groundwater.
Pesticides and Herbicides	
115.	Cannabis cultivators shall not apply restricted materials, including restricted pesticides, or allow restricted materials to be stored at the cannabis cultivation site.
116.	Cannabis cultivators shall implement integrated pest management strategies where possible to reduce the need and use of pesticides and the potential for discharges to waters of the state. ²⁶
Petroleum Products and Other Chemicals	
117.	Cannabis cultivators shall only refuel vehicles or equipment outside of riparian setbacks. Cannabis cultivators shall inspect all equipment using oil, hydraulic fluid, or petroleum products for leaks prior to use and shall monitor equipment for leakage. Stationary equipment (e.g., motors, pumps, generators, etc.) and vehicles not in use shall be located outside of riparian setbacks. Spill and containment equipment (e.g., oil spill booms, sorbent pads, etc.) shall be stored onsite at all locations where equipment is used or staged.
118.	Cannabis cultivators shall store petroleum, petroleum products, and similar fluids in a manner that provides chemical compatibility, provides secondary containment, and protection from accidental ignition, the sun, wind, and rain.
119.	Use of an underground storage tank(s) for the storage of petroleum products is allowed if compliant with all applicable federal, state, and local laws; regulations; and permitting requirements.
Cultivation-Related Waste	
120.	Cannabis cultivators shall contain and regularly remove all debris and trash associated with cannabis cultivation activities from the cannabis cultivation site. Cannabis cultivators shall only dispose of debris and trash at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations. Cannabis cultivators shall not allow litter, plastic, or similar debris to enter the riparian setback or waters of the state. Cannabis plant material may be disposed of onsite in compliance with any applicable CDFA license conditions.
121.	Cannabis cultivators shall only dispose or reuse spent growth medium (e.g., soil and other organic media) in a manner that prevents discharge of soil and residual nutrients and chemicals to the riparian setback or waters of the state. Spent growth medium shall be covered with plastic sheeting or stored in water tight dumpsters prior to proper disposal or reuse. Spent growth medium should be disposed of at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations. Proper reuse of spent growth medium may include incorporation into garden beds or spreading on a stable surface and revegetating the surface with native plants. Cannabis cultivators shall use erosion control techniques, as needed, for any reused or stored spent growth medium

²⁶ <https://www.epa.gov/safepestcontrol/integrated-pest-management-ipm-principles>

	to prevent polluted runoff.								
Refuse and Domestic Waste									
122.	Cannabis cultivators shall ensure that debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement and concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to any life stage of fish and wildlife or their habitat (includes food sources) does not contaminate soil or enter the riparian setback or waters of the state.								
123.	Cannabis cultivators shall not dispose of domestic wastewater unless it meets applicable local agency and/or Regional Water Board requirements. Cannabis cultivators shall ensure that human or animal waste is disposed of properly. Cannabis cultivators shall ensure onsite wastewater treatment systems (e.g., septic system) are permitted by the local agency or applicable Regional Water Board.								
124.	If used, chemical toilets or holding tanks shall be maintained in a manner appropriate for the frequency and conditions of usage, sited in stable locations, and comply with the riparian setback Requirements.								
Winterization									
125.	Cannabis cultivators shall implement all applicable Erosion Control and Soil Disposal and Spoils Management Requirements in addition to the Winterization Requirements below by the onset of the winter period.								
126.	Cannabis cultivators shall block or otherwise close any temporary access roads to all motorized vehicles no later than the onset of the winter period each year.								
127.	Cannabis cultivators shall not operate heavy equipment of any kind at the cannabis cultivation site during the winter period, unless authorized for emergency repairs contained in an enforcement order issued by the State Water Board, Regional Water Board, or other agency having jurisdiction.								
128.	Cannabis cultivators shall apply linear sediment controls (e.g., silt fences, wattles, etc.) along the toe of the slope, face of the slope, and at the grade breaks of exposed slopes to comply with sheet flow length ³⁵ at the frequency specified below. <table border="1" data-bbox="597 1283 1092 1518"> <thead> <tr> <th>Slope (percent)</th> <th>Sheet Flow Length Not to Exceed (feet)</th> </tr> </thead> <tbody> <tr> <td>0 – 25</td> <td>20</td> </tr> <tr> <td>25 – 50</td> <td>15</td> </tr> <tr> <td>>50</td> <td>10</td> </tr> </tbody> </table>	Slope (percent)	Sheet Flow Length Not to Exceed (feet)	0 – 25	20	25 – 50	15	>50	10
Slope (percent)	Sheet Flow Length Not to Exceed (feet)								
0 – 25	20								
25 – 50	15								
>50	10								

³⁵ Sheet flow length is the length that shallow, low velocity flow travels across a site.

129.	Cannabis cultivators shall maintain all culverts, drop inlets, trash racks and similar devices to ensure they are not blocked by debris or sediment. The outflow of culverts shall be inspected to ensure erosion is not undermining the culvert. Culverts shall be inspected prior to the onset of fall and winter precipitation and following precipitation events that produce at least 0.5 in/day or 1.0 inch/7 days of precipitation to determine if maintenance or cleaning is required.
130.	Cannabis cultivators shall stabilize all disturbed areas and construction entrances and exits to control erosion and sediment discharges from land disturbance.
131.	Cannabis cultivators shall cover and berm all loose stockpiled construction materials (e.g., soil, spoils, aggregate, etc.) that are not actively (scheduled for use within 48 hours) being used as needed to prevent erosion by storm water. The cannabis cultivator shall have adequate cover and berm materials available onsite if the weather forecast indicates a probability of precipitation.
132.	Cannabis cultivators shall apply erosion repair and control measures to the bare ground (e.g., cultivation area, access paths, etc.) to prevent discharge of sediment to waters of the state.
133.	As part of the winterization plan approval process, the Regional Water Board may require cannabis cultivators to implement additional site-specific erosion and sediment control requirements if the implementation of the Requirements in this section do not adequately protect water quality.



11806

Providing Professional Forestry Services

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October 3, 2019

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

Dear Humboldt County Planning Department:

The following attached document is an evaluation of an existing, unauthorized timberland conversion which was inspected by Blair Forestry LLC within APN 217-391-006. Please accept this letter as the Registered Professional Forester's (RPF) written report showing sufficient evidence that the converted area was inspected as required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10(j), cited below.

"Alternately, for existing operations occupying HUMBOLDT COUNTY, CA- ORDINANCE NO. 2559 Page 12 of 35 sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. ..."

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

Sincerely,

Thomas Blair RPF#2607

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

Timberland Conversion Evaluation Report

October 3, 2019

As mandated by:

Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10 (j)

"Alternately, for existing operations occupying HUMBOLDT COUNTY, CA - ORDINANCE NO. 2559 Page 12 of 35 sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act...."

Contact Information

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

Location of Project

Address: **29371 Alderpoint Rd.**
Blocksburg, CA 95514

Legal Description: **Section 18; T2S; R5E; HB&M; Humboldt County**

Assessor's Parcel Number (APN): **217-391-006**

Parcel Sizes: **40.0 acres**

Acres Converted: **Approximately 0.37 acres**

Project Description

Property and Timberland Conversion History

Note: Property boundaries are based on the Humboldt County Assessor's APN parcel maps and may vary geographically. Assessor's Parcel data in the GIS mapping program differed slightly geographically. The property background has been summarized using personal accounts of current landowners, historic orthographic photography, Humboldt County Web GIS, and CAL FIRE Watershed Mapper v2. This conversion evaluation report will focus primarily on unauthorized conversion activities from 2009 through the present (last 10 years).

There is no publicly accessible Timber Harvest Plan on record from Cal Fire for the subject APN or any of the Timberland Conversion Sites discussed in this report. The property remained essentially unchanged from its condition as far back as 1998 except for the installation of 2 ponds which were completed sometime prior to 2004. Between the years 2016 and 2018 a relatively small number of trees were removed in three areas to facilitate cannabis cultivation.

The current landowners, Colin Kingery, purchased the parcel in 2016 (pers. comm. with landowner). Most timberland conversion activity can be attributed to the current landowner.

Timber Stand Description

The property where the conversion took place is dominated with oak woodland interspersed with large and small Douglas-fir, madrone and live oak. The general region consists of a mosaic of open prairie habitat, true oak stands and Douglas-fir stands. The parcel lies within the McMahan Creek Watershed (WIN 1111.130102) which also hosts multiple nearby Non-Industrial Timber Management Plans (NTMPs) and Timber Harvest Plans (THPs). Uneven-aged timber management appears to be the prominent silviculture utilized in the region around the subject parcel. The timber stands around the conversion areas appear healthy with adequate conifer stocking.

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

Project Description

There are 3 unauthorized timberland Conversion Sites within the subject parcel (Conversion Sites 1 – 3). As part of the commercial cannabis cultivation permitting process with the Humboldt County Planning Department and State agencies, the current landowners seek a Registered Professional Forester's (RPF's) recommendations as to remedial actions necessary to bring the conversion areas into compliance with provisions of the Forest Practices Act, specifically 14 CCR 1104.1.

This Timberland Conversion Evaluation focused on unauthorized timberland conversion activities and inconsistencies with the requirements of the California Forest Practice Rules (CFPRs). Timberland conversion sites are located near the center of the parcel at approximately 1,460 feet in elevation. The Conversion Sites are located approximately 750 feet west of Larabee Creek and have an eastern aspect. The combined acreage of the three (3) Conversion Sites inspected during this evaluation is 0.37 acres which is far smaller than the Less Than 3-acre maximum Conversion Exemption allowed under 14 CCR 1104.1.

Humboldt County has zoned this parcel **Forestry Recreation (FR)** – The *Humboldt County Zoning Regulations Section 314 – 7.3* describes FR as “intended to be applied to forested areas of the County in which timber production and recreation are the desirable prominent uses and agriculture is the secondary use, and in which protection of timber and recreational lands is essential to the general welfare” (More specific information can be found in Chapter 4, Page 31 of the Humboldt County Zoning Regulations).

A field inspection of the property and conversion area was conducted on July 11, 2019 by representatives of Blair Forestry Consulting LLC. All relevant sites concerning the past conversion areas were examined. Findings from this evaluation are summarized below.

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

Conversion Site, Timber Harvesting and Operations Descriptions

14 CCR 914.1 Felling Practices

14 CCR 914.2 Tractor Operations

14 CCR 914.7 Timber Operations, Winter Period

Although no records of timber harvesting are available for the three (3) Conversion Sites on this property, operations presumably involved hand felling with chainsaws and tractor skidding or piling. There are no records of a winter operation plan for the Conversion Sites. The property owner stated that all conversion activities involving timber harvesting and operations occurred during the dry times of the year when the ground was not saturated. There was no indication that conversion activities at any site were in violation of 14 CCR 914.7.

Conversion Site 1 – Two trees were cut to expose and allow light into a natural historic prairie opening for cultivation. These trees were cut prior to the current landowner’s acquisition of the parcel. Trees felled included one 25’ madrone and one 22’ Douglas-fir. Operations appear to be consistent with the CFPRs concerning 14CCR 914.1, 914.2 and 914.7. This site is on the western portion of the parcel and is **not depicted on the Timberland Conversion Evaluation Map**. The RPF has no recommendations concerning timber harvesting and operations.

Conversion Sites 2 and 3 - Trees felled included mostly white oak and a Douglas-fir. Approximately 10 trees were cut in the two adjacent areas near the center of the parcel. Two man-made ponds that were constructed sometime prior to 2004 are just south of these Conversion Sites. Some grading occurred in association with Conversion Site 2 and both Conversion Sites 2 and 3 are associated with seeps. Conducting operations in and around water and riparian vegetation are not consistent with 14CCR 914.1 and 914.2.

Roads, Soil Stabilization and Erosion Control

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

14 CCR 914.6 Waterbreaks

Historic logging and ranching operations originating in the late 1800’s related to the historic growth of the nearby community of Blocksburg are responsible for most of the current road system within the subject parcel. All Conversion Sites are located directly off County Roads (Homestead and Sunrise

Roads). Access to Conversion Sites from County maintained roads were walked during the site visit and assessed for consistency with 14 CCR 923.5 regarding erosion control for logging roads.

There are approximately 1,000 feet of seasonal road with one watercourse crossings accessing the 3 Conversion Sites on the parcel. Seasonal road surfaces accessing Conversion Sites on the parcel were in good condition and rocked in most areas.

The property owner, with Green Roads Consulting, is in the process of conducting a detailed road assessment for this parcel addressing road conditions, drainage and functionality (pers. comm. with property owner and Green Roads Consulting). Proposed mitigation measures should adhere minimally to all erosion control requirements in 14 CCR Article 12 (923.5 specifically). The RPF has no recommendations associated with timberland conversion activities concerning 14 CCR Article 12 – Logging Roads, Landings and Logging Road Watercourse Crossings.

Watercourses and Water Resources

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

The parcel is situated adjacent to the upper Larabee Creek drainage, a Class I watercourse that flows to the Eel River. Note: Larabee Creek has been classified as a Class II at this extent but was classified as a Class I in this report based on a NOAA GIS Class I extent layer which utilizes stream gradient. Other water features on this parcel include a Class III watercourse, seeps and 2 Class IV ponds. This area experiences moderate to heavy precipitation and snowfall during winters. By the middle to the end of the summer, Class III stretches of watercourse on the property are generally dried up. During the site visit in July, there was water present coming from 3 seeps at Conversion Sites 2 and 3 and both ponds were filled up. The general area north of the small pond exhibited vegetation indicating saturation for much of the year likely related to the seep at Conversion Site 2.

When operations were conducted on Conversion Site 2, the hillside was graded into after trees were removed apparently nicking a seep. After grading occurred water seepage made the hillslope unstable and the landowner stabilized it with caged rip rap. Water continues to steadily emit from the cutbank and has been diverted toward the smaller pond. The RPF recommends that within the area where trees (presumably white oak) were removed and depicted on the Timberland Conversion Evaluation Map, that the landowner plant native white oaks (and/or Douglas-fir, live oak, madrone) suitable to the region at a spacing no more than 10 feet apart.

Operations at Conversion Site 3 occurred within the watercourse protection buffer of 2 seeps that trend toward the larger pond. Prior to the current ownership of the parcel, 1 Douglas-fir and 3 white oaks appear to have been removed - based on the remaining stumps. The RPF recommends that in the area where trees were removed, that the landowner plant native white oaks and Douglas-fir suitable to the region at a spacing no more than 10 feet apart across the area depicted for replanting on the Timberland Conversion Evaluation Map.

Given that most of the tree removal associated with these timberland conversions occurred within the watercourse protection zone of both seeps and Class IV ponds, operations in Conversion Sites 2 and 3 would not have been permitted under 14 CCR 1104.1. At replant areas on Conversion Sites 2 and 3, tree

survival should be monitored. Manual thinning can occur when tree survival in the replanted area is established maintaining a minimum stocking requirement of 14CCR 913.4(f)(1) – 35 sq. ft of BA/Acre.

Hazard Reduction

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

The conversion sites and the surrounding timber stand were walked and assessed for debris resulting from timberland conversion activities. Woody debris resulting from tree removal was processed and used for firewood. The areas surrounding the Conversion Sites were clean and free of excessive debris. The RPF has no recommendations concerning 14 CCR 1104.1(a)(2)(D)(6) - Hazard Reduction.

Biological Resources

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

Northern Spotted Owl (NSO):

In this region of California, alteration of NSO habitat by logging in Douglas-fir dominated timber stands is assessed for known NSO Activity Centers (AC) within 1.3 miles of the project area under Attachment B NSO protection measures per Fish and Wildlife 2011 NSO Survey Protocol. Areas where the trees were felled on this parcel would be classified as foraging habitat under Attachment B. A query of the California Natural Diversity Database (CNDDDB) on October 3, 2019 showed no known northern spotted owl (NSO) Activity Centers (AC) within 1.3 miles of the Conversion Sites.

No surveys were conducted on this parcel for NSOs or other potential Rare, Threatened or Endangered Species or Species of Special Concern (RTES or SSC) associated with the timberland conversion operations. Without survey information prior to conversion activities, it is impossible to know whether RTES or SSC were historically present or that the conversion activities negatively affected known or unknown occurrences of these species.

Less Than 3 Acre Conversion Exemptions under 14 CCR 1104.1 are generally exempt from biological surveys but require that disturbance to any known or discovered RTES or SSC be avoided. During the site visit no known RTES or SSC were observed to be present within or nearby Conversion Sites.

Aside from replanting areas described in the Watercourse and Water Resources section above, no additional recommendation is suggested regarding biological resources. A current California Natural Diversity Database Map (CNDDDB) is provided at the end of this report.

Cultural Resources

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

This area was historically occupied by Nongatl and Lassik Native American entities and settled by European Americans in the mid-1800s. The conversion site was inspected for the presence of pre-historic, proto-historic and historic artifacts. No archeological evidence was observed during the conversion evaluation site visit. Native American entities associated with this region and identified by CAL FIRE's Native American Contact List in consultation with Native American Heritage Commission (NAHC) have been notified of the conversion activities.

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

Summary of Recommendations

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

1. Watercourses and Water Resources

- Replant areas depicted on the Timberland Conversion Evaluation Map as described in the Watercourse and Water Resources section above.

Site Maps

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

Timberland Conversion Evaluation Map; Location of timber conversion operations, boundary of the conversion areas, location and classification of watercourses and water resources, replant areas, roads and other details.

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

Resources

Bernhardt, Elizabeth A. and Swiecki, Tedmund J., Restoring Oak Woodlands in California: Theory and Practice, 2001, Phytosphere Research, 1027 Davis Street, Vacaville, CA, 95687-5495

California Forest Practice Rules 2019. Sacramento: CAL FIRE, 2019. Print.

California Natural Diversity Database. California Department of Fish and Wildlife. Web. <https://www.wildlife.ca.gov/Data/CNDDDB>. Version 5.77.14. Accessed May 5, 2019 and September 9, 2019.

California Native Plant Society, Rare Plant Program. 2019. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org> [accessed 21 May 2019].

Forest Practice Watershed Mapper v2. CAL FIRE. Web. http://egis.fire.ca.gov/watershed_mapper/. Accessed July 8, 2019.

Handbook of North American Indians: volume 8 – California, Robert Heizer - 1978

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

Google Earth Pro

Weaver, W.E., Weppner, E.M. and Hagens, D.K., 2015, Handbook for Forest, Ranch and Rural Roads: A Guide for Planning, Designing, Constructing, Reconstructing, Upgrading, Maintaining and Closing Wildland Roads (Rev. 1st ed.), Mendocino County Resource Conservation District, Ukiah, California.

PHOTOS



Photo 1. Douglas-fir stump at Conversion Site 1.

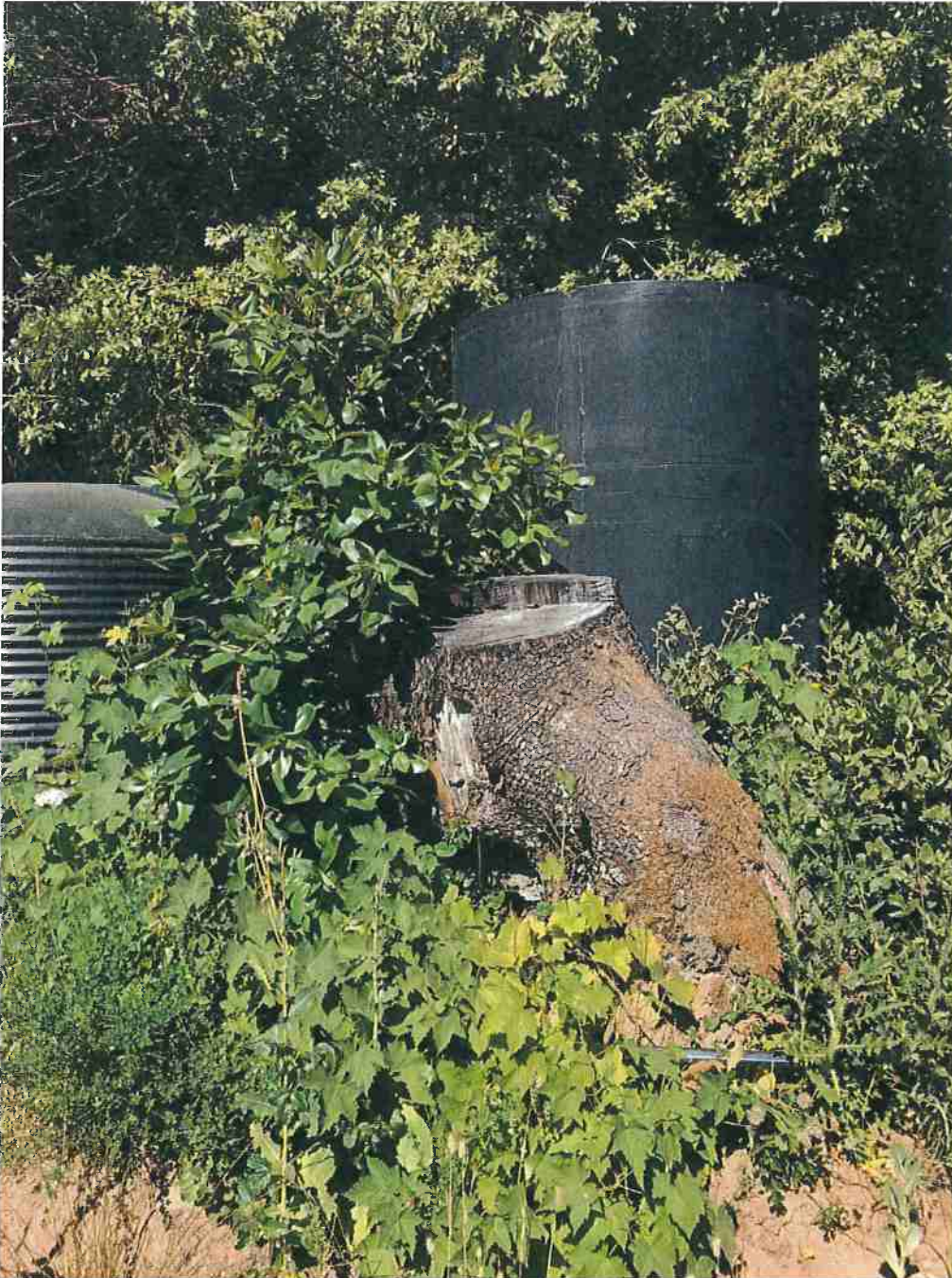


Photo2. Madrone stump at Conversion Site 1.

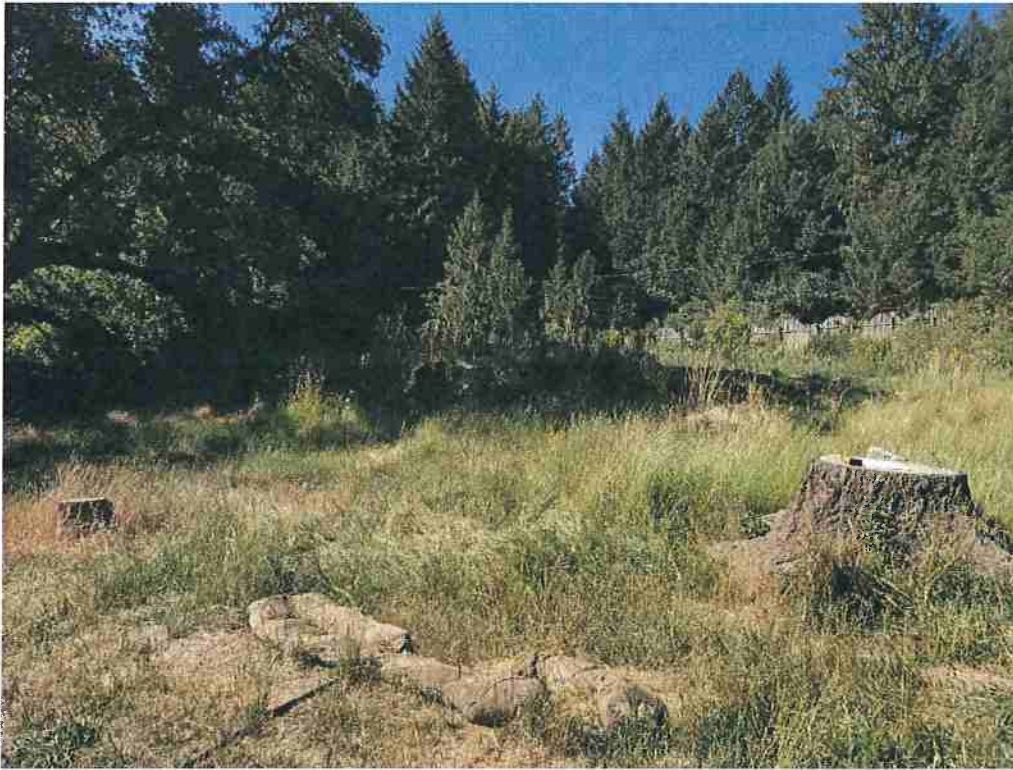


Photo 3. Douglas-fir and white oak stumps at Conversion Site 3.



Photo 3. White oak stump directly east above seep at Conversion Site 3.



Photo 3. Conversion Site 3. Dogs are just behind head of seep.



Photo 4. Head of Seep at Conversion Site 3. Second seep in bushes in background.

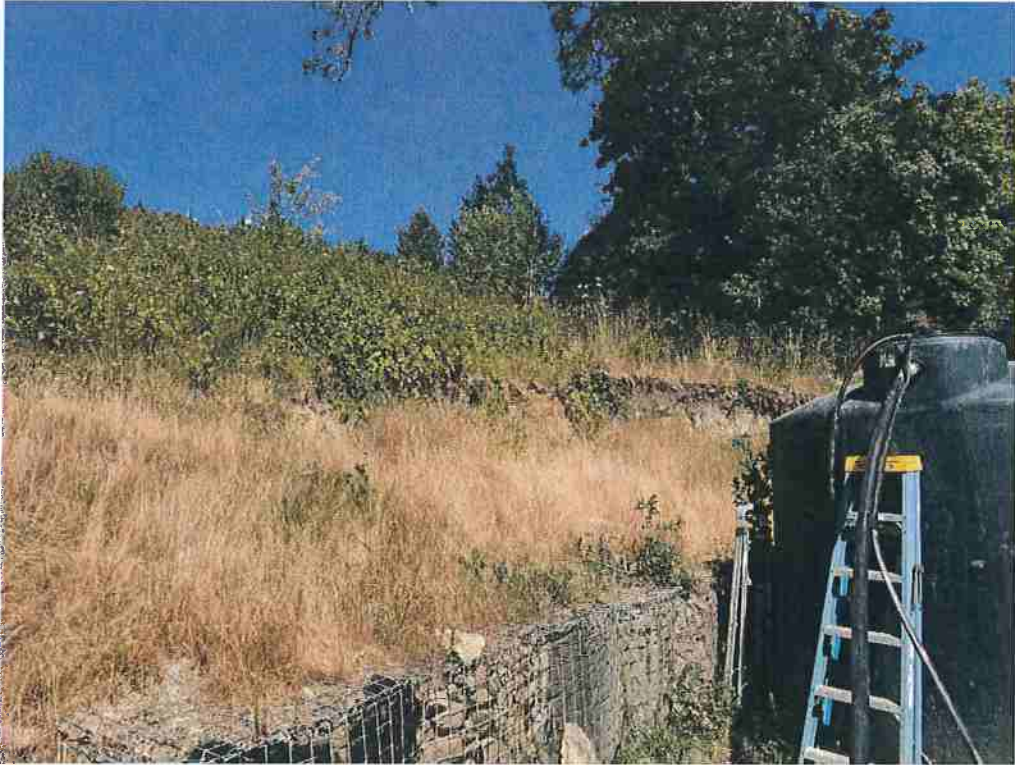



Photo 6. Conversion Site 2. Cutbank seep area where ground became unstable.

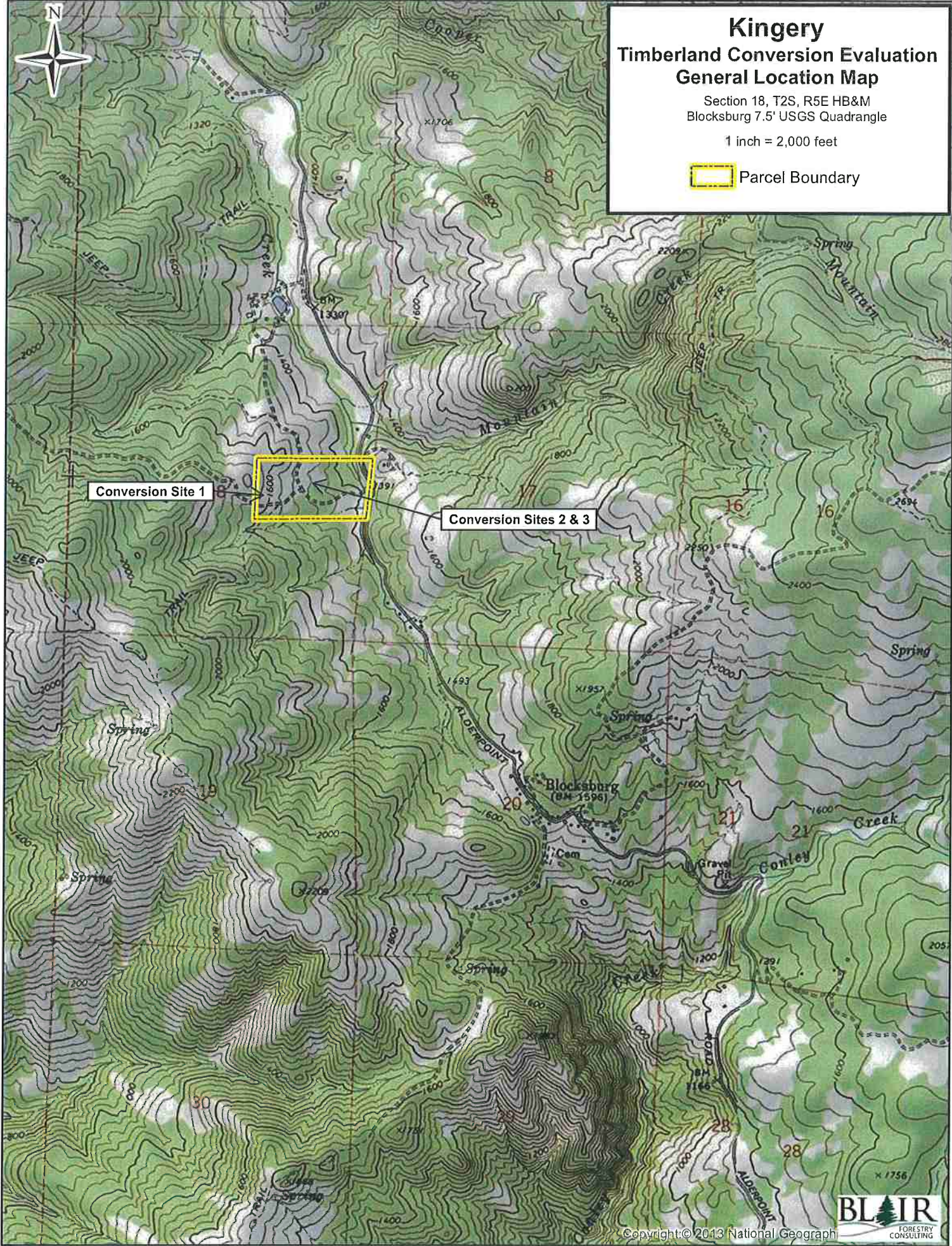


Kingery Timberland Conversion Evaluation General Location Map

Section 18, T2S, R5E HB&M
Blocksburg 7.5' USGS Quadrangle

1 inch = 2,000 feet









 Parcel Boundary



**Kingery
Timberland Conversion
Evaluation Map
Conversion Sites 2 & 3**

Section 18, T2S, R5E HB&M
Blocksburg 7.5' USGS Quadrangle

1 inch = 75 feet

-  Conversion Sites
-  County Road
-  Private Seasonal Road
-  Class III Watercourse
-  Seep
-  Pond
-  House
-  Areas to Replant

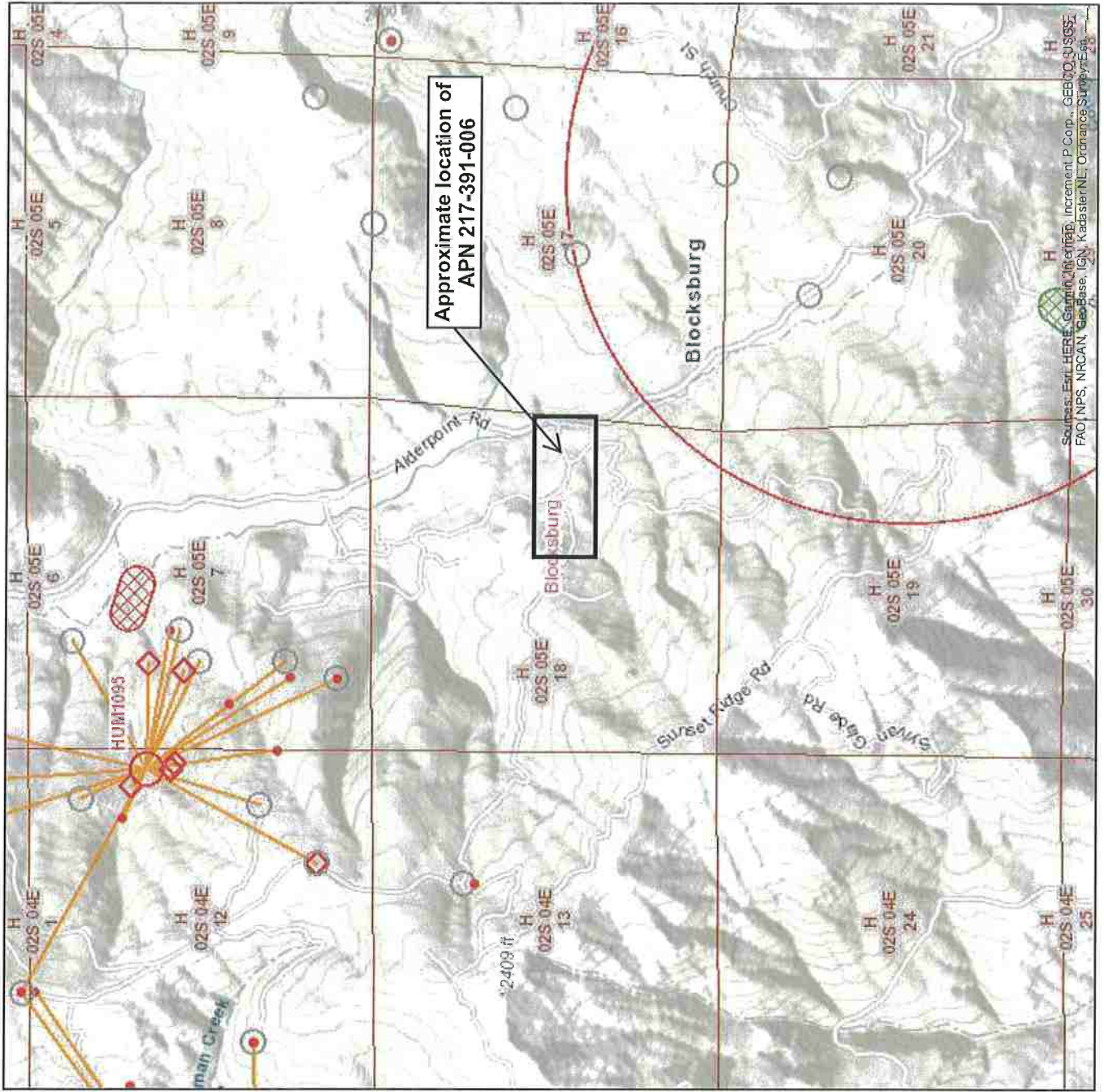


Conversion Site 2

Conversion Site 3

*Conversion Site 1 is approximately 600 feet west (not depicted on this map)

Kingery CNDDDB

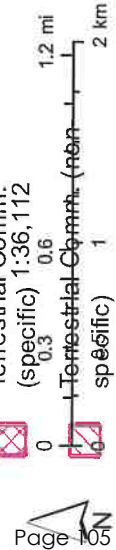


Spotted Owl Observations [ds704]

- Nest: □
- Young: +
- Pair: ◇
- Other Positive Observation: ●
- Negative Observation: ○
- Activity Center: ○
- Abandoned Activity Center: ○
- Not Valid Activity Center: X
- Spotted Owl Observations Spider Diagram [ds705]: —

California Natural Diversity Database (CNDDDB) Commercial [ds85]

- Plant (80m): ■
- Plant (specific): ▨
- Plant (non-specific): ▩
- Plant (circular): ○
- Animal (80m): ■
- Animal (specific): ▨
- Animal (non-specific): ▩
- Animal (circular): ○
- Terrestrial Comm. (80m): ■
- Terrestrial Comm. (specific) 1:36, 112: ▨
- Terrestrial Comm. (non-specific) 0.3, 0.6: ▩
- Terrestrial Comm. (non-specific) 1: ○
- Terrestrial Comm. (circular): ○
- Aquatic Comm. (80m): ■



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Mountain Creek Farms LLC APN: 217-391-006

Planning & Building Department Case/File No.: Apps No.11806

Road Name: Private Drive Way (complete a separate form for each road)

From Road (Cross street): Alderpoint Rd.

To Road (Cross street): Private Driveway

Length of road segment: .2 miles Date Inspected: 6/5/19

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.

Collin Kingery
Signature

6/6/19
Date

Collin Kingery
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.



APN:217-391-006
APPS No:11806

Road Evaluation Photos

APPS No: 11806

APN:217-391-006

Access Road Map



Road Photo#1



Road Photo#2



Road Photo#3



Road Photo#4





COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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

COPY

Ancient Truth Inc.
Val Marinov
345 Franklin Street
San Francisco, CA 94102

Notice of Interim Permit Extension

Assessor Parcel Number: 217-401-003-000
Apps Number: PLN-12659-CUP

The 2018 Zoning Clearance Certificate (ZCC) for an Interim Permit for existing cannabis cultivation associated with your ongoing application under the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) has been **approved for extension** and continuance through the 2019 calendar year.

The new expiration date for your Interim Permit is **December 31, 2019**. This extension includes the requirement to comply with all the terms of the existing ZCC. This includes, but is not limited to, remaining within the ZCC's square footage, cultivation type, and original cultivation location, enrolling in track and trace program, application for state licensing and paying associated taxes. Most importantly, it is vital that you take every possible action to get your regular permit application processed to decision and approval. Interim permits beyond 2019 will not be available under the current state cannabis regulations.

Sincerely,

John H. Ford, Director

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
Division Environmental Health	✓	Conditional Approval	On file
Public Works, Land Use Division	✓	Conditional Approval	On file
CAL FIRE	✓	No Comment	Attached
Alderpoint Fire Protection District		No Response	
California Department of Fish & Wildlife		No Response	Attached – Planning staff request for comments
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights	✓	Conditional Approval	On file
Southern Humboldt Joint Unified School District		No Response	
Humboldt County Sheriff	✓	Approval	On file
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T
 MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
 AREA CODE 707

ON-LINE
 WEB: CO.HUMBOLDT.CA.US

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

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Keenan Hilton, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 03/09/2020

RE:	Applicant Name	MOUNTAIN CREEK FARMS AND RESERCH FACILITY
	APN	217-391-006
	APPS#	PLN-11806 CUP

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"**

Note: Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 06/6/19 with Part A –Box 2 checked, certifying that the road is equivalent to a road Category 4 standard. The road report does not appear to include the main section of roadway to the western portion of the parcel (area #4). The name for this road is Homestead Road. The plot plan does not show the continuation of Alderpoint Road, the paved County maintained road, past the intersection with Homestead Road. It appears that the road evaluation is from Alderpoint road to Sunset Ridge Road, as shown in the Engineers photos.

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11806

COUNTY ROADS- PROXIMITY OF FARMS:

Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

Site Plan does show the continuation of Alderpoint Road past the intersection with Homestead Road.

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)

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

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

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //

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

The Department has no comment at this time.

Suggested conditions attached.

Applicant needs to submit additional information. List of Items attached.

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:

From: [Meghan Ryan](#)
To: ["Van Hattem, Michael@Wildlife"](#)
Cc: ["Johnson, Cliff"](#); [Cameron R. Purchio](#)
Subject: APPS #11806, Mountain Creek Farms and Research Facility, APN: 217-391-006/ HEARING DATE: OCTOBER 21, 2021
Date: Tuesday, October 12, 2021 3:04:00 PM

Good afternoon, Michael – I hope all is well. I am reaching out to see if CDFW has any comments on the Mountain Creek Farms and Research Facility project. The project description is the following:

A Conditional Use Permit for an existing 22,340 square foot (SF) cannabis cultivation operation consisting of 5,140 SF of mixed light cultivation grown in three (3) greenhouses, 12,800 SF of outdoor cultivation in ten (10) greenhouses grown utilizing light deprivation techniques, and 4,400 SF of full sun outdoor cultivation. No ancillary propagation occurs onsite. Irrigation water is sourced from an existing 1,200,000-gallon onstream pond. Existing available water storage is 1,210,500 gallons consisting of the catchment pond and various hard-sided tanks. Estimated annual water usage is 221,559 gallons. Drying and bucking occurs onsite, with all other processing occurring offsite at a licensed processing or manufacturing facility. A maximum of three (3) persons will be onsite during peak operations. Power for cultivation is provided by a solar system and generators.

There is an onstream pond used for irrigation. A review of GIS shows the pond was in existence prior to 2005. Conditions of approval require the applicant to notify CDFW for the pond and associated improvements and also replacement or maintenance of stream crossings (I saw 1 required replacement in the Site Management Plan prepared for the SWRCB.

Solar panels and generators are used as power sources. Conditions require generator containment and noise limited to 50 dB at 100 feet from the noise source or edge of habitat, whichever is closer.

Please let me know if you have any questions or concerns.

Best,
Meghan



Meghan Ryan
Planning Director
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
Advancing the quality of life for generations to come
707 443-5054
<http://www.lacoassociates.com>

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

2/25/2020

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, FPD: Alderpoint VFC, RWQCB, NCUAQMD, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, NWIC

Applicant Name Mountain Creek Farms and Research Facility **Key Parcel Number** 217-391-006-000

Application (APPS#) PLN-11806-CUP **Assigned Planner** Keenan Hilton 707-268-3722

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: 3/11/2020

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

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

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

Other Comments: Applicant's cultivation plan lists use of a spring, and one of the ponds appears to be potentially onstream. Applicant needs to file an SIUR for the spring, and contact the division of water rights to determine if pond is onstream and needs to be covered under an SIUR.

DATE: 2/27/2020 PRINT NAME: Sam Warner