



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

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

Hearing Date: March 7, 2019

To: Humboldt County Planning Commission

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

Subject: **William Reynolds, Conditional Use Permit**  
Application Number: 11135  
Case Number: CUP16-158  
Assessor's Parcel Number (APN): 209-121-008  
56 Shively Flat Road, Shively area

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Please contact Rodney Yandell, Planner II, at 707-268-3732 or by email at [ryandell@co.humboldt.ca.us](mailto:ryandell@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> March 7, 2019	<b>Subject</b> Conditional Use Permit	<b>Contact</b> Rodney Yandell
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**Project Description:** A Conditional Use Permit for an existing 43,560 square foot outdoor commercial cannabis cultivation operation. Cannabis cultivation is dry-farmed and no irrigation water is necessary outside of seed germination. There is an on-site well that is used primarily for domestic purposes, but is also used for the seed germination. Drying and curing will be conducted by 1-3 family members in an agricultural shed on-site. Trimming and packaging will occur off-site at a licensed processing facility until the agricultural shed on site is upgraded to commercial building standards. Power is provided by PG&E.

**Project Location:** The project site is located in the Humboldt County in the Shively area, on the south side of Shively Flat Road, approximately 1,000 feet south from the intersection of Shively Flat Road and Croco Lane, on the property known as 56 Shively Flat Road.

**Present Plan Land Use Designations** Agricultural Exclusive (AE), Humboldt County General Plan (GP); Density: 20-60 acres per dwelling unit; Slope Stability: Low Instability (1)

**Present Zoning:** Agriculture Exclusive (AE) with a Flood Hazard Area (F) Combining Zone restricting new development within the 100-year floodway and floodplain (AE-F).

**Application Number:** 11135

**Case Number:** CUP 16-158

**Assessor Parcel Numbers:** 209-121-008

<b>Applicant</b>	<b>Owner</b>	<b>Agent</b>
William Reynolds PO Box 5844 Eureka, CA 95502	Reynolds, William A. 56 Shively Flat Road Scotia, CA 95565	None

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

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

**Major Issues:** None.

**WILLIAM REYNOLDS**

Case Number: CUP16-158

Assessor's Parcel Number: 209-121-008

**Recommended Commission Action:**

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

*Move to accept staff's recommendation allowing for continued cultivation of 43,560 square feet of outdoor cultivation in the existing location, find the Commission has considered the Addendum to the Mitigated Negative Declaration for Commercial Medical Land Use Ordinance (CCMLUO) per Section § 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the William Reynolds Conditional Use Permit as recommended by staff subject to the recommended conditions.*

**Executive Summary:** William Reynolds seeks approval of a Conditional Use Permit in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA). The CUP would allow for the continuation of an existing, 43,560 square foot outdoor cannabis cultivation operation located on APN 209-121-008 which is approximately 12 acres in size. The property is zoned Agriculture Exclusive (AE). The CMMLUO identifies AE-zoned parcels 5 acres or larger as sites where existing cannabis cultivation activities could be allowed. Outdoor cultivation up to 43,560 square feet is allowed subject to the issuance of a CUP.

Access to the site from the County maintained portion of Shively Flat Road and the County maintained portion of Croco Lane. The applicant submitted road evaluations with photo documentation for the segments of Shively Flat Road and Croco Lane used to access the property. The Applicant indicated that these segments are developed as functionally equivalent to a road category 4 standard, due to the many pull out options along them. The Public Works Department gave conditional approval requiring the applicant to meet sight-visibility requirements, right-of-way setback standards and, obtain an encroachment permit from the Department of Public Works for driveway improvements. These requirements are included as conditions of permit approval. According to the Applicant's Cultivation and Operations Plan, the subject property has supported agriculture and attendant operations of its current magnitude for over 10 years. There is no increased road use required as a result of cannabis-related operations.

The applicant uses dry farming techniques with cannabis planted directly into the ground in fine-grained alluvial floodplain soils. The farmland's water source is winter rain, stored naturally via capillary action in the subsoil of the river plain, percolating to the cultivation root zone. No irrigation water is necessary. Cultivation begins with the winter cover crop being mowed and disked in during May. It is then plowed 14", worked to a fine seed bed, and then let rest, with the moisture sealed in with roller. Within the 10-acre, prime floodplain soil property, approximately five acres are annually cultivated with a mix of vegetable row-crops including beans, various squashes, tomatoes, sunflowers, etc., and up to one acre with row-crop cannabis. The remaining acres are annually rested in a rotational pattern. All cultivation areas are managed for weed control and seed bed preparation. The crops are planted by mid-May most years. Once planted, the crops are cultivated by hand hoe and tractor June through July. Harvesting begins in October and is done by hand until completed by November the first.

There is an unpermitted 30-foot deep well on the property that is hydrologically connected to Eel River used primarily for domestic purposes, but small quantities of well water are used for seed germination in the spring and to seal the soil surface prior to harvest. There is one 2,500 gallon plastic water tank near the well that is available for fire suppression. This is the only water storage facility on the property. The Applicant has a fully executed Lake or Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW) for the well on file with the Planning Department. Implementation of the measures to protect fish and wildlife resources required by CDFW are included in Attachment 1 as a condition of permit approval.

All cannabis grown on-site will be dried and cured in the on-site agricultural shed by 1-3 family members (no employees) that live on site during to cultivation season. All trimming and packaging will occur off-site at a licensed processing facility until the drying and curing shed on site is upgraded to commercial County standards. This is included as a condition of permit approval.

Domestic water is provided by an on-site well, and sewage disposal is provided by an on-site wastewater treatment system that is in the process of being permitted. The drying and curing shed and residence are also in the process of being permitted. A condition of permit approval is included in Attachment 1 requiring the Applicant to verify legal non-conforming status of the well, retroactively permit it, or complete a well destruction permit.

The applicant has enrolled with the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger, and a WRPP was completed by Pacific Watershed Associates in December 2016 and is on file with the Planning Department. The Applicant also submitted an Initial Statement of Water Diversion to the State Water Board's Division of Water Resources in June 2017 for the rights to continue to use the on-site well.

The entire subject parcel, including all cannabis cultivation areas and the drying and curing shed, are located within the 100-year flood plain of Eel River. However, according to the Cultivation and Operations Plan and the associated Site Plan, the cultivation area exists on a well-established, stable flat over 235 feet above the river on slopes less than 15%. To ensure that cultivation activities, much of it temporary in nature, do not result in increased debris in the flood waters during flood events, the project has been conditioned on the applicant complying with Flood Damage Prevention regulations and securing a Flood Elevation Certificate for all structures to be permitted.

There are no schools, school bus stops, places of worship, public parks or Tribal Cultural Resources within 600 feet of the cultivation or processing areas. The project was referred to the Bear River Band Tribal Historic Preservation Officer, who determined that this site does not require preparation of a cultural resources survey and recommended standard inadvertent discovery protocol.

There is no evidence of timber conversion on the property. The cultivation areas are within a natural flat that have been used for agricultural purposes for decades. CAL-FIRE responded to referral in August 2017 with standard comments recommending compliance with the standard requirements of the County's Fire Safe Regulations.

Environmental review for the project was conducted, and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the project are consistent with the Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance due to the fact that this is existing cultivation that is being brought into conformance with county and state requirements. No additional development other than that which was contemplated under the previously adopted MND is proposed. An addendum to the MND has been prepared for this project.

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 approving 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 Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As Lead Agency, the Department has determined that the Project is consistent with the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance. 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.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 19-**

**Case Number: CUP16-158  
Assessor Parcel Numbers: 209-121-008**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the William Reynolds Conditional Use Permit request.**

**WHEREAS**, William Reynolds submitted an application and evidence in support of approving a Conditional Use Permit to cultivate and process 43,560 square feet (SF) of outdoor cannabis located on APN 209-121-008.

**WHEREAS**, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

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

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number CUP16-158); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on March 7, 2019.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The findings in Attachment 2 of the Planning Commission staff report support approval of Case Number CUP16-158 based on the submitted substantial evidence; and
3. Conditional Use Permit CUP-16-158 is approved as recommended and conditioned in Attachment 1 for Case Number CUP 16-158.

Adopted after review and consideration of all the evidence on March 7, 2019.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

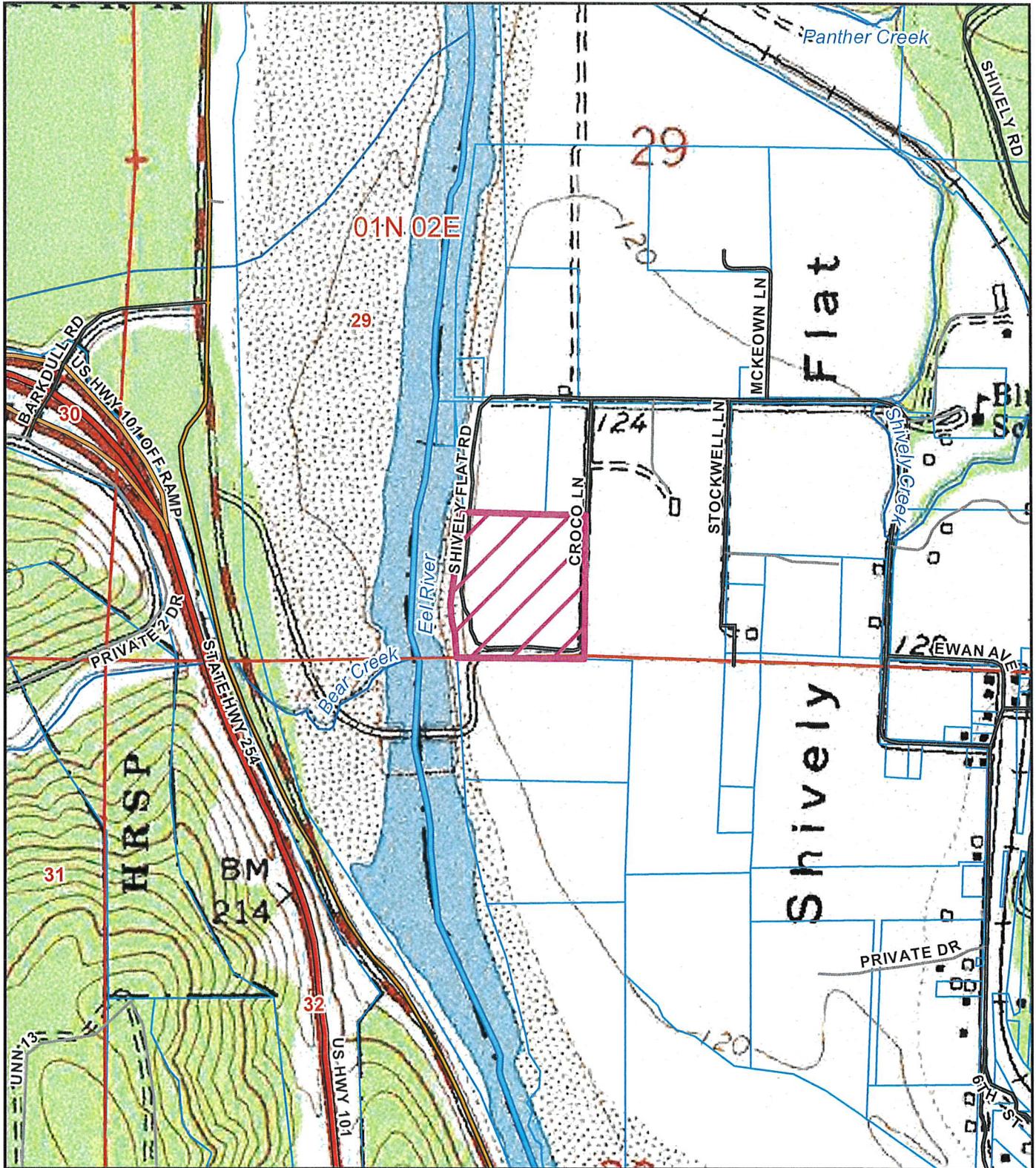
ABSENT: Commissioners:

DECISION:

I, John H. 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.

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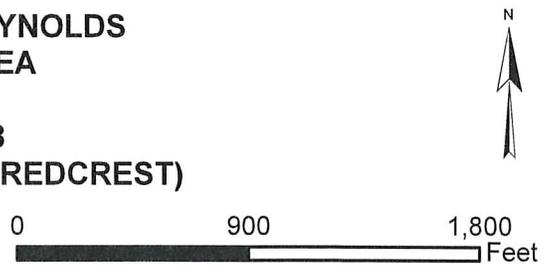
John H. Ford, Director  
Planning and Building Department

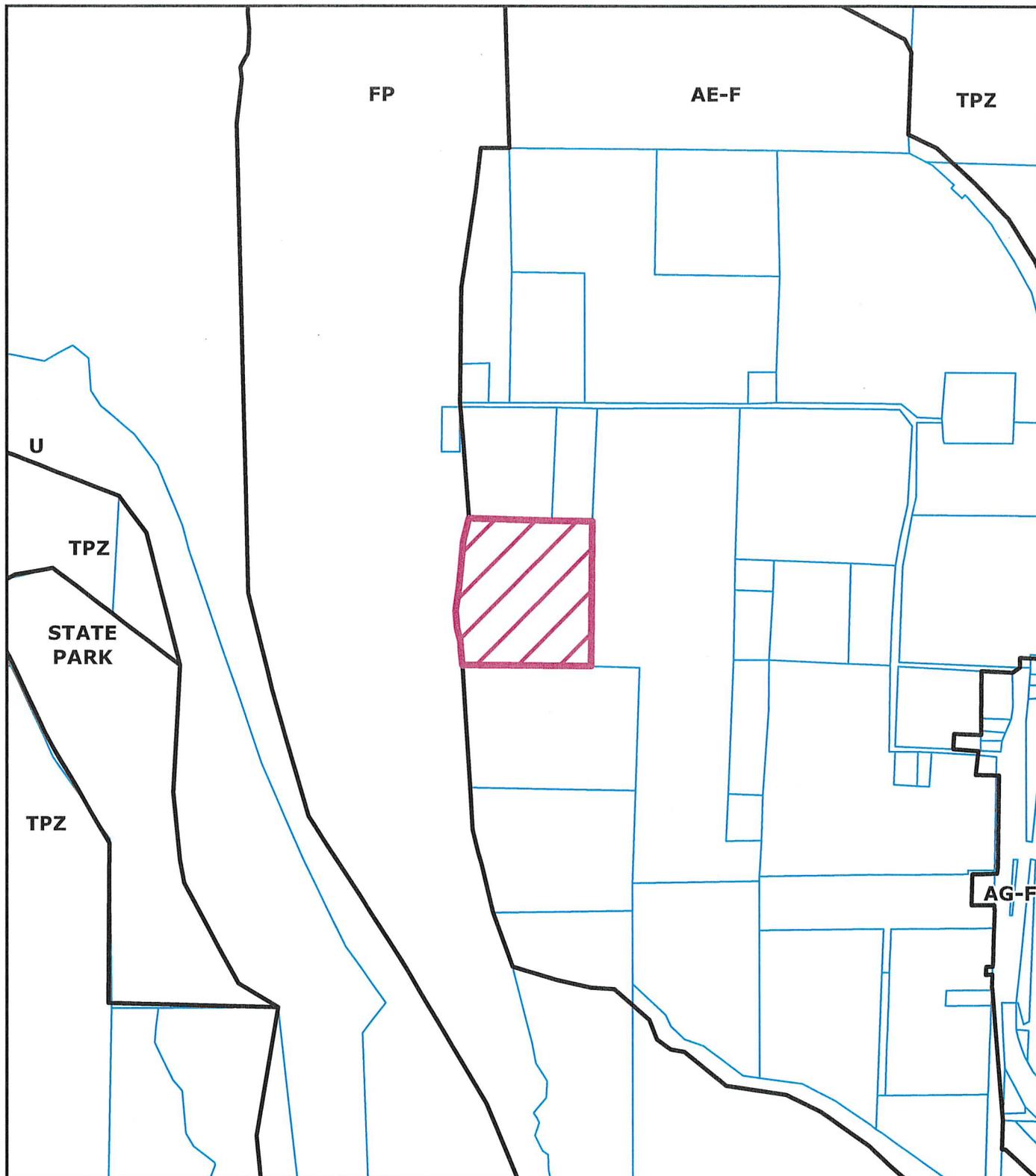


**TOPO MAP**  
**PROPOSED WILLIAM REYNOLDS**  
**PEPPERWOOD AREA**  
**CUP-16-158**  
**APN: 209-121-008**  
**T01N R02E S29; S32 HB&M (REDCREST)**

Project Area =

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





Project Area = 

**ZONING MAP**  
**PROPOSED WILLIAM REYNOLDS**  
**PEPPERWOOD AREA**  
**CUP-16-158**  
**APN: 209-121-008**  
**T01N R02E S29; S32 HB&M (REDCREST)**



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**AERIAL MAP  
 PROPOSED WILLIAM REYNOLDS  
 PEPPERWOOD AREA  
 CUP-16-158**

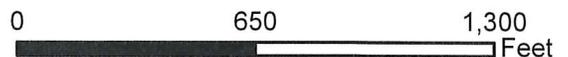
**APN: 209-121-008**

**T01N R02E S29; S32 HB&M (REDCREST)**

**Project Area =** 



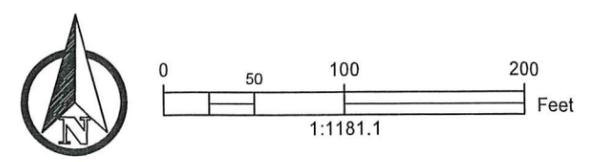
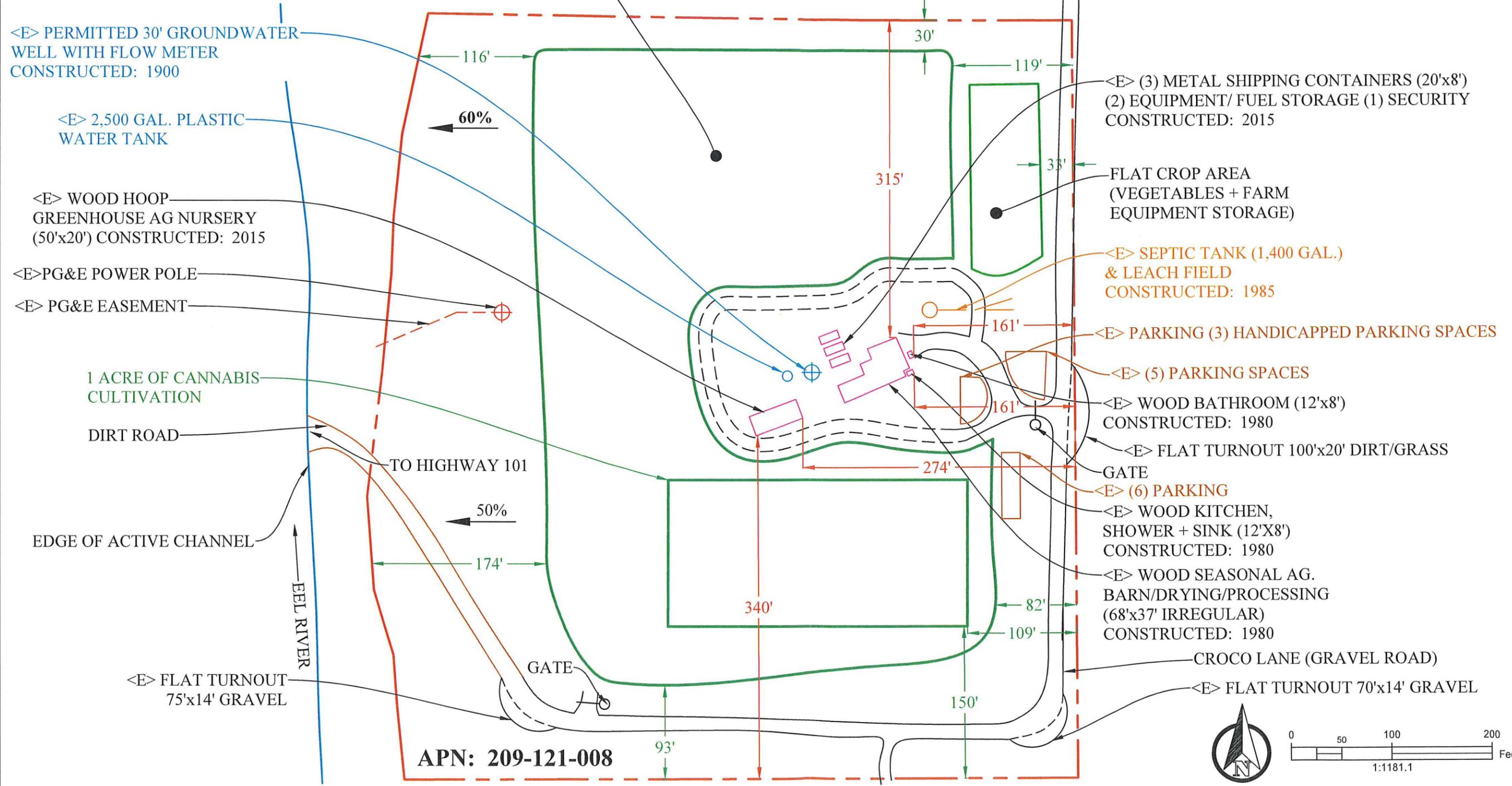
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



**NOTES:**

- EASEMENTS: PG&E POWER LINE AND POLE
- THERE ARE NO STREAMS, PONDS, SPRINGS, CULVERTS, OR WATER DIVERSIONS, LOCATED ON THE FLOOD PLAIN PROPERTY.
- HUMBOLDT REDWOOD STATE PARK IS LOCATED 1,025 FEET WEST OF THE PROPERTY BOUNDARY.
- THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, TRIBAL CULTURAL RESOURCES, OR OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.

MIXED ROW CROP/ CULTIVATION AREA ON 10 ACRES FLAT PROPERTY.  
 -DOES ROTATIONAL PRIMARILY DRY FARMING ON 6-7 ACRES PER YEAR WITH BEANS, SUMMER/WINTER SQUASH, CORN, TOMATOES, SUNFLOWERS, & UP TO 1 ACRE CANNABIS



**DISCLAIMER: PARCEL BOUNDARIES ARE ALIGNED PER HUMBOLDT COUNTY GIS**

DATE: 1/8/2019	NOTES PREPARED BY: PWA	FIGURES CREATED BY: PWA	SHEET 1 OF 1
PACIFIC WATERSHED ASSOCIATES, INC. P.O. BOX 4433 ARCATA, CALIFORNIA 95518 PH: (707) 839-5130 FX: (707) 839-8168 www.pacificwatershed.com			
DRAWING DESCRIPTION: <b>HUMCO CMMLUO</b> <b>SITE PLAN</b> APN: 209-121-008 APP # 1135			
PROJECT ADDRESS: <b>BILL REYNOLDS</b> <b>56 SHIVELY FLAT ROAD</b> <b>SCOTIA, CA 95562</b>			
PWA JOB NO.: 5284			

## 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.**

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 –16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. Compliance with the Flood Damage Prevention Ordinance is required, including securing a flood elevation certificate for all structures to be permitted within the floodplain of Eel River. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
3. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
4. Prior to renewal of permit the operator is required to submit to Department of Environmental Health (DEH) annual receipts or copy of contract confirming sufficient use of portable toilets to serve staff or provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing onsite waste treatment system serving the dwelling.
5. No processing other than drying and curing can be approved on site until the drying and curing shed is permitted in accordance with Humboldt County commercial standards. All trimming and packaging will occur off-site at a licensed processing facility until the drying and curing shed on site is upgraded to commercial County standards.
6. The driveway 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.
7. The existing driveway that will serve as access for the proposed project that connects to Croco Lane 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.
8. The fences and gates shall be outside 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.

9. The applicant shall contact the local fire service provider [Redcrest Volunteer Fire Department] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.
10. There is an existing well on the property. Prior to renewal of this permit, the Applicant must submit documentation to DEH verifying legal non-conforming status and/or retroactively permit or destroy the well.
11. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program. A letter or similar communication from the RWQCB verifying that all their requirements have been met will satisfy this condition.
12. The applicant shall abide by the Conditions of the Lake and Streambed Alteration Agreement approved by the California Department of Fish and Wildlife and comply with all applicable terms. Approval of this permit will depend on the applicant providing all requested reporting information to CDFW.
13. The property owner 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.
14. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
15. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
16. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.
17. 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 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.
18. 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**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

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

1. All components of the 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.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MCRSA, as applicable to the permit type.
3. 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 & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. 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.
6. 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).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) 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.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife.
9. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be

made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.

10. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
11. If any wildlife is encountered during the Authorized Activity, the applicant shall not disturb the wildlife and will allow wildlife to leave the work site unharmed.
12. 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 – Friday, 9:00 am – 5:00 pm, excluding holidays).
13. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
14. Pay all applicable application and annual inspection fees.
15. The noise produced by any generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
16. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
17. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
18. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
19. The operation shall participate in the Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

#### Performance Standards for Cultivation and Processing Operations

1. 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."
2. 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, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

3. Cultivators engaged in processing shall comply with the following Processing Practices:
  - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
4. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - I. 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:
    - (a) Emergency action response planning as necessary;
    - (b) Employee accident reporting and investigation policies;
    - (c) Fire prevention;
    - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (e) Materials handling policies;
    - (f) Job hazard analyses; and
    - (g) Personal protective equipment policies, including respiratory protection.
  - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (a) Operation manager contacts;
    - (b) Emergency responder contacts;
    - (c) Poison control contacts.
  - III. 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.
  - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
5. All cultivators shall comply with the approved Processing Plan as to the following:
  - I. Processing Practices.
  - II. Location where processing will occur.
  - III. Number of employees, if any.
  - IV. Employee Safety Practices.
  - V. Toilet and handwashing facilities.
  - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
  - VII. Drinking water for employees.
  - VIII. Plan to minimize impact from increased road use resulting from processing.

IX. On-site housing, if any.

6. 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 permittee(s) and the permitted site have been found to comply with all conditions of approval.
7. 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 CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, 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 non-compliance. Failure to request reinspection or to cure any items of non-compliance 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.
8. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #22 above 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.
9. 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.
10. Permittee further acknowledges and declares that:
  - I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
  - II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
  - III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Cannabis and Adult Use Regulation and Safety Act.
11. 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.
12. 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 of 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 of 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 COA #1 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 Condition of Approval #27 of the On-Going 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 as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violation(s) at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violation(s) 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.

5. 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 #1 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 #23 of the On-Going Requirements /Development Restrictions, above.

6. 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 as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 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 Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

7. 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 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.

8. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions 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 Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

9. 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**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

10. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the 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) 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.

## ATTACHMENT 2

### STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

**Required Findings:** To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specify the findings that are required to grant a Conditional Use Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. 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 (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
  - a. Is categorically or statutorily exempt; or
  - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

**Staff Analysis of the Evidence Supporting the Required Findings:** To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

**1. The proposed development must be consistent with the General Plan.** The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan 2017.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p><b>Agricultural Exclusive (AE):</b> This plan designation applies to bottomland farms and lands that can be irrigated; also used in upland areas to retain agricultural character. Typical uses include dairy, row crops, orchards, specialty agriculture, and horticulture. Residential subdivision is not supported. Residential uses must support agricultural operation.</p> <p>Density is 20-60 acres/unit.</p>	<p>The Applicant is proposing to continue an existing commercial cannabis cultivation operation consisting of 43,560 square feet of outdoor cultivation on lands designated as Agricultural Exclusive. Intensive agriculture and agriculture product processing are allowable use types for this designation. Additional improvements necessary to bring the processing building up to commercial standards are also fully consistent with the agricultural use of the property as intended by the AE designation.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the site from the County maintained portion of Shively Flat Road and the County maintained portion of Croco Lane. The applicant submitted road evaluations with photo documentation for the segments of Shively Flat Road and Croco Lane and identified Croco Lane and Shively Flat Road as having the functional capacity of a Road Category 4 standard, due to the many pull out options along these road segments. This permit is conditional upon meeting sight-visibility requirements, right-of-way setback standards and, obtaining an encroachment permit from the Department of Public Works for driveway improvements.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will 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.</p>

<b>Plan Section</b>	<b>Summary of Applicable Goal, Policy or Standard</b>	<b>Evidence Which Supports Making the General Plan Conformance Finding</b>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1,CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is located within lands designated as Open Space because the project site is planned Agricultural Exclusive (AE) and is zoned Agricultural Exclusive (AE), Flood Hazard Zone (F). The project can be found consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designations while not impacting the ability to provide livelihoods.</p> <p>The proposed cannabis cultivation - an agricultural product - is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The Water Resources Protection Plan (WRPP) that was prepared for the project, pursuant to the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), outlines specific remediation measures to be implemented to prevent adverse impacts to streams, wetlands and other habitat areas.</p> <p>The project site does not contain any observations of sensitive species. The parcel where the project will occur does contain a Streamside Management Area (SMA) (Eel River) and is downstream of an observation of the sensitive Foothill Yellow-Legged Frog according to the California Natural Diversity Database (CNDDDB). However, due to the fact that no grading, new construction or remediation is proposed, no adverse impacts are anticipated. The site has been evaluated for its potential impacts to aquatic habitat in the Water Resource Protection Plan, and must comply with the mitigations detailed therein. All cultivation areas are over 235 feet from the Eel River.</p> <p>The CNDDDB also indicates that the project site is within one mile of a Northern Spotted Owl activity center and within 550 feet of Marbled Murrelet habitat. Due to the fact that no mixed-light cultivation or generator use is proposed, impacts to these species are not expected.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p>	<p>The project was referred to the Northwest Information Center and Bear River band of the Rohnerville Rancheria. The Tribal Historic Preservation Officer (THPO) responded by stating that she was not aware of any previously recorded cultural resources on or adjacent to the subject parcel, nor does the parcel appear to be overly likely to contain unrecorded cultural resources. The THPO requested the standard inadvertent archaeological discovery language be included as a</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>condition of approval. That language was included as an ongoing Condition of Approval for this permit.</p>
<p>Conservation and Open Space Chapter 10  Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project involves the cultivation of approximately 43,560 sf of full-term, full-sun outdoor cultivation planted directly into the ground on an approximately 12-acre parcel. The outdoor cultivation does not include the use of artificial light and the project will not create new sources of light and/or glare.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant retained Pacific Watershed Associates (PWA) for the preparation of a WRPP, which was completed in December 2016. The WRPP has been prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified the operation as meeting all of the elements except for the element relating to the onsite wastewater treatment system (OWTS), which was unpermitted at the time of preparation of the WRPP, and LSA notification for the well. However, the OWTS has since been permitted by DEH and a fully executed LSAA has been completed with CDFW for the onsite well. Since all of the stormwater related elements are being met, this project conforms to the requirements of the Plan.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>The Cultivation and Operations Plan and Site Plan indicate that the property has an existing Onsite Wastewater Treatment System (OWTS), a 1,400 gallon septic tank and leach field constructed in 1985 and are seeking a retroactive permit from the Humboldt County Department of Environmental Health (DEH). DEH gave conditional approval on November 8, 2017 with the condition that future processing on site will not be approved until an acceptable site suitability report can establish potential for the onsite waste treatment system. This requirement has been incorporated as a condition of approval.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures. The cultivation and processing operation does not use generators. Power is provided by PG&amp;E.</p>
<p>Safety Element Chapter 14  Geologic &amp; Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The cultivation area occurs on slopes of 15% or less, that are seismically classified low instability. The project also does not pose a threat to public safety related from exposure to natural or manmade hazards. The applicant must secure a grading permit and as part of the permit the applicant will, at a minimum, incorporate the standard erosion control measures enumerated in the General Plan. These measures are a condition of approval.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The entire subject parcel, including all cannabis cultivation areas and the drying and curing shed are located within the 100-year flood plain of Eel River. However, according to the Cultivation and Operations Plan and the associated Site Plan, the cultivation area exists on a well-established, stable flat over 235 feet above the river on slopes less than 15%. To ensure the cultivation activities, much of it temporary in nature, do not result in increased debris in the flood waters during flood events, the project has been conditioned on the applicant complying with Flood Damage Prevention regulations and securing a Flood Elevation Certificate for all structures to be permitted. The project site is not within a mapped dam or levee inundation area and is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas. There is one 2,500 gallon plastic water tank near the well that is available for fire suppression.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Redcrest Volunteer Fire Department] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.</p>	<p>Applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

**2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2  Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	Created by Deed recorded November 4, 1949. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.3  Agriculture Exclusive (AE)  §314-17.1  "F" Combining Zone	<p><b>Agriculture Exclusive (AE):</b> Intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.</p> <p><b>F – Flood Hazard Areas:</b> Intended to be combined with any principal zone in areas of special flood hazard as identified on the Federal Insurance Administration's Federal Insurance Rate Maps (FIRM) for Humboldt County.</p>	<p>The applicant is seeking a Conditional Use Permit for an existing 43,560 square foot cannabis cultivation operation on a property zoned AE-F. The proposed use is specifically allowed with Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.</p> <p>As stated above, the entire subject parcel, including all cannabis cultivation areas and the processing shed are located within the 100-year flood plain of Eel River. The cultivation itself will occur primarily outside of the typical flood season and will occur through the use of planting into the ground. To ensure the cultivation activities, much of it temporary in nature, do not result in increased debris in the flood waters during flood events, the project has been conditioned on the applicant complying with Flood Damage Prevention regulations and securing a Flood Elevation Certificate for all structures to be permitted.</p>

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Size:	20 acres	12 acres
Maximum Ground Coverage:	35%	< 35%
Minimum Lot Width:	100 feet	758 feet
Maximum Lot Depth:	None specified	710 feet
Minimum Lot Setbacks:	<p>Front: 30 feet</p> <p>Rear: 20 feet</p> <p>Side: Ten percent (10%) of the lot width on each side but not more than twenty feet (20') shall be required</p> <p>Farm Buildings: Farm outbuildings shall not be less than twenty feet (20') from any dwelling on the premises.</p> <p>SRA: 30 feet, all sides</p>	<p>109 feet</p> <p>150 feet</p> <p>290 feet</p> <p>48 feet</p> <p>&gt;30</p>
Max. Building Height	35 feet	< 35 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	All cultivation areas and facilities are located outside of SMA of the Eel River.

<b>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
§ 314-55.4.8.2.2  Existing Outdoor and Mixed-Light Cultivation Areas	In...AE zoning districts on parcels one acre or larger, outdoor and mixed-light cultivation may be permitted.	In accordance with the referenced section the applicant has applied for the necessary CUP due to the parcel being greater than one acre in size and zoned AE and the cultivation area being greater than 10,000 square feet of outdoor cultivation.

§314-55.4.8.2	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	There is no evidence of timber conversion on the property. The cultivation areas are within a natural flat that have been used for agricultural purposes for decades. CAL-FIRE responded to referral in August 2017 with standard comments recommending compliance with the standard requirements of the County's Fire Safe Regulations.  No trees are proposed to be removed as part of the project.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Planning Department, the party who is the applicant, holds no other permits and is entitled to four. This application is for one permit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	All commercial cannabis cultivated will be dried, bucked and cured in the on-site Ag shed. Trimming of cannabis will occur off site at a licensed processing facility. Processing on site may be considered in the future and would require the Ag shed be upgraded to commercial County standards.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application, and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, 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.	This dry farming operation does not require water diversion for irrigation. Dry farming utilizes the residual moisture in the soil from the rainy season. Domestic water is sourced from a hydrologically connected 30-foot deep well. This well has been registered with the Division of Water Rights and has been issued a fully executed Lake and Streambed Alteration Agreement. Based on the submitted evidence, the project complies with the referenced section.

<p>§314-55.4.11.d Performance Standards- Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p>	<p>The applicant's site plan shows that the cultivation area conforms to the 30-foot parcel line setbacks and the 600-foot setbacks for schools, school bus stops, parks, or places of religious worship. The Tribal Historic Preservation Officer who reviewed the project indicated that there were not any nearby Tribal Cultural Resources.</p>
<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.</p>	<p>There are no generators used on the subject parcel.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on September 9, 2016.</p>

**4. Public Health, Safety and Welfare, and 6. Environmental Impact:** The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage.

**5. Residential Density Target:** The following table identifies the evidence which supports finding that the proposed project will 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.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall 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 (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. It is developed with a single family residence which will remain. The project is in conformance with the standards in the Housing Element.

**6. Environmental Impact:** The following evidence which supports finding that the proposed development will not adversely impact the environment.

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of

Supervisors January 26, 2015. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation and on-site processing. The environmental document on file include detailed discussions of all the relevant environmental issues.

**ATTACHMENT 3**

**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*

*APNs 209-121-008, 56 Shively Flat Road, Scotia, County of Humboldt*

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

**March 2019**

## Background

**Modified Project Description and Project History** – The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) 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. 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 modified project involves a Conditional Use Permit for an existing 43,560 square feet cannabis cultivation. Cultivation activities extend from May to November. The applicant states there will be a maximum of one harvest cycle for the outdoor cultivation.

Water used for irrigation is limited to the seed starts. The commercial cannabis crop will be dry-farmed, meaning that they will be planted in the ground and utilize existing water from the soil only. Mature plants will be dried, bucked and cured on site and trimmed off site at a licensed processing facility. There will be a maximum of three family members on-site during peak operations. Power to the site is provided by PG&E. The existing cultivation was in operation as of the date of adoption of the MND, and through compliance with the CMMLUO the modified project will be fully consistent with the adopted MND.

**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 an existing 43,560 square feet of outdoor dry-farmed commercial cannabis cultivation 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.

### **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 4

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

Attachment 4 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
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 ¼ mile (1,320 ft.) 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. (Revised January 8, 2019, Attached)
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; and 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. (Revised January 25, 2019, Attached)
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. (On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
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. (On file)
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 Department of Fish & Wildlife. (On file)
9. If the source of water is a well, a copy of the County well permit, if available. (Condition of Approval)

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. (Not applicable)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. Water Resource Protection Plan, dated December 2016. (Attached)
16. LSAA. (Attached)

***Cultivation and Operations Plan, Outdoor Cultivation***  
***APN 209-121-008, File #11135, CUP16-158***  
***Amended January 25, 2019***

**I. INTRODUCTION**

**A. Applicant, Site Information**

The project takes place on Humboldt County APN 209-121-008, 56 Shively Flat Road, Scotia, CA, subject to Humboldt County Planning Department cannabis cultivation permit application #11135. The license applicant is William Reynolds.

**B. Project Description**

The square footages allowed by Humboldt County Interim Permit #11135 consists of 43,560 Square Feet of Outdoor Cultivation. Processing will occur on site. Trimming and packaging will occur off-site at a licensed processing facility until the processing facility on site is upgraded to commercial County standards.

**C. State License Application**

Applicant is applying for a "Medium Outdoor" state cultivation license.

**II. SITE PLAN**

The project application includes a "Site Plan" prepared by Pacific Watershed Associates, showing the boundaries of the property and the premises, the Assessor's Parcel Number, all perimeter dimensions, entrances, and exits to both the property and the premises, and all roads and water crossings on the property.

**III. CULTIVATION PLAN**

**A. Description and Schedule of Outdoor Cultivation Activities**

Cultivation begins with the winter cover crop being mowed and disked in during May. It is then plowed 14", worked to a fine seed bed, and then let rest, with the moisture sealed in with roller. Within the 10 acre, prime floodplain soil property, approximately five acres are annually cultivated with a mix of vegetable row-crops including beans, various squashes, tomatoes, sunflowers, etc. and up to one acre with row-crop cannabis. The remaining acres are annually rested in a rotational pattern. All cultivation areas are managed for weed control and seed bed preparation.

The crops are planted by mid-May most years. Once planted, the crops are cultivated by hand hoe and tractor June through July. Then comes layby until September. Harvesting is begun October the first and is done by hand until completed by November the first.

There is no generator use for cultivation purposes.

**B. Description of Processing Plan**

Fully mature plants are cut by hand and brought to an ag shed where hung until curing is finished, approximately five days. The plants are then bucked down to remove the stems, leaving only the buds to be placed into paper bags. The cured buds are then placed into paper bags, which are then placed into space bags and vacuum-sealed.

The sealed, finished product is stored in a locked shipping container on-site until transported to an off-site, licensed processing facility for trimming and packaging. The trimming and packaging functions will remain off-site until the on-site ag shed processing facility is upgraded to commercial county standards.

**C. Pest Management Plan**

**1. Product Name and Active Ingredient(s) of All Pesticides to Be Applied to Cannabis During Any Stage of Plant Growth:**

No chemical pesticides or herbicides are used at any stage of plant growth.

## ***Cultivation and Operations Plan, Outdoor Cultivation***

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### **2. Integrated Pest Management Protocols:**

Integrated pest management protocols, including chemical, biological and cultural methods the applicant anticipates using to control or prevent the introduction of pests on the cultivation site are as follows:

Natural bio-pesticides and attractant beneficial plants are used as part of an integrated pest management system. Neem oil, predatory nematodes and attractant beneficial flowers are implemented initially to further encourage natural bio-pesticides and reduce to elimination of conventional pesticides. Sulfur and azatrol are used on an as-needed basis, and essential oils are used. These products are OMRI certified as used in Applicant's pest management system.

### **3. Pesticides Regulated by the Department of Pesticide Regulation:**

No pesticides are used, as all cultivation-related operations are certified organic.

### **D. Cannabis Waste Management Plan**

The project employs on-premises composting of cannabis waste.

### **E. Security Plan**

No portion of any cultivation area is visible from any road or public thoroughfare. The entire parcel, including the entire growing area, is surrounded a stock-wire and three-strand barbed wire fence approximately five feet high, fully straddled by wild Himalayan blackberries. The blackberry barrier is approximately twelve feet in *width* at its *minimum* and runs the circumference of the property save the entry gate.

Entry to the property is through a gated driveway leading from Shively Flat Road. The gate remains locked at all times, whether personnel are present or not. A canine is housed on the site and exercises vigilance whenever present.

## **IV. PROTOCOLS FOR PROPER STORAGE AND USE OF REGULATED PRODUCTS**

### **A. Protocols for Pesticides**

No pesticides are used, as all cultivation-related operations are certified organic.

### **B. Protocols for Fertilizers**

#### **Use:**

The only fertilizer used is "Perfect Blend 4/4/4," which is both OMRI and CCOF approved.

All use is performed according to the manufacturer's instructions. The cultivation operation typically uses 40 lbs. per 250 ft. row in pre-planting; and 20 lbs. side-dressed, one time at the middle of the growing season. Any extra is spread on the field at time of winter cover crop planting. Supplies are typically exhausted by October 15; no supplies are obtained or possessed until late April.

#### **Storage:**

All fertilizers not in active use are kept in an onsite metal storage container, secure from weather elements. The product itself is maintained in its factory packages.

### **C. Protocols for Other Regulated Products**

There are no other regulated products in use.

## **V. WATER**

### **A. Description of Water Source, Storage, Irrigation Plan, and Projected Water Usage**

This is a dry farming cultivation operation, planted in fine-grained alluvial floodplain soils. No irrigation is used. The farmlands water source is winter rain, stored naturally via capillary action in the subsoil of the river plain, percolating to the cultivation root zone through forty feet of Ferndale Number One

***Cultivation and Operations Plan, Outdoor Cultivation***  
***APN 209-121-008, File #11135, CUP16-158***  
***Amended January 25, 2019***

Soil Loam, classified as Prime Ag soils. All crops are farmed using traditional row farming techniques utilizing tractors and various accessories to prepare the fields for planting.

The applicant is proposing to use a diversion from a waterbody (the well discussed below), location provided as coordinates in latitude and longitude, to wit, "40.43248, -123.97884," as shown in the SWRCB DWR's "ISDU" document for APN 209-121-008 and William Reynolds, as filed with the applicant's state license application.

There is a 30 foot deep unpermitted well in the center of the property (see Site Plan Map). This approximate 100-year-old well receives regular maintenance; in May 2015 Wyckoff's installed a new Goulds pressure tank and replaced 60-feet of 1 ½ poly pipe. The well is primarily used for (1) domestic water uses, but small quantities of well water are used, (2) during hand-watering seed germination activities each spring, as well as (3) to seal the soil surface in the fall months just prior to harvesting the vegetable crops; this is a traditional dry-farming finishing procedure that helps produce higher and more consistent food products.

All well water use is direct from the well to the tap, and there are no water storage features on the property. There are no water lines, sprinkler systems or flood irrigation ever used on the cannabis crops. Water usage rarely exceeds 1,300 gallons of use in any given month of the year, and about 90% of this is for various domestic activities. In terms of water conservation, this volume of water use has to be in the lowest 95<sup>th</sup> percentile for farms with 10 acres of land.

In April 2016, the applicant enrolled as a **Tier 2** discharger (WDID 1B16243CHUM) in the North Coast Regional Water Quality Control Board's "Order No. 2015-0023." A Water Resources Protection Plan (WRPP) was completed for the applicant in December 2016 by his third party provider, Pacific Watershed Associates. The WRPP identified the need to submit the above listed permits and registrations.

In February 2017, an LSAA "1600" permit application was submitted to CDFW to permit the well's use of subsurface river flows to the Eel River, which was approved by the CDFW on June 5, 2017. In addition, two Water Rights applications are being applied for with the State Water Resources Control Board's Division of Water Rights: 1) a Small Domestic Use (SDU) registration, and 2) an Initial Statement of Diversion (ISDU) agreement (submitted 6-28-17, with a "Supplemental Statement of Water Diversion and Use for 2017" submitted 7-3-18).

**B. Site Drainage, Including Runoff and Erosion Control Measures; and Detail of Measures Taken to Ensure Protection of Watershed and Nearby Habitat**

There are no stream channels or road stream crossings located on the flat property. Run off is non-existent for this project site; the flat terrain and highly porous soils allow for water to puddle and infiltrate into the floodplain soils. No road surface erosion or discrete points of sediment delivery are present throughout the entire subject property.

The project site includes a natural and mature riparian buffer greater than 100-feet wide on its western edge and adjacent to the Eel River, a Class I watercourse. The buffer consists of native deciduous trees, conifers, and riparian understory shrubs.

All cultivation activities are located at least 235 feet from the Eel River. Cultivation rows are placed in the direction of river flow. There are no ponds or wetlands on the project site.

***Cultivation and Operations Plan, Outdoor Cultivation***  
***APN 209-121-008, File #11135, CUP16-158***  
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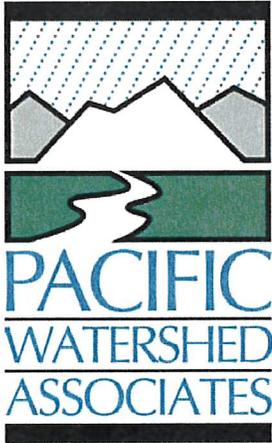
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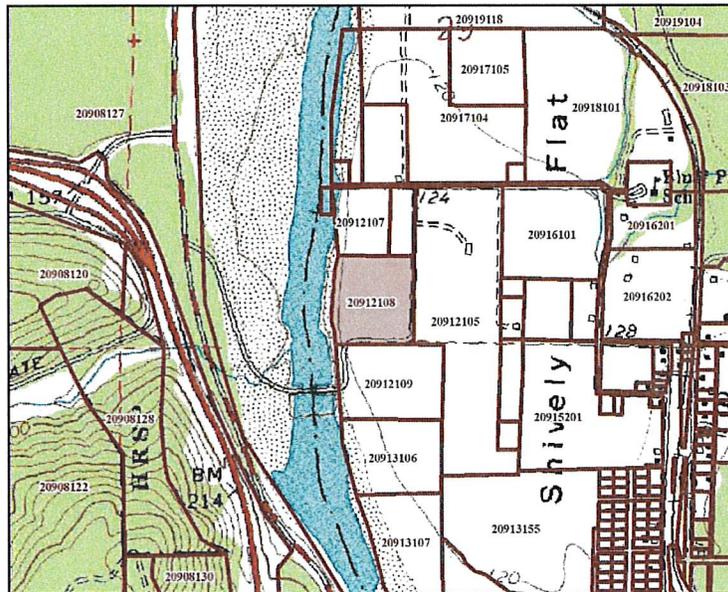


## Water Resource Protection Plan (WRPP)

for  
APN 209-121-008

Located at  
56 Shively Flat Road  
Scotia, California

December 2016



Prepared for:  
William Reynolds  
WDID# 1B16243CHUM  
PWA ID #180101051001-5284  
56 Shively Flat Road  
Scotia, California

Prepared by:  
Danny Hagans, Principal Earth Scientist  
dannyh@pacificwatershed.com  
Margo Moorhouse, Staff Biologist  
margom@pacificwatershed.com  
Pacific Watershed Associates Inc.  
P.O. Box 4433, Arcata, California 95518  
(707) 839-5130

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**Water Resource Protection Plan (WRPP)**  
**APN 209-121-08**  
**56 Shively Flat Road**  
**Scotia, California**

## **1.0 PROJECT SUMMARY**

This report documents Pacific Watershed Associate's (PWA)<sup>1</sup> Water Resource Protection Plan (WRPP) for APN 209-121-008 located at 56 Shively Flat Road, Scotia, CA, as shown on Figure 1. This property is located approximately 7 miles southeast of Scotia, Humboldt County, CA, and hereinafter is referred to as the "Project Site." Based on either site conditions and/or total cultivation area, this property falls within **Tier 2** of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023, Waiver of Waste Discharge and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects ("Order"). Properties that fall into Tier 2 of the Order are required to develop a WRPP. Therefore, as required, this WRPP has been developed for you based on site inspections made by PWA on your property. PWA's recommendations for any remediation or corrective actions are a result of water quality requirements under the Order, including Best Management Practices (BMPs) designed to meet those requirements (Appendix A). This WRPP documents the findings of a site visit and reconnaissance level investigation of the property conducted July 21, 2016, by PWA Principal Earth Scientist, Danny Hagans

## **2.0 CERTIFICATIONS, LIMITATIONS AND CONDITIONS**

This WRPP has been prepared by Pacific Watershed Associates, Inc. (PWA), and all information herein, including treatment recommendations, are based on observations, data and information collected by PWA staff, as well as based on discussions with the landowner.

This WRPP has been prepared to: 1) describe the general conditions of the property at the time of our inspection; 2) summarize the site conditions and how they relate to the NCRWQCB twelve (12) Standard Conditions of the Order; 3) provide recommendations for remediation and/or correction of existing or potential water quality threats or impacts; and 4) recommend work to be conducted on this property to meet the 12 Standard Conditions of the Order. The analysis and recommendations submitted in this WRPP are based on PWA's professional evaluation of the whole Project Site and your activities which fall under the Order.

In this WRPP we have described the current conditions of the property and any water resource and water quality risk factors we observed at the time of our site inspection. PWA is not responsible for problems or issues we did not observe on our site inspection, or for changes that have naturally occurred or been made to the property after our site review. The interpretations and conclusions presented in this WRPP are based on a reconnaissance level site investigation of inherently limited scope. Observations are qualitative, or semi-quantitative, and confined to surface expressions of limited extent and artificial exposures of subsurface materials. Interpretations of problematic

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<sup>1</sup> PWA is an approved Third Party Program for the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023, Waiver of Waste Discharge and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects ("Order").

geologic, geomorphic or hydrologic features such as unstable hillslopes, erosion processes and water quality threats are based on the information available at the time of our inspection and on the nature and distribution of existing features we observed on the property.

We have also included recommendations for remediation and/or correction that are based on these observations. The recommendations included in this WRPP are professional opinions derived in accordance with current standards of professional practice, and are valid as of the date of field inspection. No other warranty, expressed or implied, is made. Furthermore, to ensure proper applicability to existing conditions, the information and recommendations contained in this report shall be regularly reevaluated and it is the responsibility of the landowner operating under the Order to ensure that no recommendations are inappropriately applied to conditions on the property that have changed since the recommendations were developed.

If site conditions have changed for any reason, the site should be re-evaluated and the WRPP revised and updated as required. These conditions include any changes in land management activities or property conditions that have occurred since our site visit (regardless of what they are, how they occurred or who performed them). Similarly, if the landowner uses portions of this property not identified or covered under the current WRPP, this Water Resource Protection Plan will need to be updated with the new information, including possible additions or changes to the recommended remedial or corrective actions and BMPs (Appendix A).

If the property owner has enrolled their property under the Order, they are responsible for complying with all the requirements thereunder, regardless of who is operating or cultivating on that property. If the property is being formally or informally leased to an operator, and the lessee has enrolled under the Order, then the lessee is responsible for complying with the Order's requirements, including the WRPP and related recommendations and requirements. If the lease expires or the lessee is not otherwise available or does not respond to information requests by the NCRWQCB or PWA, then the landowner automatically assumes responsibility under the Order for the requirements therein and for all related penalties or actions brought by the NCRWQCB.

If at any time in the future the ownership of the property is transferred, it is the responsibility of the current owner, or their representatives, to ensure that the information and recommendations contained herein are called to the attention of any future owner or agent for the property. Unless this WRPP is modified by the NCRWQCB, or another approved Third Party Program representative, the findings and recommendations contained in this WRPP shall be utilized as a tool while implementing the recommendations made within this WRPP. Necessary steps shall be taken to see that contractor(s) and subcontractors carry out such recommendations in the field in accordance with the most current WRPP and BMP standards.

As a Third Party Program, PWA will be responsible for the data, interpretations and recommendations developed by PWA, but will not be responsible for the interpretation by others of that information, for implementation of corrective actions by others, or for additional or modified work arising out of those plans, interpretations and recommendations. PWA assumes no liability for the performance of other workers or suppliers while following PWA's recommendations in the WRPP, unless PWA is under contract to perform or oversee those activities. Additionally, PWA is not responsible for changes in applicable or appropriate standards beyond our control, such as those arising from changes in legislation or regulations, or the

broadening of knowledge which may invalidate or alter any of our findings or recommended actions.

Any WRPP plan review or construction management services that may be needed or identified in the recommendations sections of this report are separate tasks from the preparation of this WRPP, and are not a part of the contract under which this WRPP was prepared. If requested, additional PWA field inspections, surveys, WRPP revisions/updates, project layout, design, permitting, construction oversight/management, or other related services arising from tasks described and recommended in the WRPP may be performed under separate agreements requiring advance notice and contracting.

PWA's services consist of professional opinions and recommendations made in accordance with generally accepted principles and practices. No warranty, expressed or implied, or merchantability or fitness, is made or intended in connection with our work, by the proposal for consulting or other services, or by the furnishing of oral or written reports or findings. If the client desires assurances against project failures, they shall obtain appropriate insurance through their own insurance broker or guarantor.

This WRPP is considered a living document and shall be updated at least annually, or sooner if conditions have changed or different land management actions have been undertaken after our site inspection. As an official part of the Waiver Program, this WRPP (including all its text, appendices, maps and photos) shall remain on-site and available for NCRWQCB staff to inspect and review upon request.

Prepared by:

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Danny Hagans, Principal Earth Scientist  
Margo Moorhouse, Staff Biologist  
Pacific Watershed Associates, Inc.  
P.O. Box 4433, Arcata, California 95518

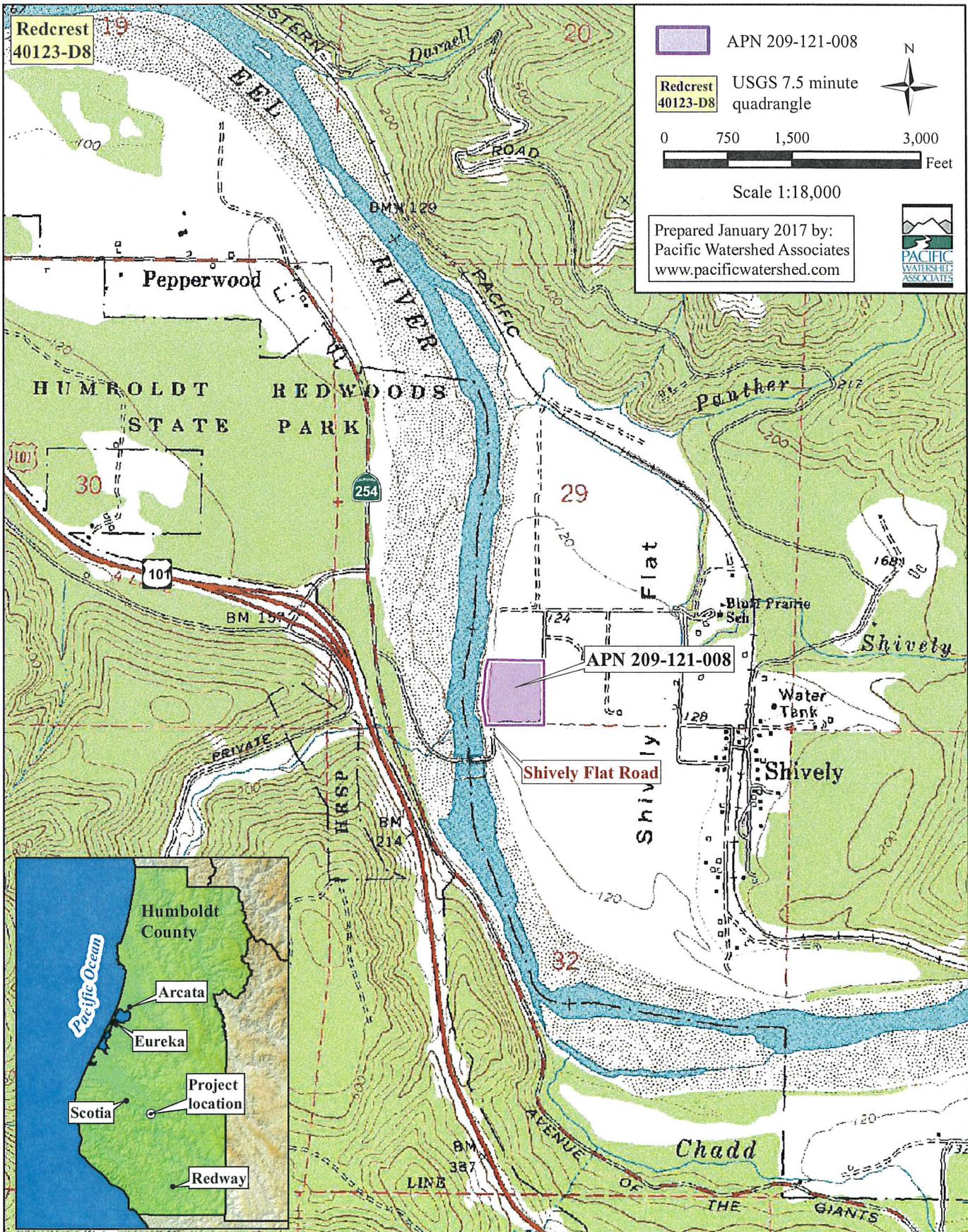


Figure 1. Location map for WDID #1B16243CHUM, APN 209-121-008, located at 56 Shively Flat Road, Scotia, Humboldt County, California.

### 3.0 INTRODUCTION

This Water Resources Protection Plan (WRPP) summarizes the results of Pacific Watershed Associate's (PWA) site visit and subsequent analysis and documentation of site conditions on APN 209-121-008 located at 56 Shively Flat Road, Scotia, Humboldt County, California, as shown on Figure 1, and hereinafter referred to as the "Project Site." The WRPP describes and addresses the required elements and compliance with the 12 Standard Conditions established by the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order) to protect water quality from cannabis cultivation and related activities. Your property and cultivation operations appear to not meet all 12 of the Standard Conditions of the Order. Section 4, below, identifies and discusses each of the 12 Standard Conditions as related to your property with regard to compliance with the NCRWQCB's Order.

The WRPP contains the following required sections:

1. Legible map (Figure 2) depicting the required site elements and features associated with the 12 Standard Conditions of the Order;
2. Description of current site conditions, compliance with the 12 Standard Conditions, and prioritized remediation or corrective actions needed to bring the site into compliance with the requirements of the Order;
3. A monitoring and inspection plan to ensure BMPs used to protect and prevent impacts to water quality are being implemented as recommended by PWA (implementation monitoring), and that they are effective (effectiveness monitoring);
4. A water use plan, including water sources, water use and storage rights documentation, monthly water use documentation (quantity), and water conservation measures that are employed to prevent adverse impacts to water quality and water quantity in the watershed;
5. List of fertilizers and chemicals stored and used onsite, including a log of the frequency and quantity of these materials used.

### 4.0 STANDARD CONDITIONS CHECKLIST FOR APN 209-121-008 as of 07/21/2016

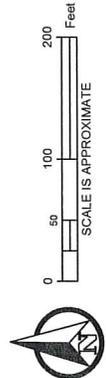
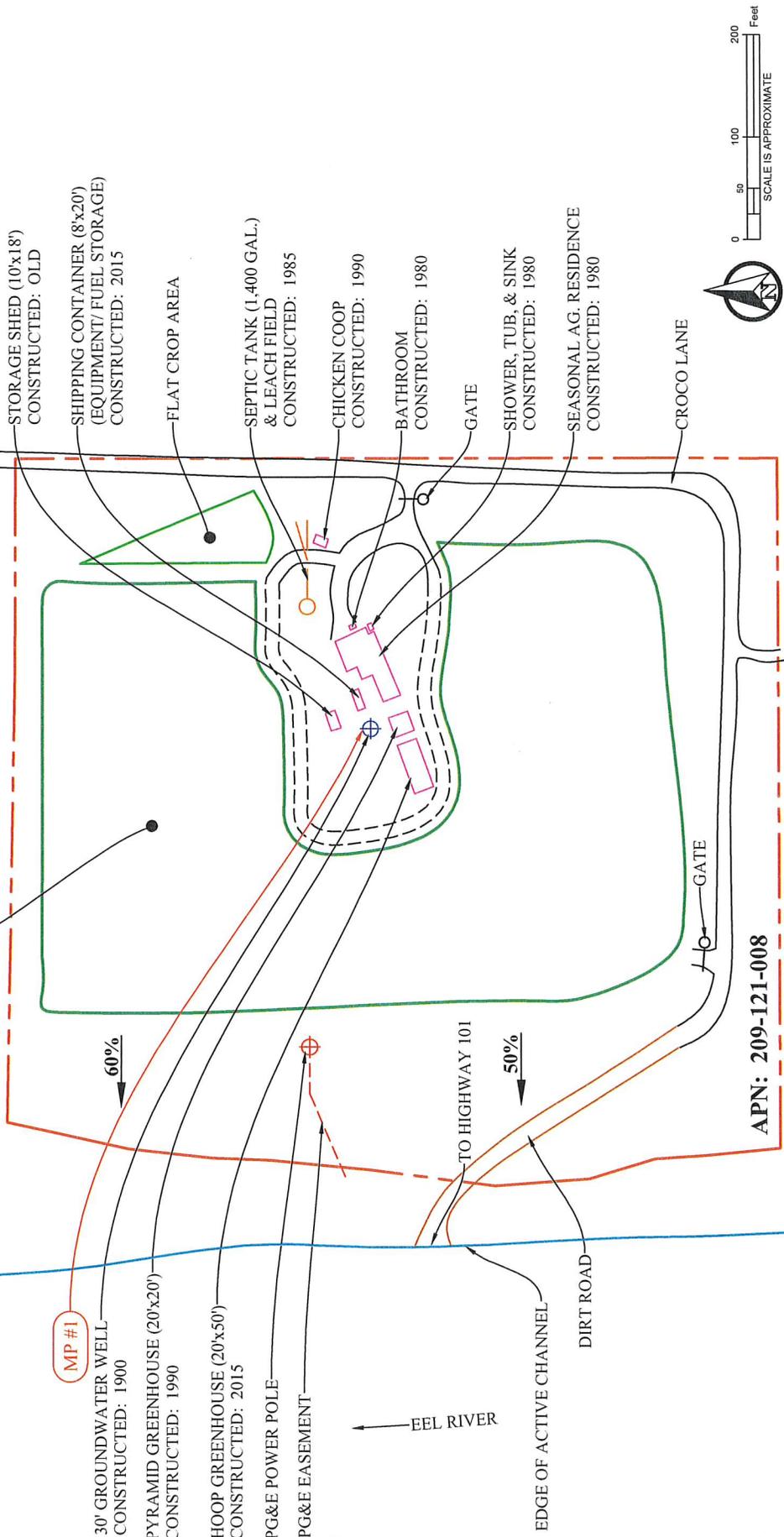
The NCRWQCB has developed a set of 12 Standard Conditions that shall be followed and implemented to protect and improve water quality as required under the NCRWQCB's Order. For a property to become compliant with the Order, all 12 Standard Conditions must be fully satisfied.

The following section details the specific requirements listed and described in the Order for each of the 12 Standard Conditions. Each Standard Condition has from 1 to 6 sub-requirements (*listed in italic type*), each of which must be satisfied to protect water quality and comply with the Order. The checklist developed by PWA for your property indicates: 1) whether the Standard Condition or Standard Condition sub-requirement was adequately met as of the date of PWA's field inspection or at a later date, 2) PWA's observations and comments related to the Standard Condition or Standard Condition sub-requirement, 3) whether a relevant photo has been taken and included in the WRPP, and 4) recommended corrective or remedial actions that need additional work to meet the requirements of the Order.



**NOTES:**

- EASEMENTS: PG&E POWER LINE AND POLE THERE ARE NO STREAMS, PONDS, SPRINGS, CULVERTS, WATER DIVERSIONS, OR STORED WATER LOCATED ON FLOOD PLAIN PROPERTY.
- HUMBOLDT REDWOOD STATE PARK IS LOCATED 1,025 FEET WEST OF THE PROPERTY BOUNDARY.
- THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, TRIBAL CULTURAL RESOURCES, OR OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.



DISCLAIMER: PARCEL BOUNDARIES ARE ALIGNED PER HUMBOLDT COUNTY GIS

In Section 5 of this WRPP, PWA has provided a summary prioritized list (Table 1) of the recommended treatments and actions to be implemented by you to meet the requirements of the Order. We will consult with you to review the WRPP document and findings, and to set a preliminary schedule for implementation of the recommended measures for achieving compliance with the Order. Please note that some of the PWA recommended actions are based on regulatory requirements and deadlines, while others can be scheduled to fit the needs of both you and your property.

#### 4.1 Standard Condition #1. Site Maintenance, Erosion Control and Drainage Features

- a) *Roads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.*

**Meets condition?** Yes

**Observations/Comments:** All roads within the Project Site were inspected to include: Croco Lane a cooperatively maintained private community road/driveway to the seasonal residence at 56 Shively Flat Road, Scotia, and the roads related to farming within the Project Site, for a total 0.60 mile of road. All roads surveyed are not hydrologic connected and there is no fine sediment delivery to a watercourse. Run off is non-existent for this Project Site; the flat terrain and highly porous soils allow for water to puddle and infiltrate into the floodplain soils. No road surface erosion or discrete points of sediment delivery are present throughout the entire subject property.

**Photos:** No

**Corrective or remedial actions needed:** No corrective action required.

- b) *Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets.*

**Meets condition?** Yes

**Observations/Comments:** This property is located on a flat, low gradient, depositional floodplain classified by Humboldt County as prime agricultural soils, with no road related water conveyance issues.

**Photos:** No

**Corrective or remedial actions needed:** No corrective action required.

- c) *Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.*

**Meets condition?** Yes

**Observations/Comments:** Surface runoff is not present on the Project Site.

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required.

- d) *Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are*

*hydrologically disconnected, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams.*

**Meets condition?** Yes

**Observations/Comments:** Site roads are hydrologically disconnected from surface waters.

**Photos:** No

**Corrective or remedial actions needed:** No corrective action required.

- e) *Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.*

**Meets condition?** Yes

**Observations/Comments:** There was no evidence of soil transport on the Project Site during the initial inspection.

**Photos:** No

**Corrective or remedial actions needed:** No corrective action required.

- f) *Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.*

**Meets condition?** Yes

**Observations/Comments:** No construction materials were observed on the Project Site during the initial inspection.

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required.

**Standard Condition #1. - General comments and recommendations:** Based on field observations it is PWA's opinion that the Project Site is currently compliant with this condition. The property is flat, well drained and contains no streams.

#### **4.2 Standard Condition #2. Stream Crossing Maintenance**

- a) *Culverts and stream crossings shall be sized to pass the expected 100-year peak streamflow.*

**Meets condition?** Yes

**Observations/Comments:** There are no streams or stream crossings on the Project Site.

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required.

- b) *Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.*

**Meets condition?** Yes

**Observations/Comments:** N/A, see 4.2.a, above

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required.

- c) *Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.*

**Meets condition?** Yes

**Observations/Comments:** N/A, see 4.2 a. above

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required.

- d) *Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.*

**Meets condition?** Yes

**Observations/Comments:** N/A, see 4.2 a. above

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required.

- e) *Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.*

**Meets condition?** Yes

**Observations/Comments:** N/A, see 4.2 a. above

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required.

- f) *Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible.*

**Meets condition?** Yes

**Observations/Comments:** N/A, see 4.2 a. above

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required.

**Standard Condition #2. - General comments and recommendations:** Based on field observations it is PWA's opinion that the Project Site is currently compliant with this condition as there are no streams on the property.

#### **4.3 Standard Condition #3. Riparian and Wetland Protection and Management**

- a) *For Tier 1 Dischargers, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at a minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class 1 or 2 watercourse or within 50 feet of any Class 3 water course or wetlands.*

**Meets condition?** Yes

**Observations/Comments:** All cultivation activities on this Project Site are located at least 235 feet from the Eel River, a Class I watercourse. There are no ponds or wetlands on the Project Site.

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required.

- b) *Buffers shall be maintained at natural slope with native vegetation.*

**Meets condition?** Yes

**Observations/Comments:** The Project Site includes a natural and mature riparian buffer greater than 100-feet wide on its' western edge and adjacent the Eel River. The buffer consists of native deciduous trees, conifers, and riparian understory shrubs. There is a PG&E easement through this riparian area. PG&E and their sub-contractors monitor vegetation proximity to the power lines and, perform vegetation maintenance as needed for fire prevention and infrastructure protection.

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required.

- c) *Buffers shall be of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances.*

**Meets condition?** Yes

**Observations/Comments:** The Project Site is essentially "Dry Farmed" utilizing "row-crop" techniques typical for agricultural production. The farmed areas are situated on an alluvial floodplain that includes porous soil characteristics, which promotes water infiltration rather than water conveyance. No runoff discharge exists from the cultivation areas.

**Photos:** Photo #1.

**Corrective or remedial actions needed:** No corrective actions are required.

- d) *Riparian and wetland areas shall be protected in a manner that maintains their essential functions, including temperature and microclimate control, filtration of sediment and other pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, streambank stabilization, and flood peak attenuation and flood water storage.*

**Meets condition?** Yes

**Observations/Comments:** The Project Site riparian areas are undisturbed except for infrequent veg management activities by PG&E. There is no intent from the landowner to disturb, modify or develop the existing riparian buffer bordering the cultivation areas.

**Photos:** Photo #2.

**Corrective or remedial actions needed:** No corrective actions are required.

**Standard Condition #3. - General comments and recommendations:** This Project Site is managed for a mixed-crop-production employing annual and seasonal crop rotation to include fallow-field-rotations. Two (2) acres are cultivated in Cannabis, the rest in sunflowers, summer and winter squash, kale, tomatoes, beans, etc. The Order requires all cultivation areas and associated facilities to be located at least 100 feet from any Class I or II watercourse and 50 feet from any Class III watercourse. Based on field observations it is PWA's opinion that the Project Site is currently compliant with this condition.

#### 4.4 Standard Condition #4. Spoils Management

- a) *Spoils shall not be stored or placed in or where they can enter any surface water.*

**Meets condition?** Yes

**Observations/Comments:** No construction-related spoils were observed on the Project Site during the inspection.

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required.

- b) *Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.*

**Meets condition?** N/A

**Observations/Comments:** See 4.4.a, above.

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required.

- c) *Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.*

**Meets condition?** N/A

**Observations/Comments:** See 4.4.a, above.

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required.

**Standard Condition #4 - General comments and recommendations:** Based on field observations, it is PWA's opinion that the Project Site is currently compliant with this condition. The flat property is seasonally tilled, disked, plowed, disked, rototilled and rolled at the appropriate time in the spring and fall.

#### 4.5 Standard Condition #5. Water Storage and Use

- a) *Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC 12 watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.*

**Meets condition?** No

**Observations/Comments:** The source of water for the property is a 30 foot deep unpermitted well. This approximate 100-year-old well receives regular maintenance; in May 2015 Wyckoff's installed a new Goulds pressure tank and replaced 60-feet of 1 ½ poly pipe. There are no water storage features on the property.

**Photos:** MP #1, Photo #3.

**Corrective or remedial actions needed:** Although the 30 foot deep groundwater well dates back to the early 1900's, this water source could possibly be subject to California Department of Fish and Wildlife inspection to verify it is non-jurisdictional. 1) A site inspection is being scheduled with CDFW personnel to determine whether a LSAA, a Small Domestic Use (SDU) registration and/or an Initial Statement of Diversion (ISDU) agreement needs to be filed with the State. 2) A Water Monitoring Plan will also need to be implemented to document the exact timing and volumes of water pumping and used for the low flow period from May 15 through October 31, and to

develop and/or refine the Site's water budget. Additionally the well is unpermitted and obtaining a retroactive permit from the Humboldt County Planning Department is recommended. If the Humboldt Planning Department will not issue a retroactive permit, a new well will need to be developed to become compliant for water use.

- b) *Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.*

**Meets condition?** Yes

**Observations/Comments:** According to the cultivator, once the nursery starts are planted in the fields, dry-farming methodologies are utilized that require very minimal watering. Cover crops are planted, overwintered and then in the spring, tilled into the soil to provide nutrients and increase soil moisture retention in preparation for the next cultivation season. Water use is extremely limited to: 1) seed propagation and nurturing the 4" – 6" potted nursery starts during the March, April and early May months, and 2) newly planted starts are given one (1) cup of water twice a month manually to encourage deep root development into the existing moist sub-surface soils. Once the plants are established in the ground, hand water application ceases, typically by mid-August. No water lines, sprinkler systems or flood irrigation techniques are used.

**Photos:** Photo #4.

**Corrective or remedial actions needed:** Continue water conservation measures currently being practiced and minimizing the volume of water you are pumping from groundwater during the dry season. In addition, begin quantifying water use utilizing the attached water use monitoring forms on a year-around basis, and, if beneficial, incorporating additional water holding amendments into the native soil during the initial soil preparation at the start of the season. Water conservation measures should continue to be investigated and employed in order to most effectively maximize water use efficiency.

- c) *For Tier 2 Dischargers, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods.*

**Meets condition?** Yes

**Observations/Comments:** All irrigation water is sourced directly from the groundwater well and is applied manually to the starts, and only early in the growing season; there is no domestic or agricultural water storage on the Project Site. As stated in Section 4.5a above, this well will be inspected by CDFW to determine jurisdiction. You should develop a Water Budget and implement Water Monitoring Plan to determine exact timing and volumes of water pumping monthly, and in particular for the low flow period from May 15 through October 15.

**Photos:** No

**Corrective or remedial actions needed:** Develop a Water Budget to determine overall water needs for both domestic and cultivation needs.

- d) *Water is applied using no more than agronomic rates.*

**Meets condition?** Yes

**Observations/Comments:** Water application is limited to propagating seeds and getting starts established in the ground. The total estimated water use for cultivation in

2016 was seven-hundred-fifteen (715) gallons. There was no evidence of overwatering or soil saturation, past or present, during the site inspection. The weeds were growing as well as the crops indicating adequate soil moisture present in the prime floodplain soils.

**Photos:** Photo #5.

**Corrective or remedial actions needed:** To verify agronomic watering, start measuring and recording your average water usage based on the plant developmental stage (seed vs. seedling vs. in-the-ground start), and type of water application employed, in order to refine your water budget, and as a part of water monitoring for your operation.

- e) *Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.*

**Meets condition?** Yes

**Observations/Comments:** There are no current diversions of surface water on the Project Site.

**Photos:** No

**Corrective or remedial actions needed:** No corrective action required.

- f) *Water storage features, such as ponds, tanks, and other vessels shall be selected, sited, designed, and maintained so as to insure integrity and to prevent release into waters of the state in the event of a containment failure.*

**Meets condition?** Yes

**Observations/Comments:** The Project Site does not include any water storage features, all agricultural irrigation is through direct manual application, and this activity is very limited.

**Photos:** No

**Corrective or remedial actions needed:** No corrective action required.

**Standard Condition #5 - General comments and recommendations:** Currently there are no water storage facilities on the Project Site. The nursery operations in March, April and May are irrigated directly from the 30-foot groundwater well with an estimated seven-hundred-fifty (715) gallons total annual use for irrigation (see Appendix C: Reporting Form). The groundwater well should be retroactively permitted for the original construction, or re-constructed if a retroactive permit is not possible, this should be investigated and if the water is determined to be jurisdictional, water rights permits need to be secured. These permits include but not limited to a CDFW LSAA and a Small Domestic Use (SDU) registration and an Initial Statement of Diversion (ISDU).

- Initial Statement of Diversion and Use (ISDU)  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/docs/intl\\_stmnt\\_form.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/docs/intl_stmnt_form.pdf)
- Small Domestic Use (SDU) Appropriation Registration  
[http://www.waterboards.ca.gov/waterrights/publications\\_forms/docs/sdu\\_registration.pdf](http://www.waterboards.ca.gov/waterrights/publications_forms/docs/sdu_registration.pdf)
- Lake and Streambed Alteration Agreement (LSAA).

<https://www.wildlife.ca.gov/Conservation/LSA>

A water budget should be developed and refined by monitoring water usage. PWA highly recommends, and state agencies may require, that you install flow meters on your groundwater well to accurately measure your water pumping, water use volumes and rates. You will then need to document the amount of water you are pumping and using through time. In this way, as per the Order, it can then be assured that water use will not impact downstream water quality or beneficial uses. PWA has created a simple log sheet to help you monitor your water usage (see Appendix D).

#### 4.6 Standard Condition #6. Irrigation Runoff

- a) *Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water. In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing off-stream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.*

**Meets condition?** Yes

**Observations/Comments:** There is no irrigation occurring and the prime floodplain soils do not experience runoff. See general comments below.

**Photos:** Photo #5.

**Corrective or remedial actions needed:** No corrective actions are required.

**Standard Condition #6 - General comments and recommendations:** There are no streams anywhere near the property. Irrigation is limited to manual application for seed propagation, seedling development and getting starts established in the ground. Dry-Farming techniques are employed for the remainder of the growing season beyond mid-July. No overwatering or runoff occurs as a result of manual watering techniques.

According to the Order, irrigation and fertilization shall occur at agronomic rates and chemicals shall be applied according to the label instructions and specifications. Agronomic rates are those rates of application of water, fertilizers and other amendments that are sufficient for utilization of the crop being grown, but not at a rate that would result in surface runoff or infiltration below the root zone of the crop being grown.

#### 4.7 Standard Condition #7. Fertilizers and Soil Amendments

- a) *Fertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.*

**Meets condition?** Yes

**Observations/Comments:** All fertilizer, potting soil, soil amendments or any plant related chemical not directly being used within the planting beds or greenhouses are being stored in designated watertight storage sheds.

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required. Continue with current storage practices.

- b) *Fertilizers and soil amendments shall be applied and used per packaging instructions and/or at proper agronomic rates.*

**Meets condition?** Yes

**Observations/Comments:** According to the landowner, all amendments are applied at the approved rate or less. The landowner tills organic green-manure into the soil along with organic amendments which are applied at recommended rates. Then amendments are added as a top-dressing for each plant two (2) times a year, also at the recommended application rates. A maximum of 700# is applied to all the crops annually.

**Photos:** Photo #6.

**Corrective or remedial actions needed:** To confirm compliance with this Standard Condition, you are required by the Order to keep detailed records of the type, amount and timing of fertilizers and/or other soil amendments you use in your operations. They can be recorded on log sheets such as those provided in Appendix E or by using some other accurate record keeping method. Observe and monitor soil moisture so watering, fertilizer and chemical applications are made only when necessary and overwatering and excess infiltration is avoided.

- c) *Cultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.*

**Meets condition?** Yes

**Observations/Comments:** All cultivation areas are planted with cover crops and/or are mulched for the winter.

**Photos:** No

**Corrective or remedial actions needed:** If you plan to burn the plant stalks, you'll first need to obtain burn permits from CAL FIRE and the North Coast Unified Air Quality Management District (or relevant jurisdiction for your area). You can then incorporate the ash into the fields prior to planting the cover crop to add minerals and recycle the ash.

**Standard Condition #7 - General comments and recommendations:** The Project Site is inspected annually by the C.C.O.F., and the farm products are all organically grown in accordance with the California Food Act of 1990 and are CCOF certified. Under the Order, you are required to keep track of the timing and volume of fertilizers and other soil

amendments that are applied. This can be done using a simple log form we have provided in Appendix E.

#### 4.8 Standard Condition #8. Pesticides/Herbicides

- a) *At the present time, there are no pesticides or herbicides registered specifically for use directly on cannabis and the use of pesticides on cannabis plants has not been reviewed for safety, human health effects, or environmental impacts. Under California law, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue tolerance requirements and either registered and labeled for a broad enough use to include use on cannabis or exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and California Code of Regulations, title 3, section 6147. For the purpose of compliance with conditions of this Order, any uses of pesticide products shall be consistent with product labelling and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters.*

**Meets condition?** Yes

**Observations/Comments:** According to the Landowner, pesticides and/or herbicides are not used and none were observed on the Project Site at the time of our inspection

**Photos:** No

**Corrective or remedial actions needed:** All pesticides, herbicides and related materials (e.g., fungicides) must be used and applied consistent with product labeling. When present, these chemicals should be stored within enclosed buildings in such a way they cannot enter or be released into surface or ground waters and where they are not a hazard to humans.

**Standard Condition #8 - General comments and recommendations:** The Project Site is inspected annually by the C.C.O.F., and the farm products are all organically grown in accordance with the California Food Act of 1990 and are CCOF certified.

Under the Order you are required to keep records (logs) of the timing and volume of pesticides and herbicides used in your operations. This can be done using a simple log form, such as the one included in Appendix F. Additionally, for any pesticide use you must comply with any Pesticide Registration Requirements. See Appendix F2 included in the NCRWQCB Order, or on their web site at:

[http://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2015/150728\\_Appendix\\_E2\\_DPR\\_MJ%20Pesticide%20Handout.pdf](http://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2015/150728_Appendix_E2_DPR_MJ%20Pesticide%20Handout.pdf)

#### 4.9 Standard Condition #9. Petroleum Products and other Chemicals

- a) *Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.*

**Meets condition?** Yes

**Observations/Comments:** All petroleum products are stored within a designated shed and include secondary containment.

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required.

- b) *Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.*

**Meets condition?** Yes

**Observations/Comments:** No above ground storage tanks were present on the Project Site.

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required.

- c) *Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.*

**Meets condition?** N/A

**Observations/Comments:** N/A

**Photos:** No

**Corrective or remedial actions needed:** None

- d) *Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.*

**Meets condition?** Yes

**Observations/Comments:** A spill prevention cleanup kit is kept onsite to help clean up small spills.

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required.

- e) *Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.*

**Meets condition?** N/A

**Observations/Comments:** N/A

**Photos:** No

**Corrective or remedial actions needed:** None

**Standard Condition #9 - General comments and recommendations:** The row-crop farming operation utilizes tractors with various disking, tilling, plowing, rototilling and rolling attachments that require less the 50 gallons of gasolines and/or diesel on-site at any given time (Photo #7). The 2 to 5 gallon fuel containers are stored out of the weather in appropriate metal containers.

Note that the State of California requires an owner or operator of a facility to complete and submit a Hazardous Material Business Plan (HMBP) if the facility handles a hazardous material or mixture containing a hazardous material that has a quantity at any one time during the reporting year equal to or greater than: 55 gallons (liquids), 500 pounds (solids),

or 200 cubic feet for compressed gas (propane). If at any time during the year you exceed any one of these quantities for use in your cultivation operations, you need to prepare and file a HMBP for your operation. Information and applicable reporting documents for Humboldt County can be obtained from the CA-EPA or from the Department of Toxic Substances Control, Humboldt CUPA at:

[http://www.dtsc.ca.gov/HazardousWaste/CUPA/Humboldt\\_CUPA\\_HMBP.cfm](http://www.dtsc.ca.gov/HazardousWaste/CUPA/Humboldt_CUPA_HMBP.cfm).

Finally, the Order requires that a Petroleum Storage Spill Prevention, Control and Countermeasures (SPCC) Plan be developed for the site if fuel storage greater than 1,320 gallons (see the CA-EPA fact sheet:

<http://www.rivcoeh.org/Portals/0/documents/guidance/hazmat/FactSheetSPCC.pdf>).

#### 4.10 Standard Condition #10. Cultivation-Related Wastes

- a) *Cultivation-related wastes including, but not limited to, empty soil/soil amendment/fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium shall, for as long as they remain on the site, be stored at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwater.*

**Meets condition?** Yes

**Observations/Comments:** There were no cultivation-related wastes on the Project Site during the property inspection. According to the cultivator, nearly all plant material is utilized. Virtually all plant waste is composted.

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required. Continue with current protective actions.

**Standard Condition #10 - General comments and recommendations:** The cannabis crops are processed whole for medicinal purposes. Minimal by-product remains to be composted back into the fields. Likewise, the vegetable and fruit crops are processed for seed propagation and sold to a seed cooperative in Williams, Oregon for packaging and distribution around the country. The remaining plant matter is tilled into the fields and recycled on site. This is truly a well-managed organic farming operation.

#### 4.11 Standard Condition #11. Refuse and Human Waste

- a) *Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.*

**Meets condition?** No

**Observations/Comments:** The Project Site has a well-constructed, but un-permitted 1,400 gallon septic tank with (2) 75-foot long leach lines for the two (2) person seasonal residence, that was installed in 1985 prior to the current landowner's ownership, and prior to the construction of the seasonal home. The system receives waste from a flush toilet outhouse so as to maintain proper microbial activity.

According to the Landowner, the septic tank was pumped by FEMA after a high water event in 1986 and that the septic system continues to function well.

**Photos:** Photo #8.

**Corrective or remedial actions needed:** PWA recommends you, 1) conduct the necessary system inspections to verify the proper construction standards were utilized in constructing the existing system so as to meet the Humboldt County Department of Environmental Health (HCDEH) standards for the size of the seasonal residence, and/or 2) conduct subsurface investigations including wet weather testing and onsite soils investigations to verify that the soils are appropriate for the current OWTS system for the seasonal residence on the Project Site. Either way, the system must be designed to serve the number of residents and workers that will be present on the Project Site when your cultivation-related operations are at their peak.

- b) *Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.*

**Meets condition?** Yes

**Observations/Comments:** Garbage is stored undercover and in lidded containers.

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required.

- c) *Garbage and refuse shall be disposed of at an appropriate waste disposal location.*

**Meets condition?** Yes

**Observations/Comments:** According to the landowner, the garbage and refuse generated onsite is regularly disposed of at an appropriate waste disposal location.

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required.

**Standard Condition #11 - General comments and recommendations:** The OWTS should be permitted through the Humboldt County Department of Environmental Health.

#### 4.12 Standard Condition #12. Remediation/Cleanup/Restoration

- a) *Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road outcropping and rolling dip installation where safe and suitable, installing ditch relief culverts and overside drains, removing berms, stabilizing unstable areas, reshaping cutbanks, and rocking native-surfaced roads. Restoration and cleanup conditions and provisions generally apply to Tier 3 sites, however owners/operators of Tier 1 or 2 sites may identify or propose water resource improvement or enhancement projects such as stream restoration or riparian planting with native vegetation and, for such projects, and these conditions apply similarly.*

*Appendix A accompanying the NCRWQCB Order, (and Appendix A in your WRPP), includes environmental protection and mitigation measures that apply to cleanup activities such as: temporal limitations on construction; limitations on earthmoving and construction equipment; guidelines for removal of plants and revegetation; conditions for*

*erosion control, limitations on work in streams, riparian and wetland areas; and other measures.*

*These protection and mitigation measures have been developed to prevent or reduce the environmental impacts and represent minimum, enforceable standards by which cleanup activities shall be conducted under this Order.*

**Meets condition?** Yes

**Observations/Comments:** No remediation/cleanup/restoration required.

**Photos:** No

**Corrective or remedial actions needed:** No corrective actions are required.

**Standard Condition #12 - General comments and recommendations:** No major site remediation or clean-up work that otherwise threatened water quality was identified at the Project Site. All corrective and remedial actions needed to satisfy the other 11 Standard Conditions have been outlined above.

**5.0 PRIORITIZED CORRECTIVE ACTIONS AND SCHEDULE TO REACH FULL COMPLIANCE**

The following check list should be followed to become fully compliant with the Order. Please see the detailed comments and recommendations, above, for a more complete description of the problems and the needed corrective actions and monitoring requirements.

**Table 1. Features Needing Improvement or Action Items (Prioritized implementation schedule for corrective actions)**

Standard Condition requiring action	Treatment Priority	Schedule	Summary of Corrective Action / Recommendation (see more detailed listing of corrective actions in Section 4, above)	Map point and photo #	Estimated cost	Date completed
- Water Storage and Use	High	June 30, 2017	<ul style="list-style-type: none"> <li>-The groundwater well should be retroactively permitted for the original construction, or re-constructed if a retroactive permit is not possible, this should be investigated and if the water is determined to be jurisdictional water rights permits need to be secured.</li> <li>-These permits include but not limited to a LSAA CDFW and a Small Domestic Use (SDU) registration and an Initial Statement of Diversion and Use (ISDU)</li> <li>- PWA highly recommends, and state agencies may require, that you install flow meters on your groundwater well intake lines and/or on your supply lines from the well to cultivation sites to accurately document your water pumping and water use volumes and rates.</li> <li>- The Order requires that you document the timing and volume of water you are pumping (storing as applies) and using through time. PWA has created a simple log sheet to help you monitor your water data (see Appendix D).</li> </ul>	MP #1 Photo #3	<\$3,000.	
	High	June 30 2017, and then annually	<ul style="list-style-type: none"> <li>- Continue water conservation measures such as 1) limiting water use to seed germination, seedling growth and in-ground establishment; 2) the use of compost and mulch fertilizer; and 4) the use of soil mediums that retain moisture.</li> <li>- Begin quantifying use, measuring water volumes, incorporating water holding amendments and native soil during the initial soil preparation at the start of the season.</li> </ul>	N/A	<\$500.	
	High	March 31 2017, annually				

**Table 1. Features Needing Improvement or Action Items (Prioritized implementation schedule for corrective actions)**

Standard Condition requiring action	Treatment Priority	Schedule	Summary of Corrective Action / Recommendation (see more detailed listing of corrective actions in Section 4, above)	Map point and photo #	Estimated cost	Date completed
5c	High	October 1 2017, annually	- Develop a Water Budget to determine overall water needs for both domestic and irrigation needs. - A Water Monitoring Plan will also need to be implemented to quantify groundwater pumping rates and water use.	N/A	<\$200.	
5d	High	March 31 2017, annually	-To verify agronomic watering rates, start measuring and recording your average water usage on a per plant basis, based on developmental stage (germination, seedling, in-the-ground-start) and size of plant, and type of irrigation, in order to refine the Water Budget for your operation.	N/A	<\$200.	
7 - Fertilizers and Soil Amendments	High	March 1 2017, annually	- Record the timing and volume of fertilizers and/or other soil amendments you use in your operations. They can be recorded on log sheets such as those provided in Appendix E. - Observe and monitor soil moisture so watering, fertilizer and chemical applications are made only when necessary and overwatering and excess infiltration is avoided.	Photo #6	<\$100.	
11 - Refuse and Human Waste	High	October 15, 2017	The OWTs should be permitted through the Humboldt County Department of Environmental Health.	Photo #8	<\$5,000.	

## 6.0 MONITORING AND INSPECTION PLAN

Under the Order, sites are required to be monitored and inspected periodically to ensure conformance with the 12 Standard Conditions. In most cases, inspections and records of inspections identify conditions that have been corrected and are now in compliance; conditions that remain in compliance; and conditions that have changed and may no longer be in compliance with the Order. An inspection and monitoring plan is used to document these conditions, identify problems and make corrections using best management practices (BMPs) to protect water quality (Appendix A).

Monitoring Plan – Please refer to Appendix B, Table 1 and Map #2 to review the monitoring plan and specific monitoring points for which you are responsible.

Monitoring guidelines and reporting standards have been created by the NCRWQCB as part of the Order. Monitoring of the project site includes visual inspection and photographic documentation of each feature of interest listed on the project site map, with new photographic documentation recorded with any notable changes to the feature of interest.

Site inspection schedule - According to the NCRWQCB, periodic inspections should include visual inspection of the site, including any management measures/practices, to ensure they are being implemented correctly and are functioning as expected. Inspections include photographic documentation of any controllable sediment discharge sites, as identified on the site map, and a visual inspection of those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water.

At a minimum, sites shall be inspected at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional management measures is necessary to prevent or minimize discharges of waste or pollutants to surface water:

- 1) Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on-site.
- 2) Prior to October 15 to evaluate site preparedness for storm events and stormwater runoff.
- 3) Following the accumulation of 3 inches cumulative precipitation (starting September 1<sup>st</sup>) or by December 15<sup>th</sup>, whichever is sooner.
- 4) Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>; Pick the nearest or most relevant zip code and then select the 3 day history that will also show precipitation totals.

Inspection and Monitoring Checklist – Appendix B contains a checklist data form that will be used by the landowner and/or operator to 1) document inspection dates, 2) document visual and photographic inspection results, 3) describe remediation and management measures that are being applied, 4) identify new problems and their treatments, and 5) document the progress and effectiveness of implementing remedial and corrective measures that are needed to meet the 12 Standard Conditions, as outlined in this WRPP. Appendix C contains photo documentation of your

monitoring points and will need to be updated as corrective treatments are implemented and treatments are monitored and evaluated over time.

Annual Reporting – An Annual Report is to be submitted directly by you to the NCRWQCB or by PWA (through their 3<sup>rd</sup> Party Program). The information in the annual reporting form must be submitted by March 31 of each year. The reported information is to be reflective of current site conditions, and includes monitoring data and tasks accomplished to protect water quality. Among other things, the report includes such items as the reporting of monthly monitoring data collected during the year (e.g., chemical use, water diversions, water storage, water use, etc.), management measures (BMPs) applied during the year and their effectiveness, and tasks accomplished during the year towards meeting each of the 12 Standard Conditions identified as deficient in this WRPP.

## 7.0 WATER USE PLAN

Requirements - According to the Order, a Water Use Plan shall record water source, relevant water right documentation, and amount used monthly. All water sources shall be recorded, including alternative sources such as rain catchment and groundwater, and/or hauled water. Other elements of the Water Use Plan will include:

- Developing a water budget for determining the timing and volume of actual water use on the site. Water related data will be summarized monthly for the preceding month.
- Designing and implementing water conservation measures to reduce water diversion and water use.
- Calculating water storage requirements needed to support cultivation activities during the dry season, and implementing those required storage measures

The Water Use Plan must also describe water conservation measures and document your approach to ensure that the quantity and timing of water use is not impacting water quality objectives and beneficial uses (including cumulative impacts based on other operations using water in the same watershed). According to the Water Board Order, water use will only be presumed to not adversely impact water quality under one of the following scenarios:

- No surface water diversions occur from May 15 to October 31.
- Water diversions are made pursuant to a local plan that is protective of instream beneficial uses.
- Other options that may affect water quality: (e.g., percent of flow present in stream; minimum allowable riffle depth; streamflow gage at bottom of Class I stream; AB2121 equations; CDFW instream flow recommendations; promulgated flow objective in Basin Plan; etc.).

Site Water Use Plan –The record of activities, accomplishments and water monitoring results for the Water Use Plan for this site will be logged and recorded in data tables and site records in Appendix D of this WRPP. These will be tracked and kept up-to-date by the landowner or cultivator of the site.

*Water Storage and Forbearance* - The ultimate goal of the applicant is to accumulate enough water storage capacity to forebear the entire period from May 15<sup>th</sup> to October 31<sup>st</sup>. This will

ensure the timing of water use is not impacting water quality objectives and beneficial uses. Even though irrigation water is obtained from a groundwater well, excessive pumping from the well may have impacts on the local water table, on water resources in the valley and on streamflow in down-valley areas. The landowner will investigate the feasibility of constructing a rainwater/snow-fed, off-stream pond that can be filled by direct precipitation, local rainwater harvesting and groundwater pumping during the wet season. The pond could satisfy all dry season irrigation needs and minimize summertime groundwater pumping and its potential down-valley effects.

*Water Conservation* - Water conservation measures currently practiced include using timer controlled drip irrigation, and watering late in the afternoon or evening to minimize water loss through evaporation and maximize water up-take by the plants; the use of compost and mulch fertilizer; and the use of soil mediums that retain moisture. Starting this year, new water conserving techniques and equipment will be utilized and tested to evaluate their effectiveness and efficiency.

*Water sources and use* – Water for the Project Site is supplied from a 30 foot deep, 100-year old, shallow groundwater well. There is no water storage on the Project Site. During the peak growing season, the operator practices dry-farming, a methodology that uses extremely low volumes of water.

Over the course of the current season, water production and use data will be documented using the log forms attached in Appendix D. As more accurate data is gathered, refined targets can be made to ensure adequate storage exists to protect downstream water quality and beneficial uses during the driest time of the year, and water conservation and efficiency are maximized.

If and when needed, appropriate water rights notifications and registrations for the well will be submitted to the State Water Resource Control Board (Division of Water Rights) and a Lake and Streambed Alteration Agreement (LSAA) sought through the California Department of Fish and Wildlife (CDFW) will be obtained. CDFW will be also consulted to determine if the well has any jurisdictional requirements.

## **8.0 LIST OF CHEMICALS**

The WRPP must contain a list of chemicals being stored on site, in addition to quantities used and frequency of application. These include fertilizers/soil amendments, pesticides, herbicides, petroleum products and other chemicals used in, or associated with, your cultivation activities and related operations.

Appendices E and F contains monitoring forms that should be used to list the chemical inventory record over time, as supplies are added to the site and used during the growing season. The landowner or operator will use these forms to track the types, storage volumes, timing of application, and volume of use of these products throughout the year. The initial chemicals and amendment list that may be used and stored onsite include:

Fertilizers and amendments:

“Perfect Blend Organics”, an organic amendment, is tilled into the soil along with organic green-manure and is applied at recommended rates. The “Perfect Blend Organics” amendment is then added as a top-dressing for each plant two (2) times a year, also at the recommended application rates. A maximum of 700# is applied to all the crops annually

Pesticides, Herbicides, and Fungicides:

None

Petroleum and Other Chemicals:

Less than 50 gallons of gasoline and diesel fuel.

**9.0 LANDOWNER/ LESSEE CERTIFICATION/SIGNATURES**

This Water Resource Protection Plan (WRPP) has been prepared by Pacific Watershed Associates, an approved Third Party Program acting on behalf of the North Coast Regional Water Quality Control Board (NCRWQCB).

“I have read and understand this WRPP, including Section 2.0 – Certifications, Conditions and Limitations. I agree to comply with the requirements of the California Regional Water Quality Control Board North Coast Region Order No. 2015-0023 (Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region), including the recommendations and actions listed in this WRPP.”

Name of legally responsible person (LRP) William Reynolds

Title (owner, lessee, operator, etc.): Landowner

Signature: William Reynolds

Date: 1-23-17

WRPP prepared by (if different from LRP): **Pacific Watershed Associates, Inc.**

WRPP prepared and finalized on (date): 1-23-2017

Signature: Danny Hogan

Date: 1-25-2017

## **Appendix A**

### **Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects**

# Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects

## I. Introduction

Best management practices (BMPs) provided here may be applicable to prevent, minimize, and control the discharge of waste and other controllable water quality factors associated with site restoration/cleanup/remediation and site operations and maintenance. These BMPs are all considered enforceable conditions under the Order as applicable to a given site, and are referenced by and made conditions in the mitigated negative declaration (CEQA document) for the Order, as well.

This appendix to Order No. R1-2015-0023 includes section II. Standard BMPs for Construction, section III. BMPs for Site Maintenance and Operations (per standard conditions), and section IV. References. For additional BMP suggestions, staff encourage consultation of the various manuals listed in section IV. References, many of which are available online for free.

## II. Standard BMPs for Construction

Where applicable during restoration, remediation, cleanup, or site maintenance activities, the following BMPs will be used.

### A. General BMPs to Avoid or Minimize Adverse Impacts

#### *Temporal Limitations on Construction*

1. To avoid impacting migrating fish and causing erosion and sedimentation of the stream channel, the project work season shall be from May 1 to October 15. If operations are to be conducted during the winter period from October 15 to May 1, a winter period operating plan must be incorporated into the project work plan. This plan shall include specific measures to be taken in the winter operating period to avoid or substantially lessen erosion and sedimentation into surface waters.
2. A 2-day (48-hour) forecast<sup>1</sup> of rain shall be the trigger for temporary cessation of project activities and winterization/erosion protection of the work site.

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<sup>1</sup> Any weather pattern that is forecasted by NOAA to have a 50% or greater probability of producing precipitation in the project area. The permittee shall obtain and keep for record likely precipitation forecast information from

*Limitation on Earthmoving*

3. Disturbance to existing grades and vegetation shall be limited to the actual site of the cleanup/remediation and necessary access routes.
4. Placement of temporary access roads, staging areas, and other facilities shall avoid or minimize disturbance to habitat.
5. Disturbance to native shrubs, woody perennials or tree removal on the streambank or in the stream channel shall be avoided or minimized. If riparian trees over six inches dbh (diameter at breast height) are to be removed, they shall be replaced by native species appropriate to the site at a 3:1 ratio. Where physical constraints in the project area prevent replanting at a 3:1 ratio and canopy cover is sufficient for habitat needs, replanting may occur at a lesser replacement ratio.
6. If shrubs and non-woody riparian vegetation are disturbed, they shall be replaced with similar native species appropriate to the site.
7. Whenever feasible, finished grades shall not exceed 1.5:1 side slopes. In circumstances where final grades cannot achieve 1.5:1 slope, additional erosion control or stabilization methods shall be applied as appropriate for the project location.
8. Spoils and excavated material not used during project activities shall be removed and placed outside of the 100-year floodplain, and stored/disposed of in compliance with Order conditions related to spoils management.
9. Upon completion of grading, slope protection of all disturbed sites shall be provided prior to the rainy season through a combination of permanent vegetative treatment, mulching, geotextiles, and/or rock, or equivalent.
10. Vegetation planting for slope protection purposes shall be timed to require as little irrigation as possible for ensuring establishment by the commencement of the rainy season.
11. Only native plant species shall be used with the exception of non-invasive, non-persistent grass species used for short-term vegetative cover of exposed soils.
12. Rock placed for slope protection shall be the minimum necessary to avoid erosion, and shall be part of a design that provides for native plant revegetation and minimizes bank armoring.

*Limitations on Construction Equipment*

13. Dischargers and/or their contractors shall ensure that chemical contamination (fuel, grease, oil, hydraulic fluid, solvents, etc.) of water and soils is prohibited during routine equipment operation and maintenance.
14. Heavy equipment shall not be used in flowing water. Please refer to BMPs 57 through 64 for dewatering of live streams.

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the National Weather Service Forecast Office (e.g. by entering the zip code of the project's location at <http://srh.noaa.gov/forecast>).

15. When possible, existing ingress or egress points shall be used or work shall be performed from the top of the creek banks.
16. Use of heavy equipment shall be avoided or minimized in a channel bottom with rocky or cobbled substrate.
17. If project work or access to the work site requires heavy equipment to travel on a channel bottom with rocky or cobbled substrate, wood or rubber mats shall be placed on the channel bottom prior to use by heavy equipment.
18. Heavy equipment shall not introduce chemicals or foreign sediment to the channel (e.g., remove mud from tracks or cover channel work area with plastic sheeting prior to heavy equipment entry).
19. The amount of time this equipment is stationed, working, or traveling within the channel shall be minimized.
20. When heavy equipment is used, any woody debris and stream bank or streambed vegetation disturbed shall be replaced to a pre-project density with native species appropriate to the site. If riparian trees over six inches dbh are to be removed, they shall be replaced by native species appropriate to the site at a 3:1 ratio per BMP 5.
21. The use or storage of petroleum-powered equipment shall be accomplished in a manner that prevents the potential release of petroleum materials into waters of the state (Fish and Game Code 5650). To accomplish this, the following precautionary measures shall be followed:
  - Schedule excavation and grading activities for dry weather periods.
  - Designate a contained area for equipment storage, short-term maintenance, and refueling. Ensure it is located at least 50 feet from waterbodies.
  - Inspect vehicles for leaks and repair immediately.
  - Clean up leaks, drips and other spills immediately to avoid soil or groundwater contamination.
  - Conduct major vehicle maintenance and washing offsite (except as necessary to implement BMP 18).
  - Ensure that all spent fluids including motor oil, radiator coolant, or other fluids and used vehicle batteries are collected, stored, and recycled as hazardous waste offsite.
  - Ensure that all construction debris is taken to appropriate landfills and all sediment disposed of in upland areas or offsite, beyond the 100-year floodplain.
  - Use dry cleanup methods (e.g., absorbent materials, cat litter, and/or rags) whenever possible. If necessary for dust control, use only a minimal amount of water.
  - Sweep up spilled dry materials immediately.

*Revegetation and Removal of Exotic Plants*

22. The work area shall be restored to pre-project work condition or better.

23. All exposed soil resulting from the cleanup/restoration activities shall be revegetated using live planting, seed casting or hydroseeding.
24. Any stream bank area left barren of vegetation as a result of cleanup/restoration activities shall be stabilized by seeding, replanting, or other means with native trees, shrubs, and/or grasses appropriate to the site prior to the rainy season in the year work was conducted.
25. Soil exposed as a result of project work, soil above rock riprap, and interstitial spaces between rocks shall be revegetated with native vegetation by live planting, seed casting, or hydroseeding prior to the rainy season of the year work is completed.
26. The spread or introduction of exotic plant species shall be avoided to the maximum extent possible by avoiding areas with established native vegetation during cleanup/restoration activities, restoring disturbed areas with appropriate native species, and post-project monitoring and control of exotic species.
27. Removal of invasive exotic species is strongly recommended. Mechanical removal (hand tools, weed whacking, hand pulling) of exotics shall be done in preparation for establishment of native perennial plantings.
28. Revegetation shall be implemented after the removal of exotic vegetation occurs. Erosion control implementation shall be timed in accordance with BMPs 1 and 2.
29. Native plants characteristic of the local habitat shall be used for revegetation when implementing and maintaining cleanup/restoration work in riparian and other sensitive areas. Non-invasive, non-persistent grass species (e.g., barley grass) may be used for their temporary erosion control benefits to stabilize disturbed slopes and prevent exposure of disturbed soils to rainfall.
30. Annual inspections for the purpose of assessing the survival and growth of revegetated areas and the presence of exposed soil shall be conducted for three years following project work.
31. Dischargers and/or their consultant(s) or third party representative(s) shall note the presence of native/non-native vegetation and extent of exposed soil, and take photographs during each inspection.
32. Dischargers and/or their consultant(s) or third party representative(s) shall provide the location of each work site, pre- and post-project work photos, diagram of all areas revegetated and the planting methods and plants used, and an assessment of the success of the revegetation program in the annual monitoring report as required under the Order.

#### *Erosion Control*

33. Erosion control and sediment detention devices and materials shall be incorporated into the cleanup/restoration work design and installed prior to the end of project work and before the beginning of the rainy season. Any continuing, approved project work conducted after October 15 shall have erosion control works completed up-to-date and daily.

34. Erosion control materials shall be, at minimum, stored on-site at all times during approved project work between May 1 and October 15.
35. Approved project work within the 5-year flood plain shall not begin until all temporary erosion controls (straw bales or silt fences that are effectively keyed-in) are installed downslope of cleanup/restoration activities.
36. Non-invasive, non-persistent grass species (e.g., barley grass) may be used for their temporary erosion control benefits to stabilize disturbed slopes and prevent exposure of disturbed soils to rainfall.
37. Upon work completion, all exposed soil present in and around the cleanup/restoration sites shall be stabilized within 7 days.
38. Soils exposed by cleanup/restoration operations shall be seeded and mulched to prevent sediment runoff and transport.

*Miscellaneous*

39. During temporary stream crossing siting, locations shall be identified where erosion potential is low. Areas where runoff from roadway side slopes will spill into the side slopes of the crossing shall be avoided.
40. Vehicles and equipment shall not be driven, operated, fueled, cleaned, maintained, or stored in the wet or dry portions of a waterbody where wetland vegetation, riparian vegetation, or aquatic organisms may be impacted.
41. Riparian vegetation, when removed pursuant to the provisions of the work, shall be cut off no lower than ground level to promote rapid re-growth. Access roads and work areas built over riparian vegetation shall be covered by a sufficient layer of clean river run cobble to prevent damage to the underlying soil and root structure. The cobble shall be removed upon completion of project activities.
42. Avoidance of earthwork on steep slopes and minimization of cut/fill volumes, combined with proper compaction, shall occur to ensure the area is resilient to issues associated with seismic events and mass wasting. If cracks are observed, or new construction is anticipated, consultation with a qualified professional is appropriate.
43. Operations within the 100-year floodplain shall be avoided. Refuse and spoils shall not be stored within the hundred-year floodplain. If roads are located within the 100-year floodplain, they shall be at grade; bridges shall have vented approaches and bridge deck shall be above anticipated 100-year flood water surface elevations. Consultation with a qualified professional is required for project work within the floodplain. .
44. Project work-related dust shall be controlled. Dust control activities shall be conducted in such a manner that will not produce sediment-laden runoff. Dust control measures, including pre-watering of excavation/grading sites, use of water trucks, track-out prevention, washing down vehicles/equipment before leaving site, and prohibiting grading/excavation activities during windy periods, shall be implemented as appropriate.

45. Short term impacts from project work-related emissions can be minimized via retrofitting equipment and use of low emissions vehicles when possible.
46. Position vehicles and other apparatus so as to not block emergency vehicle access.

## **B. BMPs for Specific Activities**

### *Critical Area Planting, Channel Vegetation and Restoration and Management of Declining Habitats*

The following measures shall be employed:

47. Plant materials used shall be native to the site and shall be locally collected if possible.
48. Straw mulch shall be applied at a rate of 2 tons per acre of exposed soils and, shall be secured to the ground.
49. When implementing or maintaining a critical area planting above the high water line, a filter fabric fence, straw wattles, fiber rolls and/or hay bales shall be utilized to keep sediment from flowing into the adjacent water body.

### *Structure for Water Control and Stream Crossings*

These practices shall be used generally to replace or retrofit existing culverts and to install culverts where water control is needed at a stream crossing or road ditch to restore natural hydrology, and to reduce potential diversions and road-related erosion. In addition to the general limitations set forth in the previous section, the following measures shall be employed for these types of projects:

50. Culvert fill slopes shall be constructed at a 2:1 slope or shall be armored with rock.
51. All culverts in fish-bearing streams and in streams where fish have historically been found and may potentially re-occur, shall be designed and constructed consistent with NMFS Southwest Region's Guidelines for Salmonid Passage at Stream Crossings (NMFS 2000) and CDFG's Culvert Criteria for Fish Passage (CDFG 2002).

### *Limitations on Work in Streams and Permanently Poned Areas*

52. If it is necessary to conduct work in or near a live stream, the work space shall be isolated to avoid project activities in flowing water.
53. Water shall be directed around the work site.
54. Ingress/egress points shall be utilized and work shall be performed from the top of the bank to the maximum extent possible.
55. Use of heavy equipment in a channel shall be avoided or minimized. Please refer to BMPs 57 through 64 for dewatering of live streams. The amount of time construction equipment is stationed, working or traveling within the creek bed shall be minimized.

56. If the substrate of a seasonal pond, creek, stream or water body is altered during work activities, it shall be returned to approximate pre-construction conditions after the work is completed.

*Temporary Stream Diversion and Dewatering: All Live Streams*

57. For project work in a flowing or pooled stream or creek reach, or where access to the stream bank from the channel bottom is necessary, the work area shall be isolated with the use of temporary cofferdams upstream and downstream of the work site and all flowing water shall be diverted around the work site throughout the project period.
58. Other approved water diversion structures shall be utilized if installation of cofferdams is not feasible.
59. Cofferdam construction using offsite river-run gravel and/or sand bags is preferred. If gravel materials for cofferdams are generated onsite, measures shall be taken to ensure minimal disturbance to the channel, such as careful extraction from elevated terraces. The upstream end of the upstream cofferdam shall also be reinforced with thick plastic sheeting to minimize leakage.
60. Gravity diversions are preferred to pumping as dewatering techniques. If pumping is required to supplement gravity diversions, care shall be taken to minimize noise pollution and prevent the pump or generator-borne pollution to the watercourse.
61. The diversion pipe shall consist of a large plastic HDPE or ADS pipe or similar material, of a sufficient diameter to safely accommodate expected flows at the site during the full project period.
62. The pipe shall be protected from project activities to ensure that bypass flows are not interrupted.
63. Continuous flow downstream of the work site shall be maintained at all times during project work.
64. When project work is complete, the flow diversion structure shall be removed in a manner that allows flow to resume with a minimum of disturbance to the substrate.

*Protection of Sensitive Species*

65. Sensitive species - Consult with federal, state and local agencies regarding location of rare, threatened or endangered species.
66. Prior to commencing work, designate and mark a no-disturbance buffer to protect sensitive species and communities.
67. All work performed within waters of the state shall be completed in a manner that minimizes impacts to beneficial uses and habitat. Measures shall be employed to minimize land disturbances that shall adversely impact the water quality of waters of the state. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation.

68. All equipment, including but not limited to excavators, graders, barges, etc., that may have come in contact with extremely invasive animals (e.g. zebra mussels or new Zealand mud snails) or plant (e.g., Arundo donax, scotch broom, pampas grass) or the seeds of these plants, shall be carefully cleaned before arriving on site and shall also be carefully cleaned before removal from the site, to prevent spread of these plants.
69. Vegetation shall be established on disturbed areas with an appropriate mix of California native plants and/or seed mix. All initial plantings and seed shall be installed prior to completion of the project work.

### **III. BMPs for Site Maintenance and Operations (per standard conditions)**

The following BMPs are intended to address compliance with the standard conditions. Individual or multiple BMPs may be selected to address compliance with a given standard condition depending on site-specific conditions. BMPs are considered enforceable conditions as applicable to a given site.

#### **A. Site Maintenance, Erosion Control, Drainage Features**

70. Drainage of roads, clearings, fill prisms, and terraced areas is critical to ensuring their integrity and to prevent or minimize sediment discharges to watercourses. Proper design and location of roads and other features is critical to ensuring that a road or other feature be adequately drained and is best accomplished through consultation with a qualified professional. If inspection identifies surface rills or ruts, surfacing and drainage likely needs maintenance.
71. Surfacing of exposed/disturbed/bare surfaces can greatly reduce erosion associated with runoff. BMP features such as vegetative ground cover, straw mulch, slash, wood chips, straw wattles, fiber rolls, hay bales, geotextiles, and filter fabric fences may be combined and implemented on exposed/disturbed/bare surfaces as appropriate to prevent or minimize sediment transport and delivery to surface waters. Non-invasive, non-persistent grass species (e.g. barley grass) may be used for their temporary erosion control benefits to stabilize bare slopes and prevent exposure of bare soils to rainfall. If utilized, straw mulch shall be applied at a rate of 2 tons per acre of exposed soils and, if warranted by site conditions, shall be secured to the ground. Consultation with a qualified professional is recommended for successful site-specific selection and implementation of such surface treatments. Guidance literature pertaining to such BMPs is referenced in section IV. of this document.
72. Road surfacing, especially within a segment leading to a watercourse, is critical to prevent and minimize sediment delivery to a watercourse and maintain road integrity for expected uses. Road surfacing can include pavement, chip-seal, lignin, rock, or other material appropriate for timing and nature of use. Steeper sections of road require higher quality rock (e.g. crushed angular versus river-run) to remain in place.

73. Road shaping to optimize drainage includes out-sloping and crowning; shaping can minimize reliance on inside ditches. Drainage structures can include rolling dips and water bars within the road surface and ditch-relief culverts to drain inside ditches. Adequate spacing of drainage structures is critical to reduce erosion associated with runoff. Generally speaking, steep slopes require greater frequency of drainage structures. The drainage structures shall be maintained to ensure capture of and capacity for expected flow. The outlets of the structures shall be placed in such a manner as to avoid discharge onto fill, unstable areas, or areas that can enter a watercourse. If site conditions prohibit drainage structures at an adequate interval to avoid erosion, bioengineering techniques<sup>2</sup> are the preferred solution (e.g. live fascines), but other techniques may also be appropriate including armoring (i.e. 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). In the case that inside ditches need maintenance, grade ditches only when and where necessary, since frequent routine mechanical grading can cause erosion of the ditch, undermine banks, and expose the toe of the cutslope to erosion. Do not remove more leaves and vegetation than necessary to keep water moving, as vegetation prevents scour and filters out sediment.
74. Road drainage shall be discharged to a stable location away from a watercourse. Use sediment control devices, such as check dams, sand/gravel bag barriers, and other acceptable techniques, when it is neither practical nor environmentally sound to disperse ditch water immediately before the ditch reaches a stream. Within areas with potential to discharge to a watercourse (i.e. within riparian areas of at least 200 feet of a stream) road surface drainage shall be filtered through vegetation, slash, or other appropriate material or settled into a depression with an outlet with adequate drainage. Caution should always be exercised with catchment basins in the event of failure.
75. Any spoils associated with site maintenance shall be placed in a stable location where it cannot enter a watercourse. Sidecasting shall be minimized and shall be avoided on unstable areas or where it has the potential to enter a watercourse.
76. Do not sidecast when the material can enter the stream directly or indirectly as sediment. Sidecast material can indirectly enter the stream when placed in a position where rain or road runoff can later deliver it to a channel that connects with the stream.
77. Disconnect road drainage from watercourses (drain to hill slopes), install drainage structures at intervals to prevent erosion of the inboard ditch or gull formation at the hill slope outfall, outslope roads.

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<sup>2</sup> A Primer on Stream and River Protection for the Regulator and Program Manager: Technical Reference Circular W.D. 02-#1, San Francisco Bay Region, California Regional Water Quality Control Board (April 2003) [http://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/stream\\_wetland/streamprotectionircular.pdf](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stream_wetland/streamprotectionircular.pdf)

78. Ditch-relief culverts shall also be inspected regularly, and cleared of debris and sediment. To reduce plugging, 15 to 24-inch diameter pipes shall be the minimum size considered for ditch relief culverts and shall be informed by site-specific conditions.
79. Grade ditches only when and where necessary, since frequent routine mechanical grading can cause erosion of the ditch, undermine banks, and expose the toe of the cutslope to erosion. Do not remove more grass and weeds than necessary to keep water moving, as vegetation prevents scour and filters out sediment.
80. Use sediment control devices, such as check dams, sand/gravel bag barriers, and other acceptable techniques, when it is neither practical nor environmentally sound to disperse ditch water immediately before the ditch reaches a stream.

## **B. Stream Crossing Maintenance**

81. Proper maintenance of stream crossings is critical to ensure support of beneficial uses of water. Regular inspection and maintenance is necessary to identify, in a timely manner, if problems are occurring. Crossings include rock fords<sup>3</sup>, armored fills with culverts<sup>3</sup>, and bridges<sup>3</sup>.
82. Rock fords are appropriate when temporary and minor moisture or over-land flow is expected, not typically when a bed and bank is present; exceptions may be justified if warranted by site specific conditions. Additionally, rock fords are appropriate if aquatic life is not present. An adequate layer of crushed angular rock shall be maintained at rock fords such that soil compaction is minimized under expected traffic levels.
83. Stream crossings consisting of armored fills with culverts and bridges are appropriate for streams with defined bed and bank<sup>2</sup>. They shall be sized to ensure the 100-year streamflow event can pass unimpeded. Additionally, crossings shall allow migration of aquatic life during all life stages potentially supported by that stream reach; water depth and velocity can inhibit migration of adult and juvenile fish species.
84. Stream crossing design and installation is best accomplished with the assistance of a qualified professional. Site conditions can change over time (e.g. channel filling or incision); consultation with a qualified professional is appropriate to evaluate maintenance or replacement needs and opportunities.
85. Regular inspection of the stream crossing is appropriate to identify changed conditions within the stream channel (e.g., bank erosion, headward incision, and channel filling).
  - If large wood is accumulated upstream or within the crossing that could impede or deflect flow and result in erosion or debris capture, the wood

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<sup>3</sup> Explanation of term, available within the following document (as of the date of the Order):  
[http://www.pacificwatershed.com/sites/default/files/handbook\\_chapter\\_download\\_page.pdf](http://www.pacificwatershed.com/sites/default/files/handbook_chapter_download_page.pdf)

- should generally be removed. In some cases, it may be appropriate to re-orient debris with the streamflow.
- If sediment or debris is accumulated within a culvert and limits flow capacity, the short term solution should generally be to clean out the culvert and place the debris and sediment in a stable location with no potential to discharge into a stream. In some cases a trash rack, post, or other deflection structure at the culvert inlet can reduce plugging.
  - If sediment is accumulated in a culvert without other debris accumulation and limits flow capacity, the long term solution may generally involve changing the culvert's slope, diameter, or embedment in the streambed.
86. The roadway adjacent to and over the crossing is an area of potential discharge. All road surfaces approaching a crossing shall be drained before the crossing, adequately filtered through vegetation or other material, and not discharged to a watercourse. If turbid water is discharged at a stream crossing, additional measures to control erosion at the source(s) or to remove sediment prior to discharge shall be implemented. Road surfaces shall be of rock, pavement, or other material appropriate for type and level of use.
87. If a culvert is used, the approaches and fill slopes shall be properly compacted during installation and shall be stabilized with rock or other appropriate surface protection to minimize surface erosion and slumping to the receiving waters. If possible, the road surface over the culvert shall have a critical-dip to ensure that if the culvert becomes plugged, water can flow over the road surface without washing away the fill prism. If site-specific conditions do not allow for a critical dip, alternatives such as emergency overflow culverts, oversized culverts, flared inlets, and debris racks may be warranted.

### **C. Riparian and Wetland Protection and Management:**

88. Buffer width will be in compliance with Tier category.
89. Trees within riparian areas shall be retained for natural recruitment to streams. Large woody debris (LWD) shall be retained in stream or within riparian areas. The size of wood that can be beneficial to the stream will vary depending on the size of the stream (i.e., larger pieces of wood are necessary to withstand flows in large streams). In the event that LWD or trees are disturbed during excavation, care shall be taken to separate the LWD from soil. The pieces shall be stockpiled separately until they can be replaced in appropriate locations to enhance instream or riparian conditions. Placement of instream wood for habitat enhancement should be done under the consultation of a qualified professional and in conformance with applicable regulatory permits.
90. Avoidance of disturbance in riparian areas (within 200 feet of a watercourse) should result in protection and restoration of the quality/health of the riparian stand so as to promote: 1) shade and microclimate controls; 2) delivery of wood to channels, 3) slope stability and erosion control, 4) ground cover, and 5) removal of excess nutrients. This recognizes the importance of the riparian zone

with respect to temperature protection, sediment delivery, its importance with respect to the potential for recruitment of large wood, and removal of nutrients transported in runoff. In the event that past disturbance has degraded riparian conditions, replanting with native species capable of establishing a multi-storied canopy will ensure these riparian areas can perform these important ecologic functions.

#### **D. Spoils Management**

To ensure spoil pile stability and to reduce the potential for spoil pile slope failure or transport to waters of the state, the following measures shall be implemented when placing or disposing of spoils onsite:

91. Rip compacted soils prior to placing spoils to prevent the potential for ponding under the spoils that could result in spoil site failure and subsequent sedimentation;
92. Compact and contour stored spoils to mimic the natural slope contours and drainage patterns to reduce the potential for fill saturation and failure;
93. Ensure that spoil materials are free of woody debris, and not placed on top of brush, logs or trees.
94. Spoils shall not be placed or stored in locations where soils are wet or unstable, or where slope stability could be adversely affected.
95. Do not locate spoil piles in or immediately adjacent to wetlands and watercourses.
96. Store spoil piles in a manner (e.g. cover pile with plastic tarps and surround base of pile with straw wattle) or location that would not result in any runoff from the spoil pile ending up in wetlands and watercourses.
97. Separate organic material (e.g., roots, stumps) from the dirt fill and store separately. Place this material in long-term, upland storage sites, as it cannot be used for fill.
98. Keep temporary disposal sites out of wetlands, adjacent riparian corridors, and ordinary high water areas as well as high risk zones, such as 100-year floodplain and unstable slopes.
99. After placement of the soil layer, track walk the slopes perpendicular to the contour to stabilize the soil until vegetation is established. Track walking creates indentations that trap seed and decrease erosion of the reclaimed surfaces.
100. Revegetate the disposal site with a mix of native plant species. Cover the seeded and planted areas with mulched straw at a rate of 2 tons per acre. Apply jute netting or similar erosion control fabric on slopes greater than 2:1 if site is erosive.

## E. Water Storage and Use

### WATER USE

101. Conduct operations on a size and scale that considers available water sources and other water use and users in the planning watershed.
102. Implement water conservation measures such as rainwater catchment systems, drip irrigation, mulching, or irrigation water recycling. (Also see BMPs for Irrigation, below)
103. Take measures to minimize water diversion during low flow periods.
104. Options for documentation of water diversions and/or water usage may include the use of water meter devices and date-stamped photographs of water meter readings.
105. Hauled water utilized for irrigation shall be documented via receipt or similar, and show the date, name, and license plate of the water hauler, and the quantity of water purchased.
106. Apply water at agronomic rates (do not overwater plants).

### WATER STORAGE

107. If using a water storage tank, do not locate the tank in a flood plain or next to equipment that generates heat. Locate the tank so it is easy to install, access, and maintain.
108. Vertical tanks should be installed according to manufacturer's specifications and placed on firm, compacted soil that is free of rocks/sharp objects and capable of bearing the weight of the tank and its maximum contents. In addition, a sand or pea gravel base with provisions for preventing erosion is highly recommended. Installation sites for tanks 8,000 gallons or more must be 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), especially where seismic or large wind forces are present.
109. Horizontal tanks shall be secured with bands and/or hoops to prevent tank movement.
110. Design and construct storage ponds in properly sited locations, off-stream. Plant vegetation along the perimeter of the pond. Construct berms or excess freeboard space around the perimeter of the pond to allow for sheet flow inputs.
111. Provide adequate outlet drainage for overflow of ponds, including low impact designs, to promote dispersal and infiltration of flows.
112. Place proper lining or sealing in ponds to prevent water loss.

113. Storage bladders are not encouraged for long term water storage reliability. If they are utilized, ensure that they are designed to store water, and that they are sited to minimize potential for water to flow into a watercourse in the event of a catastrophic failure. Used bladders (e.g. military surplus bladders) shall be checked for interior residual chemicals and integrity prior to use. Inspect bladder and containment features periodically to ensure integrity.

#### **F. Irrigation Runoff**

114. Irrigate at rates to avoid or minimize runoff.
115. Regularly inspect for leaks in mains and laterals, in irrigation connections, or at the ends of drip tape and feeder lines. Repair any found leaks.
116. Design irrigation system to include redundancy (i.e., safety valves) in the event that leaks occur, so that waste of water is prevented and minimized.
117. Recapture and reuse irrigation runoff (tailwater) where possible, through passive (gravity-fed) or active (pumped) means.
118. Construct retention basins for tailwater infiltration; percolation medium may be used to reduce pollutant concentration in infiltrated water. Constructed treatment wetlands may also be effective at reducing nutrient loads in water. Ensure that drainage and/or infiltration areas are located away from unstable or potentially unstable features.
119. Regularly replace worn, outdated or inefficient irrigation system components and equipment.
120. Use mulches (e.g. wood chips or bark) in cultivation areas that do not have ground cover to prevent erosion and minimize evaporative loss.
121. Leave a vegetative barrier along the property boundary and interior watercourses to act as a pollutant filter.
122. Employ rain-triggered shutoff devices to prevent irrigation after precipitation.

#### **G. Fertilizers, Soil Amendments, Pesticides, Petroleum Products, and Other Chemicals**

123. Evaluate irrigation water, soils, growth media, and plant tissue to optimize plant growth and avoid over-fertilization.
124. Reference Department of Pesticide Regulations Guidance (see Attachments E-1 and E-2 of Order No. R1-2015-0023)
125. All chemicals shall be stored in a manner, method, and location that ensures that there is no threat of discharge to waters of the state.
126. Products shall be labeled properly and applied according to the label.
127. Use integrated pest management strategies that apply pesticides only to the area of need, only when there is an economic benefit to the grower, and at times when runoff losses are least likely, including losses of organic matter from dead plant material.

128. Periodically calibrate pesticide application equipment.
129. Use anti-backflow devices on water supply hoses, and other mixing/loading practices designed to reduce the risk of runoff and spills.
130. Petroleum products shall be stored with a secondary containment system.
131. Throughout the rainy season, any temporary containment facility shall have a permanent cover and side-wind protection, or be covered during non-working days and prior to and during rain events.
132. Materials shall be stored in their original containers and the original product labels shall be maintained in place in a legible condition. Damaged or otherwise illegible labels shall be replaced immediately.
133. Bagged and boxed materials shall be stored on pallets and shall not be allowed to accumulate on the ground. To provide protection from wind and rain throughout the rainy season, bagged and boxed materials shall be covered during non-working days and prior to rain events.
134. Have proper storage instructions posted at all times in an open and conspicuous location.
135. Prepare and keep onsite a Spill Prevention, Countermeasures, and Cleanup Plan (SPCC Plan) if applicable<sup>4</sup>.
136. Keep ample supply of appropriate spill clean-up material near storage areas.

#### **H. Cultivation-Related Wastes**

137. Cultivation-related waste shall be stored in a place where it will not enter a stream. Soil bags and other garbage shall be collected, contained, and disposed of at an appropriate facility, including for recycling where available. Pots shall be collected and stored where they will not enter a waterway or create a nuisance. Plant waste and other compostable materials be stored (or composted, as applicable ) at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwaters.
138. Imported soil for cultivation purposes shall be minimized. The impacts associated with importation of soil include, but are not limited to increased road maintenance and the increased need for spoils management. Use of compost increases the humic acid content and water retention capacity of soils while reducing the need for fertilizer application. In the event that containers (e.g. grow bags or grow pots) are used for cultivation, reuse of soil shall be maximized to the extent feasible.

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<sup>4</sup> SPCC plans are required for over 1,320 gallons of petroleum stored aboveground or 42,000 gallons below ground. Additionally, any type of storage container requires an SPCC if it is larger than 20,000 gallons, or if the cumulative storage capacity on-site exceeds 100,000 gallons (Health and Safety Code section 25270-25270.13) A sample SPCC can be found here:  
<http://www.calcupa.net/civica/filebank/blobdload.asp?BlobID=3186>

139. Spent growth medium (i.e. soil and other organic medium) shall be handled to minimize discharge of soil and residual nutrients and chemicals to watercourses. Proper handling of spent soil could include incorporating into garden beds, spreading on a stable surface and revegetation, storage in watertight dumpsters, covering with tarps or plastic sheeting prior to proper disposal, and use of techniques to reduce polluted runoff described under Item F. Irrigation Runoff.
140. Other means of handling cultivation-related waste may be considered on a site-specific basis.

#### **I. Refuse and Human Waste**

141. Trash containers of sufficient size and number shall be provided and properly serviced to contain the solid waste generated by the project. Provide roofs, awnings, or attached lids on all trash containers to minimize direct precipitation and prevent rainfall from entering containers. Use lined bins or dumpsters to reduce leaking of liquid waste. Design trash container areas so that drainage from adjoining roofs and pavement is diverted around the area(s) to avoid run-on. This might include berming or grading the waste handling area to prevent run-on of stormwater. Make sure trash container areas are screened or walled to prevent off-site transport of trash. Consider using refuse containers that are bear-proof and/or secure from wildlife. Refuse shall be removed from the site on a frequency that does not result in nuisance conditions, transported in a manner that they remain contained during transport, and the contents shall be disposed of properly at a proper disposal facility.
142. Ensure that human waste disposal systems do not pose a threat to surface or ground water quality or create a nuisance. Onsite treatment systems should follow applicable County ordinances for human waste disposal requirements, consistent with the applicable tier under the State Water Resources Control Board Onsite Waste Treatment System Policy<sup>5</sup>.

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<sup>5</sup> Available at: [http://www.waterboards.ca.gov/water\\_issues/programs/owts/docs/owts\\_policy.pdf](http://www.waterboards.ca.gov/water_issues/programs/owts/docs/owts_policy.pdf) (as of the date of the Order).

#### IV. References

Handbook for Forest, Ranch, & Rural Roads: A Guide for Planning, Designing, Constructing, Reconstructing, Upgrading, Maintaining, and Closing Wildland Roads  
[http://www.pacificwatershed.com/sites/default/files/handbook\\_chapter\\_download\\_page.pdf](http://www.pacificwatershed.com/sites/default/files/handbook_chapter_download_page.pdf)

A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds  
<http://www.5counties.org/roadmanual.htm>

Construction Site BMP Fact Sheets  
<http://www.dot.ca.gov/hq/construc/stormwater/factsheets.htm>

EPA Riparian/Forested Buffer  
<http://water.epa.gov/polwaste/npdes/swbmp/Riparian-Forested-Buffer.cfm>

Creating Effective Local Riparian Buffer Ordinances  
[http://www.rivercenter.uga.edu/publications/pdf/riparian\\_buffer\\_guidebook.pdf](http://www.rivercenter.uga.edu/publications/pdf/riparian_buffer_guidebook.pdf)

How to Install Residential Scale Best Management Practices (BMPs) in the Lake Tahoe Basin  
<http://www.tahoebmp.org/Documents/Contractors%20BMP%20Manual.pdf>

Spoil Pile BMPs  
[http://michigan.gov/documents/deq/deq-wb-nps-sp\\_250905\\_7.pdf](http://michigan.gov/documents/deq/deq-wb-nps-sp_250905_7.pdf)

Sanctuary Forest Water Storage Guide  
[http://agwaterstewards.org/images/uploads/docs/1213661598\\_Water\\_Storage\\_Guide.pdf](http://agwaterstewards.org/images/uploads/docs/1213661598_Water_Storage_Guide.pdf)

Natural Resources Conservation Service-USDA, "Ponds – Planning, Design, Construction", Agriculture Handbook  
[http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs144p2\\_030362.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs144p2_030362.pdf)

Division of Safety of Dams size requirements  
<http://www.water.ca.gov/damsafety/jurischart/>

Water Tanks: Guidelines for Installation and Use  
[http://dnn7.snydernet.com/\\_pdf/\\_septic/Septic%20Catalog%202010.pdf](http://dnn7.snydernet.com/_pdf/_septic/Septic%20Catalog%202010.pdf)

BEST MANAGEMENT PRACTICES (BMP's) University of California Cooperative Extension  
[http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/wine\\_country/docs/updates081910/ucce\\_bmps.pdf](http://www.waterboards.ca.gov/sandiego/water_issues/programs/wine_country/docs/updates081910/ucce_bmps.pdf)

California Stormwater Quality Association  
 Section 4: Source Control BMPs  
<https://www.casqa.org/sites/default/files/BMPHandbooks/sd-12.pdf>

CA DOT Solid Waste Management Plan  
<http://www.dot.ca.gov/hq/construc/stormwater/WM-05.pdf>

State Water Resources Control Board Onsite Wastewater Treatment System (OWTS) policy  
[http://www.waterboards.ca.gov/water\\_issues/programs/owts/docs/owts\\_policy.pdf](http://www.waterboards.ca.gov/water_issues/programs/owts/docs/owts_policy.pdf)

California Stormwater Quality Association  
Section 4: Source Control BMPs

<https://www.casqa.org/sites/default/files/BMPHandbooks/sd-32.pdf>

California Riparian Habitat Restoration Handbook

[http://www.conservation.ca.gov/dlrp/watershedportal/InformationResources/Documents/Restoration\\_Handbook\\_Final\\_Dec09.pdf](http://www.conservation.ca.gov/dlrp/watershedportal/InformationResources/Documents/Restoration_Handbook_Final_Dec09.pdf)

The Practical Streambank Bioengineering Guide

[http://www.nrcs.usda.gov/Internet/FSE\\_PLANTMATERIALS/publications/idpmcpu116.pdf](http://www.nrcs.usda.gov/Internet/FSE_PLANTMATERIALS/publications/idpmcpu116.pdf)

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**Appendix B**  
**Monitoring Plan and Photo Log**

**APPENDIX B: MONITORING PLAN AND PHOTO LOGS**

Monitoring Plan – In general, the cultivation area and associated facilities need to be monitored over the year to catch any problems that might arise. Refer to Figure 2 for the location of site specific monitoring points that you are responsible for. For this Project Site, a single monitoring point has been designated. Monitoring point #1 (MP #1) is the unpermitted 100-year old groundwater well. Consult with PWA if a problem is detected.

**Photo Log of features of interest and monitoring points before, during, and/or after treatment.**

Photo #	Monitoring Point	Feature #	Date	Pre-, during, or post-treatment	Description
1	N/A	Riparian and Wetland Protection and Maintenance	7/21/16	During	Looking west at mature riparian buffer adjacent the Eel River.
2	N/A	Riparian and Wetland Protection and Maintenance	7/21/16	During-	Looking north at the row cropped cultivation area on prime soils for 2016. Dry-Farming methodologies are employed throughout the Project Site.
3	MP #1	Water Storage and Use	7/21/16	During	The sole water source for the property, an existing 100-year old, shallow groundwater well (a CDFW LSAA agreement is being submitted).
4	N/A	Water Storage and Use	7/21/16	During	View of the subsurface soil moisture present throughout the Project Site. These soil properties are conducive to Dry-Farming on prime soil properties.
5	N/A	Irrigation Runoff	7/21/16	During	Looking south across the whole property illustrating mixed crops being cultivated, as well as dry row crop farming; weeds and crops alike growing well.
6	N/A	Fertilizers and Soil Amendments	7/21/16	During	“Perfect Organic Blend”, the only organic soil amendment being used on the property by the farmer.
7	N/A	Petroleum Products and other Chemicals	7/21/16	During	Row crop dry-farming techniques require motorized farm equipment with various soil tilling attachments.

Photo #	Monitoring Point	Feature #	Date	Pre-, during, or post-treatment	Description
8	N/A	Refuse and Human Waste	7/21/16	During	Flush toilet outhouse with underground plumbing to a nearby septic tank with two (2) 75' long leach lines.

## Appendix C

### Photo Documentation of Monitoring Points

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## APPENDIX C: PHOTO DOCUMENTATION



Photo #1. Looking west at mature riparian buffer adjacent the Eel River.



Photo #2. Looking north at dry farmed, row-crop agriculture on prime floodplain soils.



Photo #3. MP #1; looking north at recently services pressure tanks and shallow, 100-year old well located in the center of the property.



Photo #4. Dry farming techniques illustrating abundant near-surface soil moisture for plant growth in July 2016.

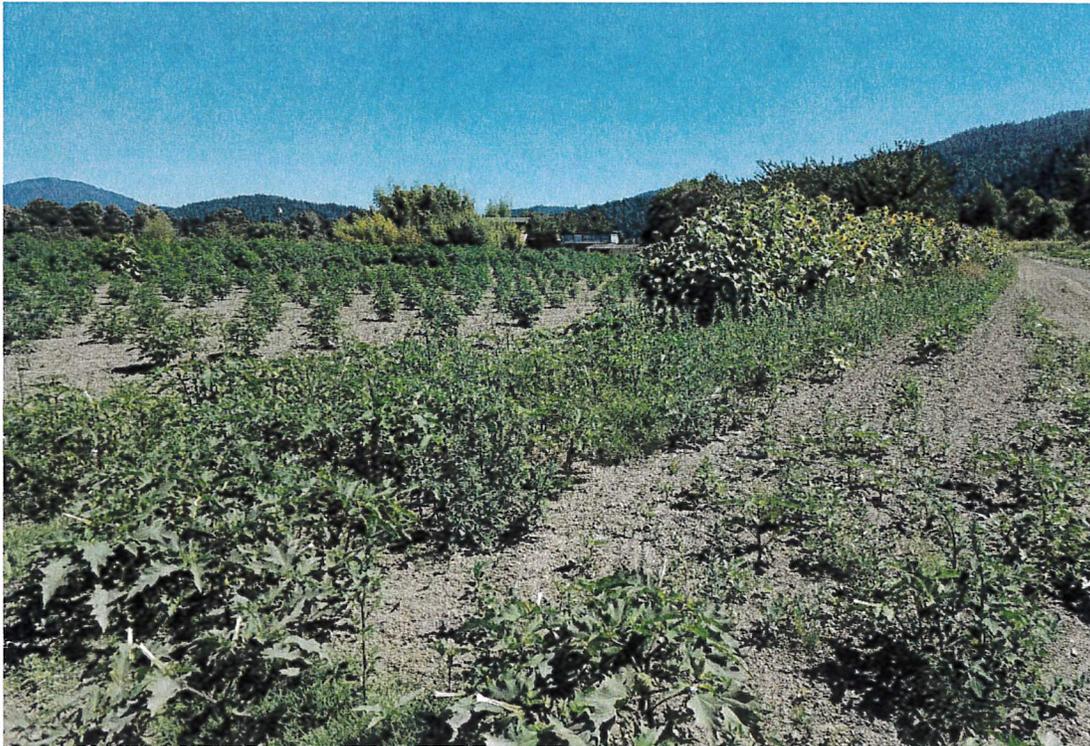


Photo #5. Looking south across the whole property illustrating mixed crops being cultivated, as well as dry row crop farming; weeds and crops alike growing well.

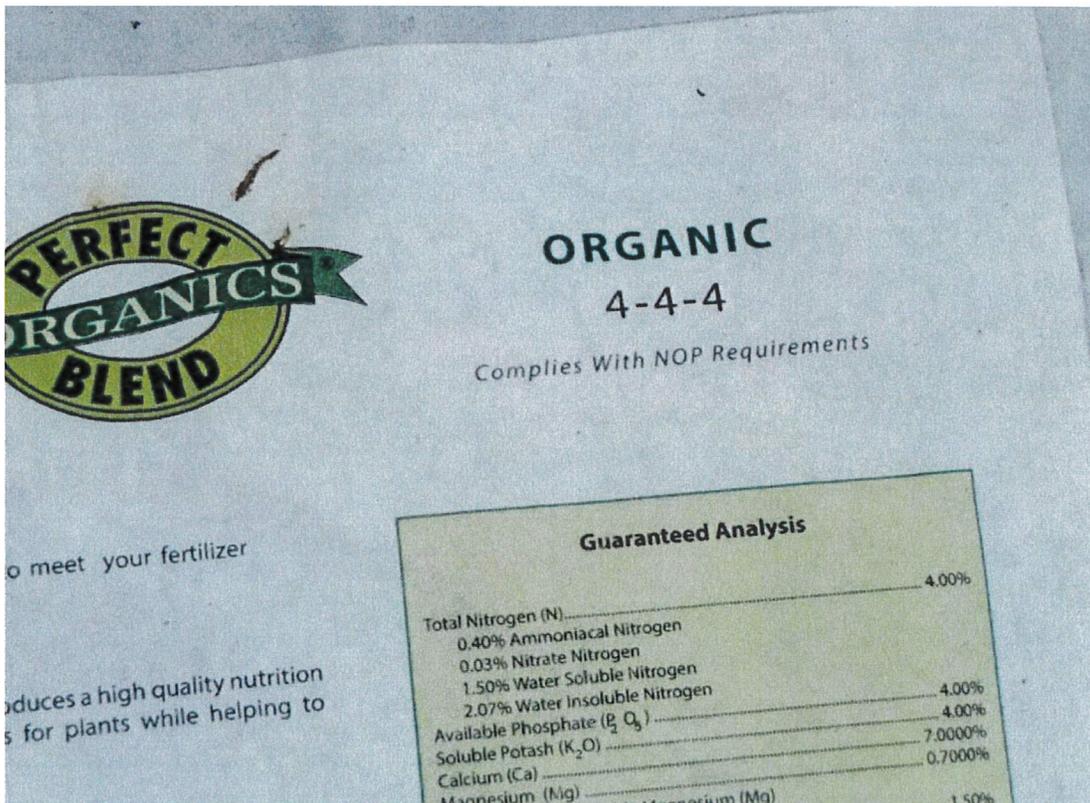


Photo #6. Only organic soil amendment being used on the property by the farmer.



Photo #7. Row crop dry-farming techniques require motorized farm equipment with various soil tilling attachments.

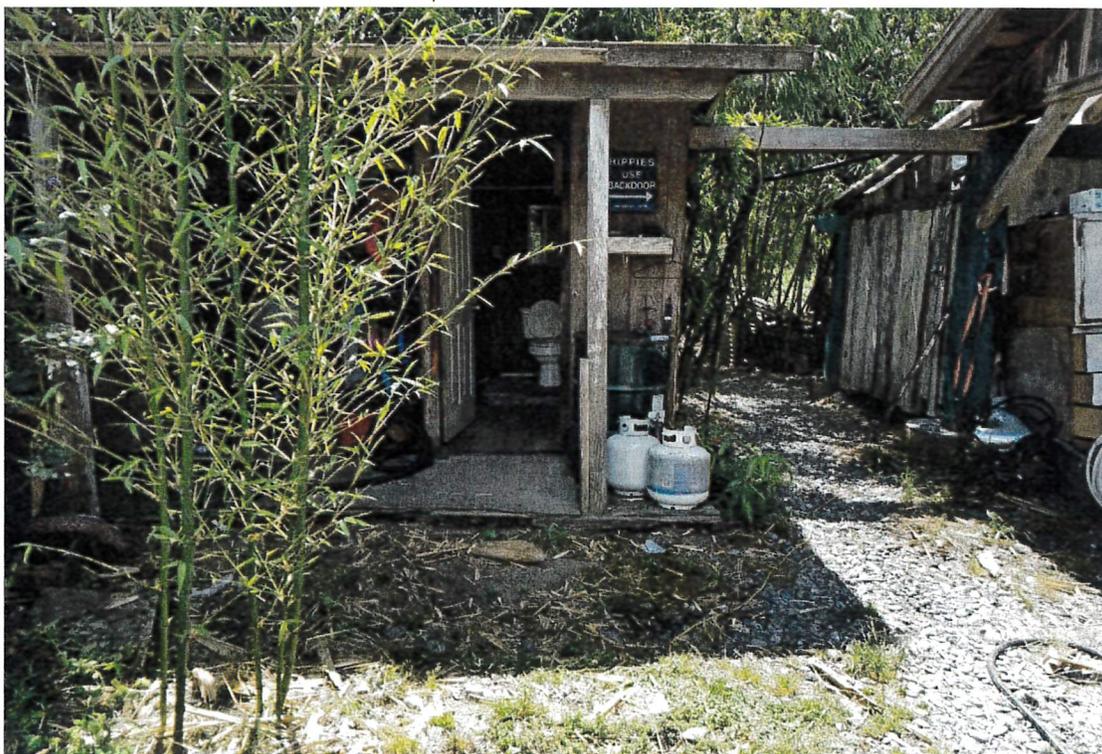


Photo #8. Flush toilet outhouse with underground plumbing to a nearby septic tank with two (2) 75' long leach lines.

## **Appendix D**

### PWA Water Log Sheets







## **Appendix E**

### **PWA Fertilizer-Amendment Log Sheets**



## **Appendix F**

### **PWA Pesticide-Herbicide Log Sheets Legal Pest Management Practices**



## LEGAL PEST MANAGEMENT PRACTICES FOR MARIJUANA GROWERS IN CALIFORNIA

### PESTS OF MARIJUANA IN CALIFORNIA

Marijuana pests vary according to cultivar (variety), whether the plants are grown indoors or outdoors, and where the plants are grown geographically. The pests included in this review are based on two sources: a presentation given in 2013 by Whitney Cranshaw, an extension entomologist at Colorado State University, and a review article by John M. McPartland, a professor of family medicine at the University of Vermont.

### HOW TO INTERPRET THE TABLES

**Table 1** lists active ingredients not illegal to use on marijuana and the pests that these active ingredients target.

These active ingredients are exempt from **residue tolerance requirements**<sup>1</sup> and either exempt from **registration requirements**<sup>2</sup> or registered for a use that's broad enough to include use on marijuana. Residue tolerance requirements are set by U.S. EPA for each pesticide on each food crop and is the amount of pesticide residue allowed to remain in or on each treated crop with "reasonable certainty of no harm." Some pesticides are exempted from the tolerance requirement when they're found to be safe. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*).

Active ingredients exempt from registration requirements are mostly food-grade essential oils such as peppermint oil or rosemary oil.

**Tables 2 and 3** list pests of marijuana grown outdoors and indoors, and **Table 3** shows pests arranged by the portion of the plant they attack. An explanation of the column labels for Tables 2 and 3 follow.

**PESTS.** The tables show the most likely pests in California based on Cranshaw's presentation and McPartland's list and gleaned from California-based web sites and blogs. Some pests that drew attention on several blogs (e.g., hemp russet mite) may be

worse during drought years. Many have cyclic population fluctuations and others are mainstays of general greenhouse cultivation (e.g., whiteflies, thrips, and fungus gnats). We'll add weeds to this compendium when we have more information.

**DAMAGE.** For damage caused by greenhouse pests, we derived information from Cranshaw's presentation; for that of outdoor pests when there wasn't any overlap, McPartland's list was used and information from UC IPM for various crops. Accounts of damage by rodents is anecdotal.

**IPM PRACTICES.** Most of these are standard practices for pests on hosts other than marijuana. For more detailed explanations, see information compiled by the University of California Statewide IPM Program (UC IPM) at [www.ipm.ucdavis.edu](http://www.ipm.ucdavis.edu). You can enter a pest name in the search box (e.g., cutworm) and read about IPM practices for the pest on crops other than marijuana. For marijuana grown indoors, go to the UC IPM [home page](#), click on [Agricultural Pests](#) and scroll down the alphabetical list until you reach [ornamental nurseries](#).

Some practices were excluded because they apply to nearly all of the pests. For example, when targeting aphids, whiteflies, and thrips, growers can attract predaceous and parasitic arthropods by planting cover crops (e.g., California buckwheat) and insectary plants—especially those in the carrot, mustard, and sunflower families.

**LEGAL PESTICIDES.** These are covered above in the Table 1 description and are exempt from **residue tolerance requirements** and either exempt from **registration requirements** or registered for a use that is broad enough to include use on marijuana.

**Table 4** shows marijuana pests by plant part. Not all of these pests are important, but their collective damage may affect the overall health of the plant.

### REFERENCES

Cranshaw, Whitney. 2013. Challenges and opportunities for pest management of medical marijuana in Colorado. Presentation.

McPartland, J.M. 1996. *Cannabis* pests. J. Internatl. Hemp Assoc. 3(2): 49, 52–55.

<sup>1</sup> 40 CFR (Code of Federal Regulations)

<sup>2</sup> under FIFRA section 25(b) and 3 CCR section 6147

**Table 1. Active ingredients that are exempt from residue tolerance requirements<sup>a</sup> and either exempt from registration requirements<sup>b</sup> or registered for a use broad enough to include use on marijuana.**

ACTIVE INGREDIENT	PEST OR DISEASE
azadirachtin <sup>a</sup>	aphids, whiteflies, fungus gnats, leafminers, cutworms
<i>Bacillus subtilis</i> QST <sup>a1</sup>	root diseases, powdery mildew
<i>Bacillus thuringiensis</i> <sup>a2</sup> subsp. <i>aizawai</i> or <i>kurstaki</i>	moth larvae (e.g., cutworms, budworms, hemp borer)
<i>Bacillus thuringiensis</i> <sup>a2</sup> subsp. <i>israelensis</i>	fly larvae (e.g., fungus gnats)
<i>Beauveria bassiana</i> <sup>a3</sup>	whiteflies, aphids, thrips
cinnamon oil <sup>b</sup>	whiteflies
<i>Gliocladium virens</i> <sup>a1</sup>	root diseases
horticultural oils <sup>a</sup> (petroleum oil)	mites, aphids, whiteflies, thrips; powdery mildew
insecticidal soaps <sup>a</sup> (potassium salts of fatty acids)	aphids, whiteflies, cutworms, budworms
iron phosphate <sup>a</sup> ; sodium ferric EDTA <sup>a</sup>	slugs and snails
neem oil <sup>a</sup>	mites; powdery mildew
potassium bicarbonate <sup>a</sup> ; sodium bicarbonate <sup>a</sup>	powdery mildew
predatory nematodes <sup>a</sup>	fungus gnats
rosemary + peppermint essential oils <sup>b</sup>	whiteflies
sulfur <sup>a</sup>	mites, hemp flea beetles
<i>Trichoderma harzianum</i> <sup>a1</sup>	root diseases

<sup>a</sup> 40 CFR (Code of Federal Regulations)

<sup>b</sup> FIFRA §25(b) and 3 CCR §6147 [FIFRA = the Federal Insecticide, Fungicide, and Rodenticide Act; CCR = California Code of Regulations]

<sup>1</sup> Biofungicides

<sup>2</sup> Bacterial-based insect pathogen

<sup>3</sup> Fungal-based insect pathogen

**Table 2. PEST MANAGEMENT PRACTICES FOR MARIJUANA GROWN OUTDOORS**

PEST	DAMAGE	IPM PRACTICES (monitoring; cultural, physical, mechanical, biological)	PESTICIDES
<b>MITES &amp; INSECTS</b>			
<b>two-spotted spider mites</b> <i>Tetranychus urticae</i>	Suck plant sap; stipple <b>leaves</b>	<ul style="list-style-type: none"> <li>▪ Keep dust down by hosing off plants (if dust is a problem)</li> <li>▪ Release predatory mites</li> </ul>	neem oil, horticultural oil, sulfur
<b>hemp russet mites</b> <i>Aculops cannabicola</i>	Suck plant sap; kill <b>leaves and flowers</b>	<ul style="list-style-type: none"> <li>▪ Release predatory mites</li> </ul>	neem oil, horticultural oil, sulfur
<b>crickets (field &amp; house)</b> <i>Gryllus desertus, G. chinensis, Acheta domesticus</i>	Eat <b>seedlings</b>	<ul style="list-style-type: none"> <li>▪ Use floating row covers or cones on individual plants</li> </ul>	—
<b>termites</b>	Eat <b>roots</b>	<ul style="list-style-type: none"> <li>▪ Flood nests</li> </ul>	—
<b>leafhoppers</b>	Suck plant sap; weaken plants	<ul style="list-style-type: none"> <li>▪ Encourage natural enemies by planting nectar sources</li> </ul>	horticultural oil or insecticidal soaps for nymphs
<b>aphids</b> <i>Phorodon cannabis, Myzus persicae, Aphis fabae</i>	Suck plant sap; weaken plants <i>P. cannabis</i> (bhang aphid) vectors tobacco mosaic virus	<ul style="list-style-type: none"> <li>▪ Hang up yellow sticky cards (alates)</li> <li>▪ Hose off plants</li> </ul>	azadirachtin, horticultural oil, insecticidal soaps, <i>Beauveria bassiana</i>
<b>whiteflies</b> <i>Trialeurodes vaporariorum, Bemisia tabaci, B. argentifolii</i>	Suck plant sap; weaken plants	<ul style="list-style-type: none"> <li>▪ Hang up yellow sticky cards</li> <li>▪ Reflective plastic mulch</li> </ul>	azadirachtin, horticultural oil, insecticidal soaps, rosemary + peppermint oils, <i>Beauveria bassiana</i>
<b>leafminers</b> <i>Liriomyza</i> spp.	Bore into <b>roots and leaves</b>	<ul style="list-style-type: none"> <li>▪ Remove older infested leaves</li> <li>▪ Use biocontrol: release <i>Diglyphus</i> parasitoids</li> </ul>	azadirachtin

PEST		DAMAGE	IPM PRACTICES (monitoring; cultural, physical, mechanical, biological)	PESTICIDES
LEPIDOPTERA	<b>cutworms</b> <i>Agrotis ipsilon</i> , <i>A. segetum</i> , <i>Spodoptera litura</i> , <i>S. exigua</i> , <i>Mamestra brassicae</i> (Noctuidae)	Eat <b>seedlings</b>	<ul style="list-style-type: none"> <li>Use pheromone traps to detect adults.</li> <li>Remove weeds, which serve as a reservoir for cutworms and other noctuids</li> </ul>	Vegetative stage only: Use <i>Bacillus thuringiensis kurstaki</i> if egg-laying adults found, insecticidal soap; azadirachtin
	<b>budworms</b> <i>Helicoverpa armigera</i> , <i>H. zea</i> (Noctuidae)	Eat flowering <b>buds</b>	<ul style="list-style-type: none"> <li>Shake plants to dislodge larvae</li> <li>Remove infested buds</li> <li>Plant corn as trap crop</li> </ul>	Vegetative stage only: Use <i>Bacillus thuringiensis kurstaki</i> , insecticidal soap
	<b>hemp borers</b> (= hemp moth) <i>Grapholita delineana</i> (Tortricidae)	Bore through <b>stalks</b> (caterpillars)	<ul style="list-style-type: none"> <li>Plow crop under in fall; remove plants still standing; remove nearby hemp and hop plants</li> <li>Use light traps at night for monitoring</li> <li>Use biocontrol: <i>Trichogramma</i></li> </ul>	<i>Bacillus thuringiensis kurstaki</i>
COLEOPTERA	<b>hemp flea beetles</b> <i>Psylliodes attenuata</i> (Chrysomelidae)	Bore into <b>stems</b> (grubs); feed on seedlings and <b>leaves</b> of larger plants (beetles)	<ul style="list-style-type: none"> <li>Use reflective mulches</li> <li>Plant trap crops (e.g., radish or Chinese mustard)</li> </ul>	sulfur
	<b>scarab grubs</b> (possibly other beetles)	Bore into <b>stems</b>	<ul style="list-style-type: none"> <li>Use parasitic nematodes</li> </ul>	—
<b>MAMMALS</b>				
<b>mice</b> (e.g., house mice)	Eat <b>young sprouts</b> and <b>seeds</b>	<ul style="list-style-type: none"> <li>Double wrap a 3'-tall chicken wire fence around plants</li> <li>Trap (minus rodenticides)</li> <li>Mount barn owl boxes</li> </ul>	Rodenticides (see footnote below)	
<b>roof rats</b> , <i>Rattus rattus</i> <b>wood rats</b> , <i>Neotoma</i> spp.	Strip bark from <b>stems</b> to build nests			
<b>pocket gophers</b> , <i>Thomomys</i> spp.	Tunnel through planting areas; feed on plants; gnaw on irrigation lines			
<b>Columbian black-tailed deer</b> , <i>Odocoileus hemionus columbianus</i>	Knock over plants; leave dander, droppings, and ticks behind	<ul style="list-style-type: none"> <li>Install deer fencing</li> </ul>	—	
<b>black bears</b> , <i>Ursus americana</i>	Knock over plants	<ul style="list-style-type: none"> <li>Install electric fencing</li> </ul>	—	

Rodenticides that are not DPR-restricted materials or federally restricted use pesticides *and* are registered for a broad enough use to include use in or around marijuana cultivation sites. If using a rodenticide always read and follow the label and check to make sure that the target rodent is listed. Second-generation anticoagulant products are DPR-restricted materials not labeled for field use and as such, should never be used in or around marijuana cultivation sites.

**Table 3. PEST MANAGEMENT PRACTICES FOR MARIJUANA GROWN INDOORS**  
(e.g., greenhouses, sheds, and grow rooms)

PEST	DAMAGE	IPM PRACTICES (monitoring; cultural, physical, mechanical, biological)	PESTICIDES
<b>DISEASES</b>			
<b>powdery mildew</b> <i>Sphaerotheca macularis</i>	Grow on <b>leaves</b> as white and gray powdery patches	<ul style="list-style-type: none"> <li>Use fans to improve air circulation</li> </ul>	horticultural oil; neem oil; sodium bicarbonate, potassium bicarbonate; <i>Bacillus subtilis</i>
<b>pythium root rots</b> <i>Pythium</i> spp.	Attack root tips and worsens when plants grow in wet soil	<ul style="list-style-type: none"> <li>Avoid hydroponic production or wet soil conditions</li> </ul>	Incorporate biocontrol agents into root-growing media (e.g., <i>Gliocladium virens</i> , <i>Trichoderma harzianum</i> , <i>Bacillus subtilis</i> )
<b>MITES &amp; INSECTS</b>			
<b>two-spotted spider mite</b> <i>Tetranychus urticae</i>	Suck plant sap; stipple <b>leaves</b>	<ul style="list-style-type: none"> <li>Disinfest cuttings before introducing to growing area</li> <li>Release predatory mites</li> </ul>	neem oil, horticultural oil, sulfur
<b>leafhoppers</b>	Suck plant sap; weaken plants	<ul style="list-style-type: none"> <li>Encourage natural enemies by planting nectar sources</li> </ul>	horticultural oil or insecticidal soaps for nymphs
<b>whiteflies</b> <i>Trialeurodes vaporariorum</i> , <i>Bemisia tabaci</i> , <i>B. argentifolii</i>	Suck plant sap; weaken plants	<ul style="list-style-type: none"> <li>Hang up yellow sticky cards</li> <li>Use biocontrol: <i>Encarsia formosa</i></li> </ul>	azadirachtin, <i>Beauveria bassiana</i> , cinnamon oil, horticultural oil
<b>thrips</b> <i>Heliothrips haemorrhoidalis</i> , <i>Frankliniella occidentalis</i> , <i>Thrips tabaci</i>	Stipple <b>leaves</b> and vector viruses	<ul style="list-style-type: none"> <li>Hang up yellow or blue sticky cards</li> </ul>	
<b>dark-winged fungus gnats</b> (Diptera: Sciaridae) <i>Bradysia</i> spp.	Damage <b>roots</b> and stunt plant growth	<ul style="list-style-type: none"> <li>Avoid overwatering</li> <li>Use growing media that deters gnat development</li> <li>Hang up yellow sticky cards</li> <li>Use biocontrol: soil-dwelling predatory mites</li> </ul>	<i>Bacillus thuringiensis israelensis</i> (BTI); predatory nematodes; azadirachtin soil drenches

**Table 4. PESTS OF MARIJUANA BY PLANT PART**

Seedlings	Flower & Leaf (grown outdoors)	Flower & Leaf (grown indoors)	Stalk & Stem	Root
cutworms	hemp flea beetle	spider mites	hemp borer	hemp flea beetle
birds	hemp borer	aphids	rats	white root grubs
hemp flea beetle	budworms	whiteflies		root maggots
crickets	leafminers	thrips		termites & ants
slugs		leafhoppers		fungus gnats
rodents				wireworms

## **Appendix G**

### **Hazardous Materials Storage Guidelines**

## Appendix G. Hazardous Materials Storage Guidelines

Proper storage of hazardous materials (e.g., flammable liquids or gasses, many agricultural chemicals, oxidizers, acids, caustic substances) is essential for maintaining safe operations and for protection of the environment. Commercial operations that store hazardous materials are required to prepare a Hazardous Materials Business Plan (HMBP) and maintain Material Safety Data Sheets (MSDS) for each hazardous chemical that they store or use. County health agencies may require HMBPs to be submitted for their review. The HMBP information must be communicated to employees annually and be kept in a location that is readily accessible by employees. MSDSs explain how to medically treat a person that has been exposed to a hazardous substance and how to safely cleanup a spill.

Generally, incompatible hazardous materials must be stored in separate locations, with distinct secondary containment vessels for each type of material. Secondary containment is required for hazardous liquids and must be sized to contain a spill volume equivalent to the largest hazardous material container or 10% of the total volume, whichever is greater. Flammable and combustible hazardous materials must be separated from oxidizers by a distance of no less than 20 feet. The following guidelines should be followed when handling and storing hazardous materials.

Always label containers with the substance inside for both hazardous and non-hazardous materials. For flammable hazardous materials, make certain that an appropriate fire extinguisher is available nearby the storage area. Dry powder fire extinguishers are the most versatile. Water filled fire extinguishers should not be used on certain types of hazardous material fires (e.g. water-reactive metals, strong acids, petroleum).

**Acids** (e.g., hydrochloric acid, pool cleaner, citric acid) must be segregated from:  
Reactive metals such as sodium, potassium, magnesium, etc.  
Flammable and combustible materials.  
Chemicals which could generate toxic or flammable fumes when mixed.  
Bases.

**Bases** (e.g., Portland cement, lime, lye, or drain cleaner) must be segregated from:  
Acids, metals, organic peroxides and easily ignitable materials.  
Solvents.  
Oxidizing acids and oxidizers.

**Oxidizers** (e.g. ammonium nitrate, ammonium phosphate, oxygen gas) must be segregated from:  
Combustible and flammable liquids and gasses (e.g. oxygen-acetylene torches) by at least 20 feet of separation.  
Reducing agents such as zinc, alkali metals, and formic acid.

**Flammable materials** (e.g., gasoline, fuses, gunpowder, acetylene cylinders) must be segregated from:

Oxidizers, caustic materials, acids, and bases.

It is good housekeeping practice to store compatible hazardous materials exclusively away from agricultural chemicals. Although uncommon, some organic agricultural amendments may be caustic, ignitable, or corrosive. Segregation of hazardous materials from non-hazardous materials eliminates the potential for cross-contamination of materials and exposure of workers to hazardous fumes or residues.

Guidelines for proper storage of hazardous materials and regulatory oversight (California Code of Regulations Title 22) are provided by the California Department of Toxic Substances Control (DTSC). The regulations are located in Social Security, Division 4.5, Environmental Health Standards for the Management of Hazardous Waste.

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

RECEIVED

JUN 02 2017

CDFW - EUREKA



**STREAMBED ALTERATION AGREEMENT**  
NOTIFICATION No. 1600-2017-0109-R1  
Eel River, Tributary to the Pacific Ocean

Mr. William Reynolds  
Reynolds Water Diversion  
1 Encroachment

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

## RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on February 28, 2017, that the Permittee intends to complete the project described herein.

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

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

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

## PROJECT LOCATION

The project is located within the Eel River watershed, approximately 8 miles southeast of the town of Rio Dell, County of Humboldt, State of California. The project is located in Section 29, Township 1 N, Range 2 E, Humboldt Base and Meridian; in the Redcrest U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 209-121-08; latitude 40.43248 N and longitude -123.97884 W at the point of diversion (POD).

## PROJECT DESCRIPTION

The project is limited to one encroachment (Table 1), water diversion from an existing 30-foot deep well hydrologically connected to Eel River. Water is diverted for irrigation and domestic use. Work for the water diversion will include use and maintenance of the water diversion infrastructure (well).

Table 1. Project encroachment with description

ID	Latitude/Longitude	Description
Diversion	40.43248, -123.97884	Water diversion from 30-foot deep well

**PROJECT IMPACTS**

Existing fish or wildlife resources the project could substantially adversely affect include: Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

**Impacts to water quality:**

increased water temperature;  
 reduced instream flow;

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

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

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

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

**MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES**

**1. Administrative Measures**

The Permittee shall meet each administrative requirement described below.

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

- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than 7 days after the project is fully completed.

## **2. Avoidance and Minimization Measures**

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on February 28, 2017, together with all maps, BMPs, photographs, drawings, and other supporting documents submitted with the Notification.

- 2.2 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed 10 gallons per minute (gpm) at any time.
- 2.3 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted from the well. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water diverted on a weekly basis.
- 2.4 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.5 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.6 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.7 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:  
[http://www.swrcb.ca.gov/waterrights/publications\\_forms/forms/docs/sdu\\_registration.pdf](http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf).

### 3. Reporting Measures

- 3.1 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.3) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year **beginning in 2017**.

### CONTACT INFORMATION

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

To Permittee:

William Reynolds  
56 Shively Flat Road  
Scotia, CA 95565  
(707) 310-5611  
[farminarts@icloud.com](mailto:farminarts@icloud.com)

To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2017-0109-R1

**LIABILITY**

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

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

**SUSPENSION AND REVOCATION**

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

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

**ENFORCEMENT**

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

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

## **OTHER LEGAL OBLIGATIONS**

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

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

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

## **AMENDMENT**

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

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

## **TRANSFER AND ASSIGNMENT**

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

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration"

form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

## EXTENSIONS

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

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

## EFFECTIVE DATE

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

## TERM

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

## AUTHORITY

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

## AUTHORIZATION

This Agreement authorizes only the project described herein. If the Permittee begins or completes a project different from the project the Agreement authorizes, the Permittee

may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.

**CONCURRENCE**

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

**FOR Mr. William Reynolds**

  
\_\_\_\_\_  
William Reynolds

  
\_\_\_\_\_  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

  
\_\_\_\_\_  
Scott Bauer  
Senior Environmental Scientist Supervisor

  
\_\_\_\_\_  
Date

Prepared by: Angela Liebenberg, Senior Environmental Scientist Specialist, May 5, 2017

**ATTACHMENT 5**

**REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS**

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

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Conditional Approval	Attached
Public Works Land Use Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
CAL FIRE	✓	Other comments	On file with Planning
Department of Fish & Wildlife	✓	Conditional Approval	Attached
NWIC	✓	Further Study	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval - Inadvertent Discovery Protocol	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
RWQCB		No Response	
Humboldt County Sheriff	✓	Comments	On file with Planning
Humboldt County District Attorney		No response	
Agricultural Commissioner		No response	
Fortuna Union School District		No response	
Scotia Union School District		No response	



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



**8/8/2017**

**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sheriff, Scotia Union School District, Sinkyone, Fortuna Union School District

**Applicant Name** William Reynolds **Key Parcel Number** 209-121-008-000

**Application (APPS#)** 11135 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-158

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 8/23/2017**

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

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

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

DATE: 8-15-17

PRINT NAME: Patrick [Signature]



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 11135

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

- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- Existing operation appears to have expanded, see comments: \_\_\_\_\_  
\_\_\_\_\_
- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

Other Comments: see Attached Referral  
Comments, also see attached  
As-Built procedures also attached  
\_\_\_\_\_  
\_\_\_\_\_

Name: Patrick M. Berg

Date: 5-18-17

Note: Remember to take photographs and then save them to the Planning's application number.



AH11135

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

3015 H Street Eureka CA 95501 Fax: (707) 445-7446 Phone: (707) 445-7245  
<http://www.co.humboldt.ca.us/planning>

**ALTERNATIVE OWNER BUILDER (AOB)**  
**PERMIT PROCEDURES FOR AS-BUILT CONSTRUCTION**

**REQUIREMENTS: CONSTRUCTION PLANS and DOCUMENTATION**

- 1) Provide 10 copies of a complete plot plan, see plot plan checklist.
  - a. See Fire Safe Regulations for details on driveway/road requirements
  - b. See AOB and Fire Safe Regulations for details on firefighting water supply requirements.
- 2) Provide three complete sets of floor plans, two sets of elevation plans and energy compliance forms.

**REQUIREMENTS: PLUMBING and MECHANICAL**

- 1) Provide written certification from a Mechanical Engineer licensed by the State of California that the plumbing and/or mechanical system(s) meets current code, **or**
- 2) Provide a detailed written report, plans and certification by a Plumbing Contractor licensed by the State of California that the plumbing system meets current code; specify number, type and size of all plumbing work done, **and/or**
- 2a) Provide a detailed written report and certification from a Mechanical Contractor licensed by the State of California that the mechanical system meets current code; specify number, type and size of all mechanical work done, **or**
- 3) Remove wall and ceiling coverings so that all areas of plumbing and mechanical work are no longer concealed and the required inspections can be performed.

**REQUIREMENTS: ELECTRICAL**

- 1) Provide written certification from an Electrical Engineer licensed by the State of California that the electrical system meets current, **or**
- 2) Provide a detailed written report and certification from an Electrical Contractor licensed by the State of California that the electrical system meets current code; specify size of main breaker, size of circuit breakers, wire size, number of outlets, number of switches and type of connections, **or**
- 3) Remove wall and ceiling coverings so that all areas of electrical work are no longer concealed and the required inspections can be performed. Exception: Where conductors are installed in existing concealed wall spaces (i.e. wires that are "fished" in existing walls that were built under permit.

**NOTE: Plumbing, Mechanical and Electrical Certification forms available upon request.**

Revised 8/11/2017



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**  
 MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
 AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
 MCKINLEYVILLE  
 FAX 839-3596  
 AVIATION 839-5401

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 MAINTENANCE 445-7493 ROADS & EQUIPMENT MAINTENANCE 445-7421

CLARK COMPLEX  
 HARRIS & H ST., EUREKA  
 FAX 445-7388  
 LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Michelle Nielsen, Senior Planner, Planning & Building Department  
 FROM: Kenneth M. Freed, Assistant Engineer  
 DATE: 09-14-2018

RE:

Applicant Name	William Reynolds
APN	209-121-008
APPS#	11135
CASE#	CUP16-158

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 4/20 /2018, with Part A -Box 1 checked, certifying that the road is developed to road Category 4 standards.

The evaluation does not provide a separate form for each road, as previously required. One report for shively <sup>FLAT</sup> Road (~3000ft) and one report for Crocco Lane (~1000ft), as stated in exhibit B.

See Previous MEMO DATED 01-18-2018.

// END //

**Exhibit "A"**

**Public Works Recommended Conditions of Approval**

(All checked boxes apply)

APPS # 11135

**COUNTY ROADS- FENCES & ENCROACHMENTS:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**COUNTY ROADS- PRIVATE ROAD INTERSECTION:**

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

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

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

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

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

// END //

**Exhibit "B"**

**Additional Information is Requested**

(All checked boxes apply)

APPS # 11135

Please re-refer the project to the Department when all of the requested information has been provided.

**COUNTY ROADS- MISSING/INCOMPLETE ROAD EVALUATION REPORT(S)**  
Road Evaluation Report(s) for the following County maintained road(s) were not provided:

Road Name	Part B Road Evaluation Report Required?
SHIVELY FLAT RD STARTING AT EWAN AVE	<input type="checkbox"/> YES
	<input type="checkbox"/> YES
CROCCO LANE STARTING AT SHIVELY FLAT RD	<input type="checkbox"/> YES
	<input type="checkbox"/> YES
	<input type="checkbox"/> YES

The Department cannot recommend approval of the project until the Road Evaluation Report(s) adequately address the County road(s).

**COUNTY ROADS- INADEQUATE ROAD EVALUATION REPORTS:**

The Department cannot support the proposed recommendations within the Road Evaluation Reports for the following County maintained roads:

The Department cannot recommend approval of the project until the Road Evaluation Reports adequately addresses the County road. The applicant's civil engineer is advised to contact the Department for details.

**COUNTY ROADS- ON-SITE PARKING & INTERNAL TRAFFIC CIRCULATION PLAN:**

The Department has reviewed the proposed on-site parking area(s) and internal traffic circulation plan(s) pursuant to County Code Section 313-109.1.3.2.5 (Coastal) and 314-109.1.2.2.5 (inland). The Department cannot support the proposed parking area and traffic circulation plan. The applicant must submit a realistic parking plan to the Department for review.

// END //



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



DEH received  
 8-8-17

**PROJECT REFERRAL TO: Health and Human Services Environmental Health Division**

**Project Referred To The Following Agencies:**

17/18-0248

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sheriff, Scotia Union School District, Sinkyone, Fortuna Union School District

**Applicant Name** William Reynolds **Key Parcel Number** 209-121-008-000

**Application (APPS#)** 11135 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-158

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

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

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

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

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

**We have reviewed the above application and recommend the following:**

Conditional Approval

**DISTRIBUTED**  
 11-8-17

**Comments:**

DEH recommends approval with the following conditions:

1. **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.
2. **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.
3. **Legalize or destroy the well:** An existing well is shown on the project description. Provide documentation to verify legal non-conforming status, retroactively permit the wells or complete a well destruction permit for each well.

\*Please provide a copy of the written Approved Compliance Agreement to DEH per HCC §313-55.4.11

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



**California Department of Fish and Wildlife  
CEQA Referral Checklist**

Applicant: William Reynolds		Date: 1/14/2019	
APPS No.: 11135	APN: 209-121-008	DFW CEQA No.: 2017-0425	Case No.: CUP16-158
<input checked="" type="checkbox"/> New	<input type="checkbox"/> Existing	<input type="checkbox"/> Mixed-light (SF):	<input checked="" type="checkbox"/> Outdoor (SF): 43,560 <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

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

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

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

**Please note the following information:**

- A Final Lake or Streambed Alteration Agreement (1600-2017-0109-R1) has been issued to the applicant. As of January 2019, the reporting requirements in the Agreement have not been met.
- CDFW requests, as a condition of Project approval, all mixed-light structures and associated equipment (e.g. generators, fuel, fans, etc.) be relocated to stable surfaces with a minimum 200ft buffer from Class I streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).
- Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- This project has the potential to affect sensitive fish and wildlife resources such as amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Sincerely,

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