



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: January 6, 2022

To: Humboldt County Planning Commission

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

Subject: **Midgad, LLC, Conditional Use Permit**
Record Number: PLN-10651-CUP
Assessor's Parcel Number (APN): 219-051-009
Salmon Creek Area

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Please contact Abbie Strickland, Planner, at 707-441-2630 or by email at astrickland@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date January 6, 2022	Subject Conditional Use Permit	Contact Abbie Strickland
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Project Description: The applicant is seeking a Conditional Use Permit for 19,800 square feet of existing outdoor commercial cannabis cultivation. The project will be supported by a 1,000 square-foot propagation greenhouse. Water for irrigation is sourced from an existing 194,000-gallon rainwater catchment pond. The capacity of this pond is proposed to be expanded to 236,000 gallons. Alternatively, the applicant may provide documentation that the existing 220,000-gallon pond onsite, which has historically been used as an irrigation source, is not hydrologically connected to surface waters or the applicant will obtain an additional 17,000 gallons of hard-tank water storage to meet the projected annual water usage. Water storage for irrigation totals 210,000 gallons between the 194,000-gallon rainwater catchment pond and existing hard-tank storage. The projected annual water usage for the project totals 227,000 gallons. All processing activities occur onsite in existing structures. Energy for the operation is sourced from a solar array and a generator is onsite to provide supplemental energy.

Project Location: The project is located in Humboldt County, in the Salmon Creek area, on the West and East side of Thomas Road, approximately 1.14 miles South from the intersection of Lower Thomas Road and Thomas Road, on the property known as 4400 Thomas Road.

Present Plan Land Use Designations: Residential Agriculture (RA), 2017 General Plan, Density:40 acres per unit, Slope Stability: High Instability (3).

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

Record Number: PLN-10651-CUP

Assessor's Parcel Number: 219-051-009

Applicant

Midgad, LLC
Matthew Quittenton
P.O. Box 1081
Redway, CA 95560

Owner

Matthew Quittenton
P.O. Box 1081
Redway, CA 95560

Agents

Rain and Zepp, Plc
Nate Madsen
517 3rd Street, Suite 30

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

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

Major Issues: None.

Recommended Commission Action:

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

Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) pursuant to Section §15164 of the State CEQA Guidelines, making all of the required findings for approval of the Conditional Use Permit and approve the Midgad, LLC, project subject to the recommended conditions.

Executive Summary: The applicant is seeking a Conditional Use Permit for 19,800 square feet of existing outdoor commercial cannabis cultivation. Light deprivation techniques are utilized to achieve two harvests annually. The project will be supported by a 1,000 square-foot propagation greenhouse which will utilize supplemental lighting. The applicant will be required to adhere to International Dark Sky Standards (**Ongoing Requirement B.2**). All processing activities occur onsite in two existing structures, one of which is a 720 square foot two-story building and the other is a 437 square foot structure. The structures in their current configuration cannot be used for trimming and/or packaging. These types of activities must take place in a F1 Occupancy Type commercial structure with an accessible restroom and accessible parking. The owner must secure permits and complete any building of such structure within the 2-year provisional period. Alternatively, the operator may discontinue this use and process at an off-site licensed third-party facility. This requirement has been included as a condition of approval (**General Condition A.8**). The applicant may utilize between 2 and 4 employees to assist with operations.

Water Resources

Water for irrigation has historically been sourced from two existing ponds. One pond is a 194,000-gallon rainwater catchment pond, and the other pond has a capacity of 236,000-gallons. The 236,000-gallon pond was believed to be an unlined rainwater catchment pond, however, the applicants Lake and Streambed Alteration Agreement with California Department of Fish and Wildlife (CDFW) alluded to the pond being a diversionary water source. Prior to the 2022 cultivation season the applicant will either (1) enlarge the 194,000-gallon rainwater catchment pond to a capacity of 236,000 gallons, (2) provide documentation from a qualified professional that the 220,000-gallon pond is not hydrologically connected to surface waters, or (3) obtain an additional 17,000 gallons of water storage to meet the projected annual water usage of 227,000 gallons (**General Condition A.9**). The applicant utilizes a registered point of diversion from an unnamed spring for domestic purposes. The spring diversion is not an authorized irrigation source for this project.

Existing available water storage for the project totals 210,000 gallons between the 195,000-gallon rainwater catchment pond and 20,000 gallons of hard tank water storage. The site is also equipped with a 2,500-gallon water tank dedicated to fire suppression and 4,500 gallons of water storage for domestic storage.

The project was referred to the Division of Environmental Health (DEH) who recommended that the application be approved with the added condition that the applicant demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. Additionally, the applicant will be required to discontinue the use of, and decommission, the existing outhouse (**General Condition A.7**). The project description

incorrectly stated that the applicant was using a well for irrigation, therefore the DEH requested that the applicant provide evidence of the approved well permit, destroy the well, legalize the well through installation of a new sanitary surface seal, or provide compelling evidence that the well was installed prior to February 1973. This will not be included as a condition of approval as there is no existing well.

Energy Resources

Energy for the operation is sourced from two solar arrays with a combined capacity of 6.9 kW. The solar arrays inverter has a capacity of 12 kW which provides sufficient energy to meet the projects energy demand. There is a third solar array that serves the applicants residence for domestic purposes which will not be used in the operation. The site is also equipped with a 14-kW propane generator for back-up use only. When in use, the project will be held in a secondary containment structure to attenuate noise. Noise from project related activities will not exceed 50 decibels of continuous noise as measured 100 feet from the noise source or edge of habitat, whichever is closer (**Ongoing Requirements B.1**).

Biological Resources

The subject parcel is located in the Salmon Creek Watershed and contains three Class III ephemeral watercourses. All cultivation related infrastructure adheres to the Streamside Management Area setback requirements. A review of the California Natural Diversity Database (CNDDDB) found that no species of special concern have been mapped on the subject parcel. The nearest Northern Spotted Owl activity center mapped in the CNDDDB is located over two miles southeast of the project. The existing project is not anticipated to impact any special status plant and animal species or sensitive natural communities. Noise and light attenuation measures have been included as ongoing requirements of the project. The project was referred to CDFW in March of 2019, no response was received. The applicant has entered into a Lake and Streambed Alteration Agreement with CDFW. The applicant will be required to adhere to and implement all conditions of the LSAA (**Ongoing Requirement B.17**).

The project site is located in the South Ford Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 257 permits and the total approved acres would be approximately 71.96 acres of cultivation.

The applicant submitted a *Site Management Plan* (SMP) prepared by Margo Advisors. The SMP did not identify any corrective actions to be undertaken. The applicant will be required to monitor the site, in accordance with the SMP, and complete any future corrective actions required to minimize erosion, prevent sediment discharge to surface waters, and protect water quality (**General Condition A.13**).

Tribal Cultural Coordination

The applicant has submitted a *Cultural Resource Investigation* prepared by DZC Archaeology and Cultural Resource Management, dated December 2019. A comprehensive field survey was conducted in April of 2018 and encompassed 35 acres. No tribal cultural resources were identified in the assessment area. The project is not anticipated to impact any tribal cultural resources. The Cultural Resource Investigation was sent for tribal review. The Bear River Band of Rohnerville Rancheria requested that a condition of approval include the inadvertent discovery protocol. This has been included as a condition of approval for the project (**Ongoing Requirement B.25**).

Access

Access to the site is via a private driveway off of Upper Thomas Road (soon to be named Early Ranch Road), a privately maintained access road. According to the Road Evaluation Report, which was prepared by a Civil Engineer, Upper Thomas Road is not developed to the equivalent of a Category 4 road standard. However, it does meet the functional equivalent required for the project needs with minor improvements (**General Condition A.12**). The project was referred to the Department of Public Works Land Use Division which recommended the project be approved with the condition that the

applicant pave where Upper Thomas Road (Early Ranch Road) meets the county-maintained road, Thomas Road. This will not be included as a condition of approval as the work has already been completed by another applicant. A condition of approval will require that the applicant maintain the location where Upper Thomas Road (Early Ranch Road) intersects with Thomas Road in accordance with the Humboldt County Sight Visibility Ordinance. Compliance with this requirement will be assessed at the applicants annual inspection (**General Condition A.11**).

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

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

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

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21 -
Record Number PLN-10651-CUP
Assessor's Parcel Number: 219-051-009**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Midgad, LLC, Conditional Use Permit request.

WHEREAS, Midgad, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for 19,800 square feet of existing outdoor commercial cannabis cultivation. The project will be supported by a 1,000 square-foot propagation greenhouse. Water for irrigation is sourced from an existing 194,000-gallon rainwater catchment pond. The capacity of this pond is proposed to be expanded to 236,000 gallons. Alternatively, the applicant may provide documentation that the existing 220,000-gallon pond onsite, which has historically been used as an irrigation source, is not hydrologically connected to surface waters or the applicant will obtain an additional 17,000 gallons of hard-tank water storage to meet the projected annual water usage. Water storage for irrigation totals 210,000 gallons between the 194,000-gallon rainwater catchment pond and existing hard-tank storage. The projected annual water usage for the project totals 227,000 gallons. All processing activities occur onsite in existing structures. Energy for the operation is sourced from a solar array and a generator is onsite to provide supplemental energy.

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) 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(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly noticed public hearing on January 6, 2022, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is seeking a Conditional Use Permit for 19,800 square feet of existing outdoor commercial cannabis cultivation. The project will be supported by a 1,000 square-foot propagation greenhouse. Water for irrigation is sourced from an existing 194,000-gallon rainwater catchment pond. The applicant shall expand the capacity of this pond to 236,000 gallons, provide documentation that the existing 220,000-gallon pond onsite is not hydrologically connected to surface waters, or the applicant will obtain an additional 17,000 gallons of hard-tank water storage to meet the projected annual water usage. Water storage for irrigation totals 210,000 gallons between the 194,000-gallon rainwater catchment pond and existing hard-tank storage. The projected annual water usage for the project totals 227,000 gallons. All processing activities occur onsite in existing structures. Energy for the operation is sourced from a solar array and a generator is onsite to provide supplemental energy

EVIDENCE: a) Project File: PLN-10651-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance

(CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE:

- a) Addendum prepared for the proposed project.
- b) The applicant submitted a *Site Management Plan* (SMP) prepared by Margo Advisors. The SMP did not identify any corrective actions to be undertaken. The applicant will be required to monitor the site, in accordance with the SMP, and complete any future corrective actions required to minimize erosion, prevent sediment discharge to surface waters, and protect water quality.
- c) The continued cultivation of 19,800 square feet of outdoor commercial cannabis cultivation is not anticipated to impact any special status plant and animal species or sensitive natural communities. All cultivation related infrastructure adheres to the Streamside Management Area setback requirements. A review of the California Natural Diversity Database (CNDDDB) found that no species of special concern have been mapped on the subject parcel. The nearest Northern Spotted Owl activity center mapped in the CNDDDB is located over two miles southeast of the project.
- d) Lighting used in the propagation greenhouse will adhere to International Dark Sky Standards and shall be shielded such that no light escapes.
- e) The applicant has submitted a *Cultural Resource Investigation* prepared by DZC Archaeology and Cultural Resource Management dated December 2019. A comprehensive field survey was conducted in April of 2018 and encompassed 35 acres. No tribal cultural resources were identified in the assessment area. The project is not anticipated to impact any tribal cultural resources.
- f) A *Road Evaluation Report* was prepared by Joel Monschke, a licensed Civil Engineer, for the private access road, Thomas Road. Thomas Road is developed in relatively good condition and is capable of safely accommodating for the project's needs. There are a few improvements recommended, such as brushing and minor widening. These improvements are included as recommended conditions of approval.
- g) All fertilizers, fuel, pesticides, or otherwise hazardous materials will be properly stored in in a 100 square foot secondary containment structure.
- h) Noise from project related activities shall not exceed 50 decibels of continuous noise as measured 100 feet from the noise source or edge of habitat, whichever is closer.

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING

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

- EVIDENCE** a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The existing cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The project is consistent with, and complimentary to, the Open Space Plan and its Open Space Action Program.
- 4. FINDING** The proposed development is consistent with the purposes of the existing FR zone in which the site is located.
- EVIDENCE** a) General agricultural is a principally permitted use in the FR zone.
 b) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cultivation on a parcel over 5 acres subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 19,800 square feet of existing outdoor cultivation on a 40-acre parcel is consistent with the CMMLUO and with the cultivation area verification prepared by the County.
- 5. FINDING** The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.
- EVIDENCE** a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned FR (HCC 314-55.4.8.2.2).
 b) The subject parcel was created by Parcel Map 22 (lot 29) recorded in Book 1 of Parcel Maps page 34.
 c) Prior to the 2022 cultivation season the applicant will either (1) enlarge the 194,000-gallon rainwater catchment pond to a capacity of 236,000 gallons, (2) provide documentation from a qualified professional that the 220,000-gallon pond is not hydrologically connected to surface waters, or (3) obtain an additional 17,000 gallons of water storage to meet the projected annual water usage of 227,000 gallons.
 d) Energy for the operation is sourced from two solar arrays with a combined capacity of 6.9 kW. The solar arrays inverter has a capacity of 12 kW which provides sufficient energy to meet the projects energy demand. The site is also equipped with a 14-kW propane generator for back-up use only. When in use, the project will be held in a secondary containment structure to attenuate noise.
 e) Noise from project related activities shall not exceed 50 decibels of continuous noise as measured 100 feet from the noise source or edge of habitat, whichever is closer.
 f) All fertilizers, fuel, pesticides, or otherwise hazardous materials will be properly stored in existing sheds and buildings.
 g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11 (d). It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, school bus stop, church, or other place of worship, public park, or Tribal Cultural Resource, and 1,000 feet from any Tribal Ceremonial Site.

6. FINDING The continued cultivation of 19,800 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE**
- a) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.
 - b) The location of the cultivation complies with all setbacks required in Section 314-55.4.11 (d). It is more than 30 feet from any property line and more than 600 feet from any school, church, public park or Tribal Cultural Resource, and 1,000 feet from any Tribal Ceremonial Site.
 - c) The applicant has submitted a *Cultural Resource Investigation* prepared by DZC Archaeology and Cultural Resource Management dated December 2019. A comprehensive field survey was conducted in April of 2018 and encompassed 35 acres. No tribal cultural resources were identified in the assessment area. The project is not anticipated to impact any tribal cultural resources
 - d) The applicant submitted a *Site Management Plan (SMP)* prepared by Margo Advisors. The SMP did not identify any corrective actions to be undertaken. The applicant will be required to monitor the site, in accordance with the SMP, and complete any future corrective actions required to minimize erosion, prevent sediment discharge to surface waters, and protect water quality.
 - e) Noise from project related activities shall not exceed 50 decibels of continuous noise as measured 100 feet from the noise source or edge of habitat, whichever is closer.
 - f) Lighting used in the propagation greenhouse will adhere to International Dark Sky Standards and shall be shielded such that no light escapes.

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

- EVIDENCE**
- a) The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 257 permits and the total approved acres would be approximately 71.96 acres of cultivation.

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

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

DECISION

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

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

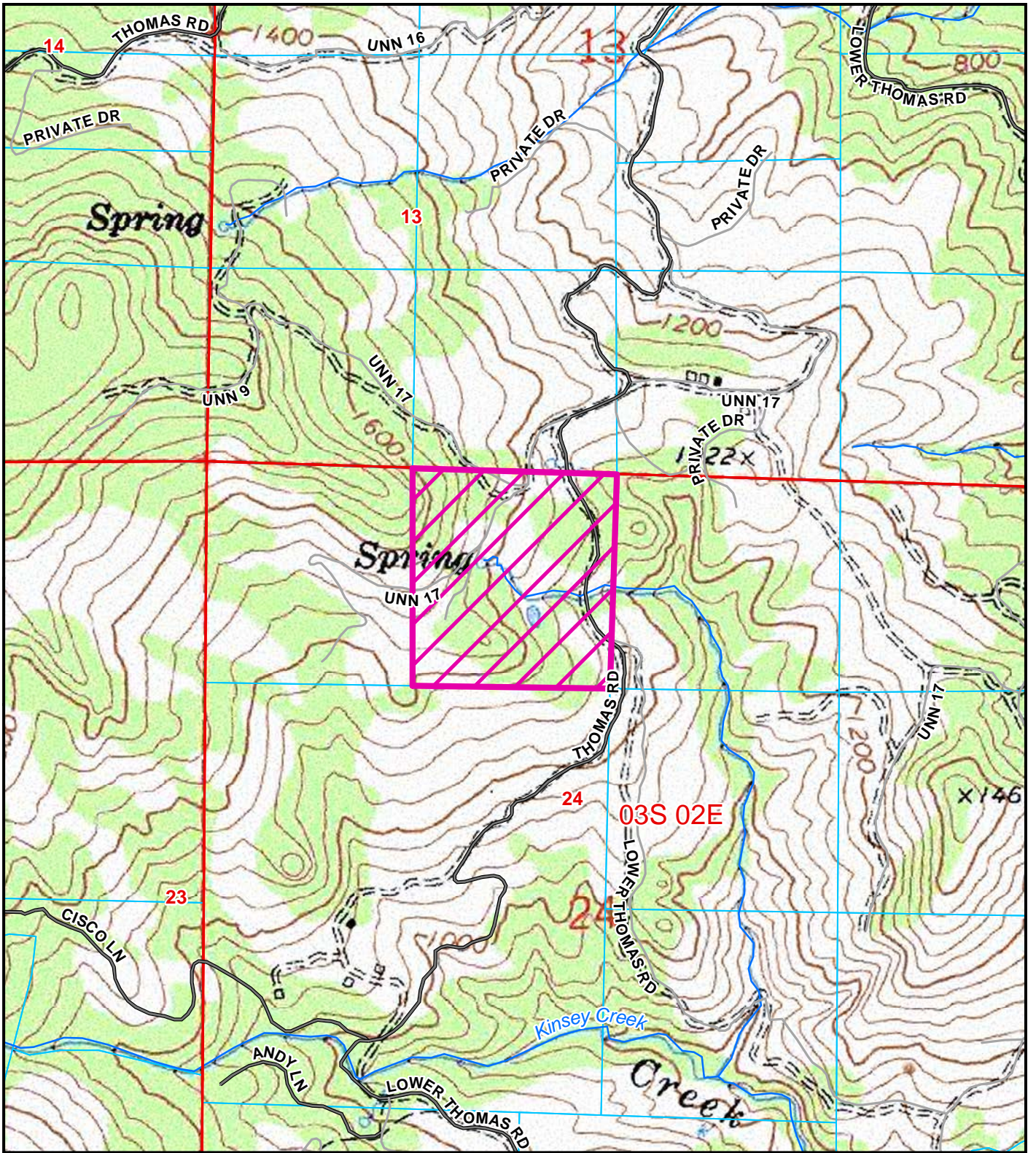
Adopted after review and consideration of all the evidence on January 6, 2022.

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

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

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

 John Ford, Director
 Planning and Building Department

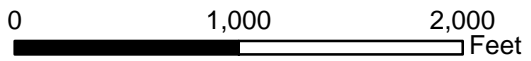


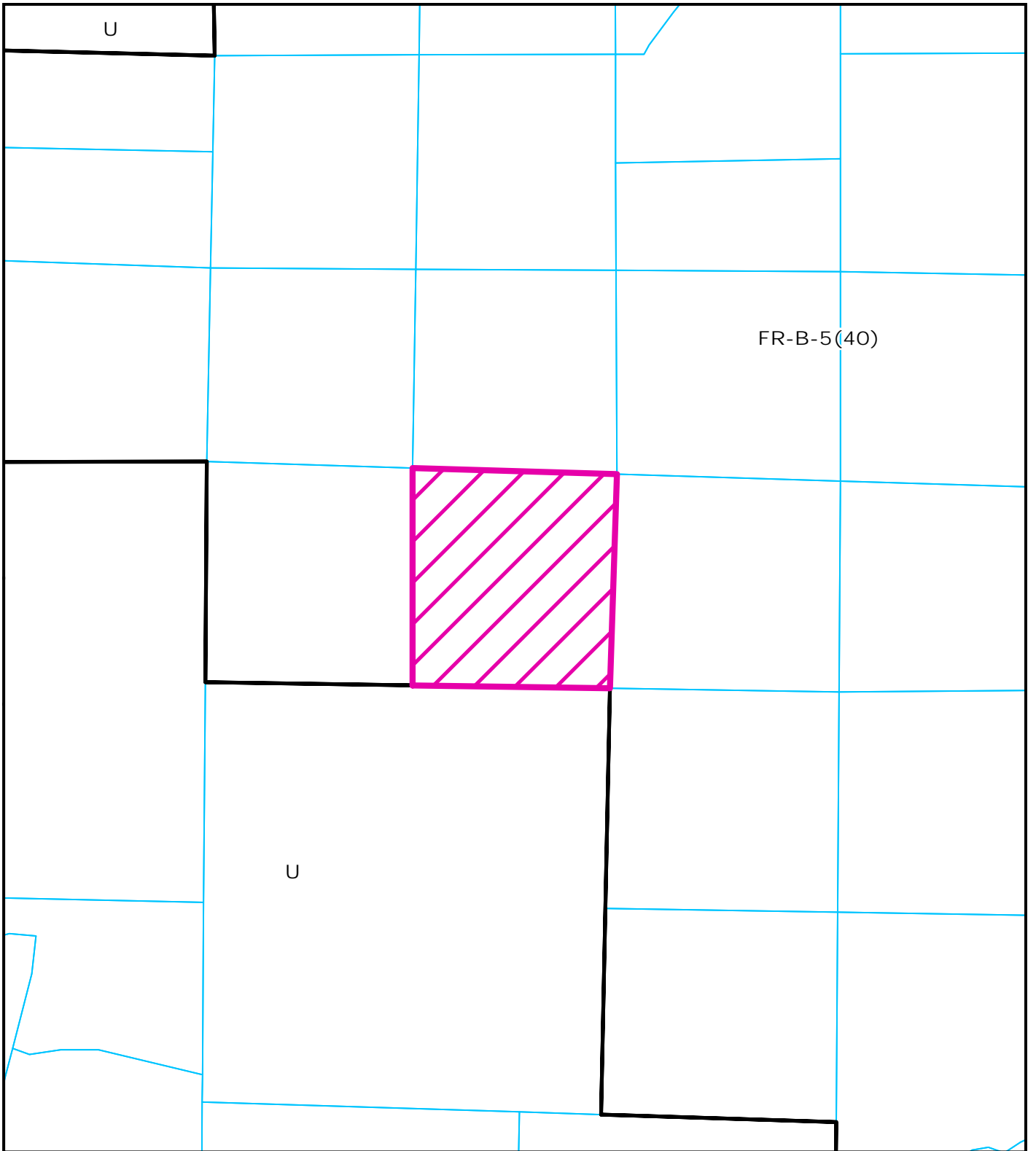
Project Area = 

TOPO MAP
PROPOSED MIDGAD, MBC
SALMON CREEK AREA
CUP-16-041; AA-16-251
APN: 219-051-009-000
T03S R02E S24 HB&M (ETTERSBURG)



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.



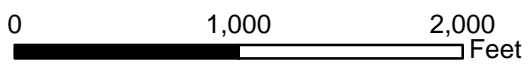


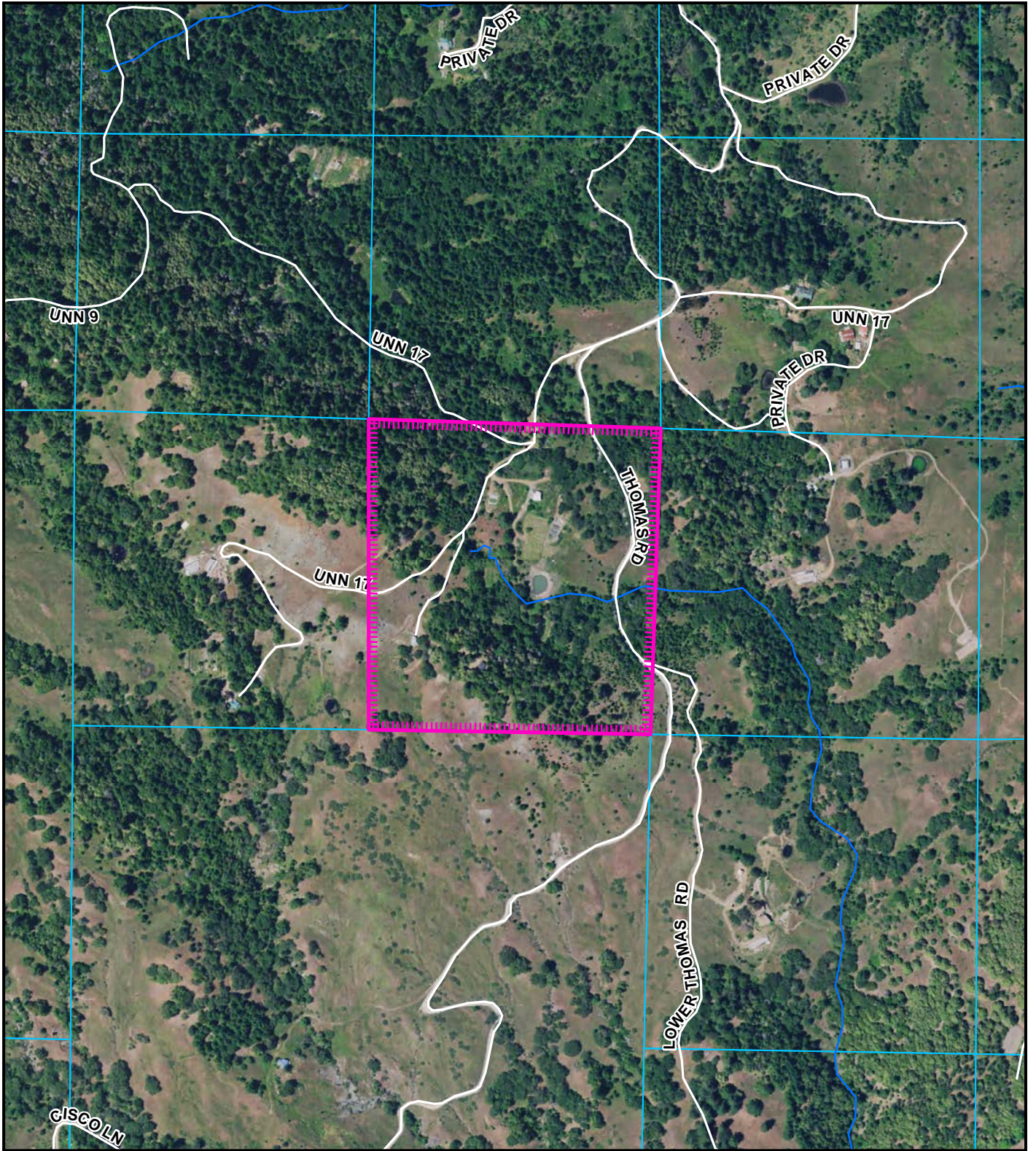
Project Area = 

ZONING MAP
PROPOSED MIDGAD, MBC
SALMON CREEK AREA
CUP-16-041; AA-16-251
APN: 219-051-009-000
T03S R02E S24 HB&M (ETTERSBERG)



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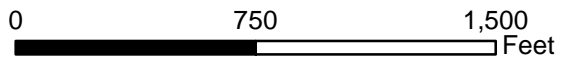


Project Area = 

**AERIAL MAP
 PROPOSED MIDGAD, MBC
 SALMON CREEK AREA
 CUP-16-041; AA-16-251
 APN: 219-051-009-000
 T03S R02E S24 HB&M (ETTERSBURG)**



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QUITTENTON SITE PLAN

APN 219-051-009 HUMBOLDT COUNTY, CA

OWNER:
MATTHEW QUITTENTON
2100 STANFORD CIRCLE
EUREKA, CA 95503
707-589-3493
OZZPOP@GMAIL.COM

AGENT:
BEORN ZEPP ATTORNEY AT LAW
RAIN & ZEPP, PLC.
517 3RD STREET, SUITE 30
EUREKA, CA 95501
707-442-3034

PROJECT NOTES:

<-> 21,968 SF OUTDOOR CULTIVATION AREA

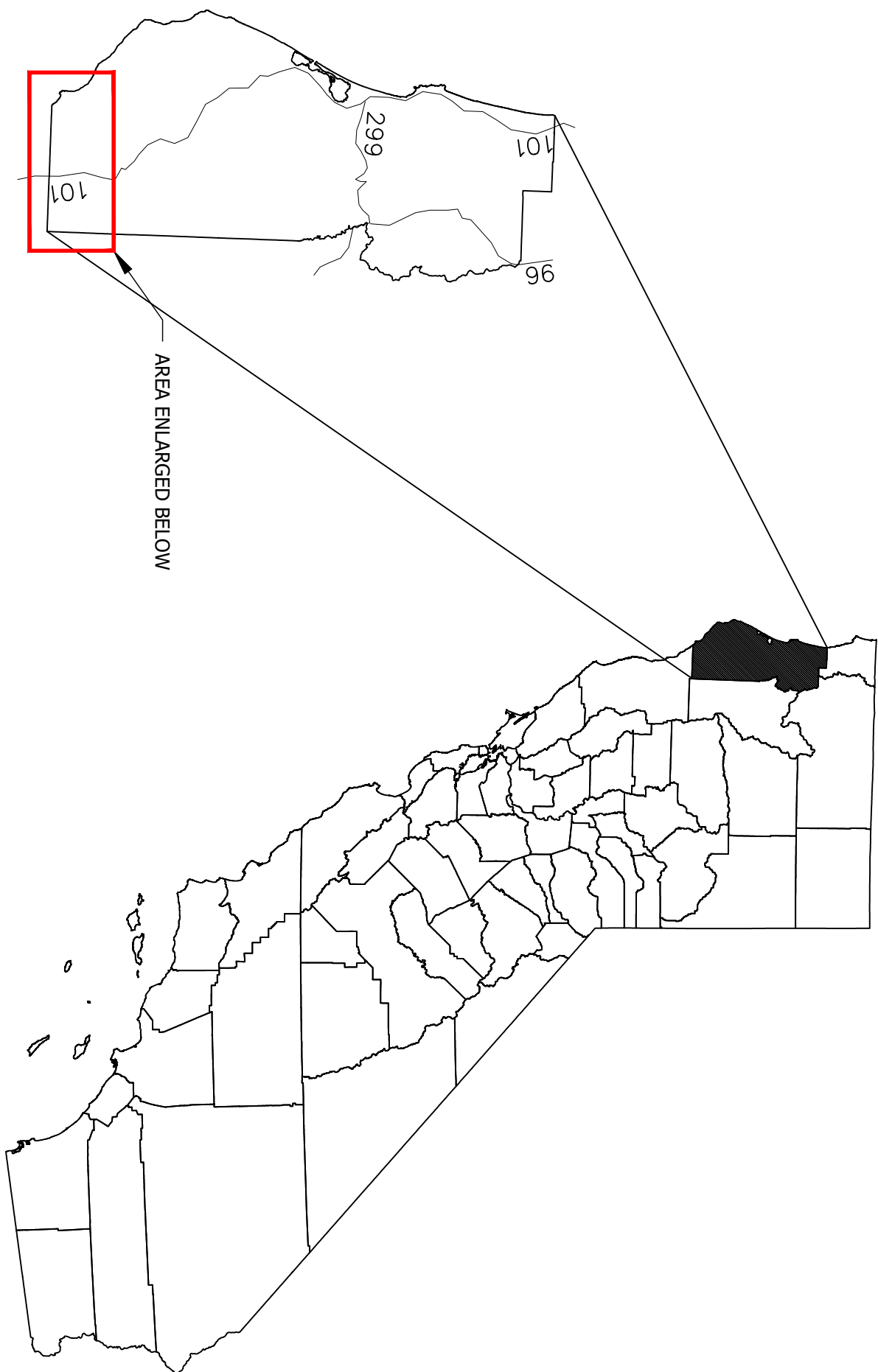
POND NOTES:

- <-> 220,000 GALLON POND, NOT USED FOR IRRIGATION.
- <-> 164,000 GALLON POND, <-> MINOR MODIFICATIONS TO INCREASE VOLUME TO 236,000 GALLONS. WATER SOURCE: RAINWATER CATCHMENT. WATER USE: IRRIGATION AND FIRE SUPPRESSION

SHEET LIST TABLE		
SHEET NUMBER	SHEET TITLE	
1	TITLE SHEET	
2	SITE PLAN EXISTING	
3	SITE PLAN PROPOSED	

ADDITIONAL NOTES:

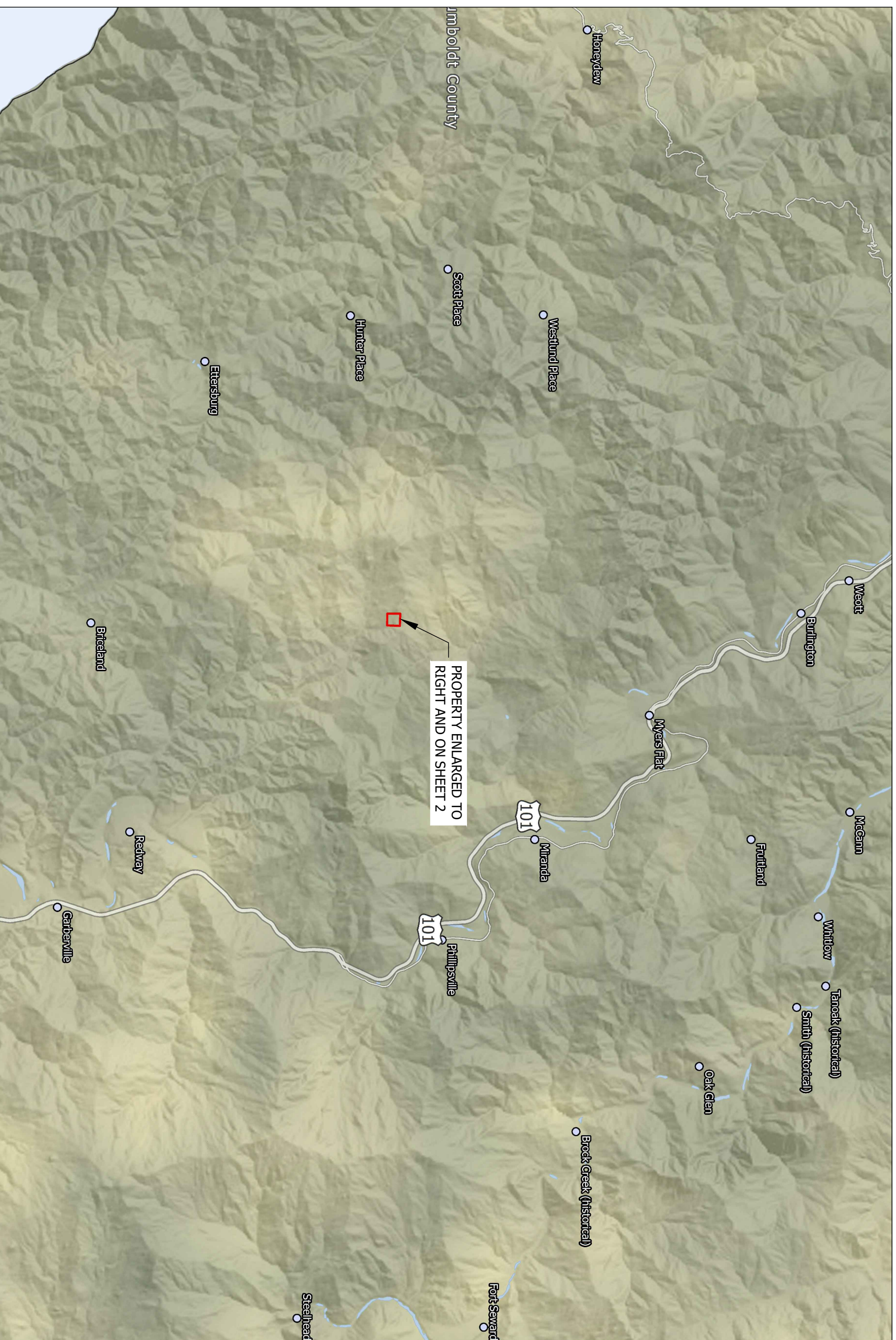
- PARCEL EXTENT TAKEN FROM HUMBOLDT COUNTY GIS AND ASSESSORS PARCEL MAPS; MODIFIED BASED ON FIELD CONDITIONS; APPROXIMATE ONLY.
- SLOPE DIRECTION AND GRADIENT CAN BE DETERMINED USING SCALE BAR AND UNDERLYING USGS TOPO MAP (40' CONTOUR INTERVALS); SLOPES TYPICALLY RANGE FROM 0% TO 40%.
- NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600' OF PROPERTY.
- ALL ROADS AND PARKING AREAS SURFACED WITH GRAVEL, MAIN COMMUNITY ROAD THROUGH PROPERTY ~16' - 20' WIDTH, 0-16% GRADE; PRIVATE DRIVEWAYS ~12' - 14' WIDTH 0-25% GRADE.
- NO OFF SITE RESIDENCES WITHIN 300' UNLESS SHOWN ON THE SITE PLAN (SHEET 2).
- BUILDINGS ARE NOT USED FOR CULTIVATION ACTIVITIES UNLESS OTHERWISE NOTED ON SHEET 2.
- BUILDINGS ARE CONSTRUCTED WITH WOOD UNLESS OTHERWISE NOTED ON SHEET 2.



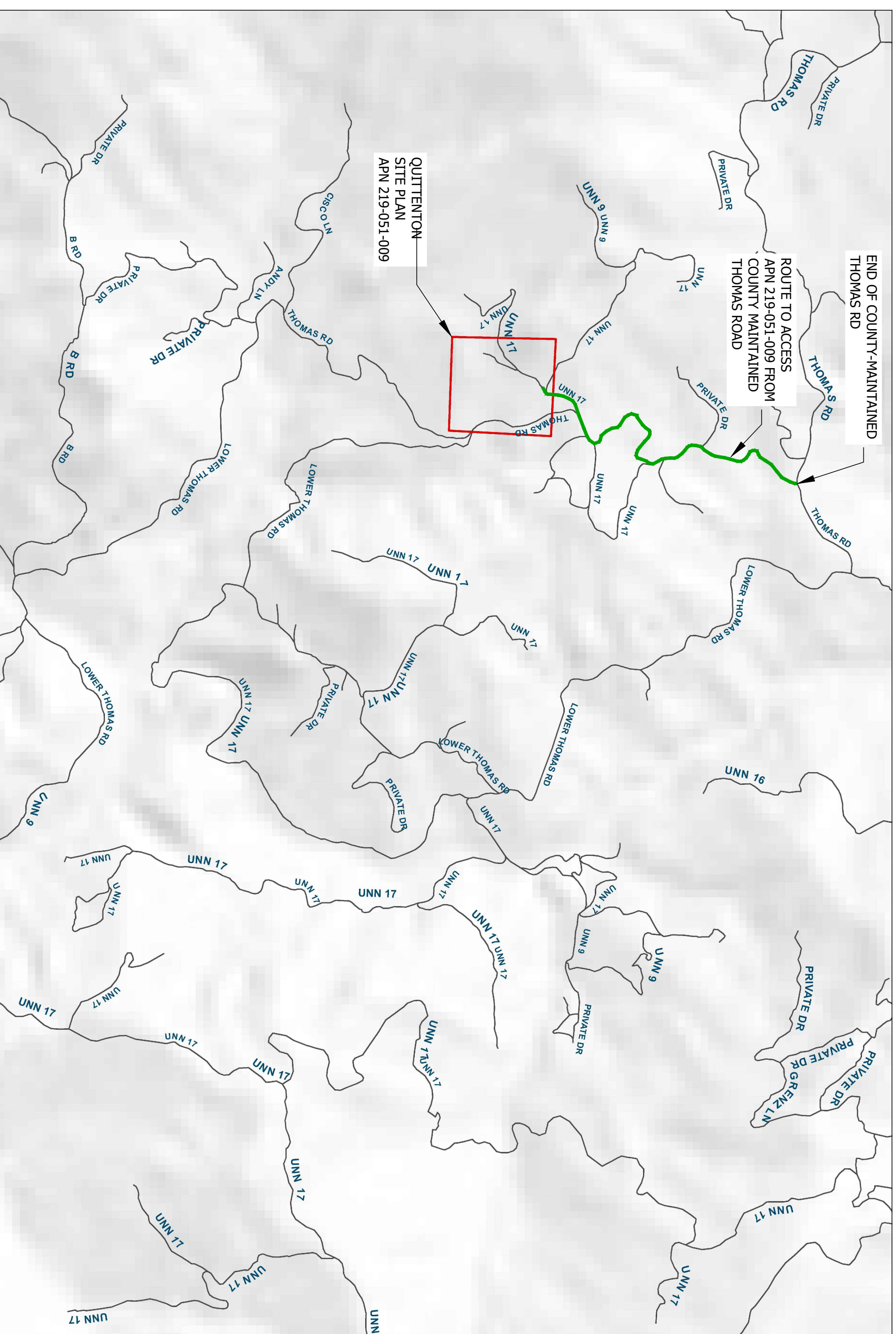
HUMBOLDT COUNTY MAP
NTS

CALIFORNIA MAP
NTS

REGIONAL LOCATION MAP



VICINITY LOCATION MAP



QUITTENTON
SITE PLAN
APN 219-051-009

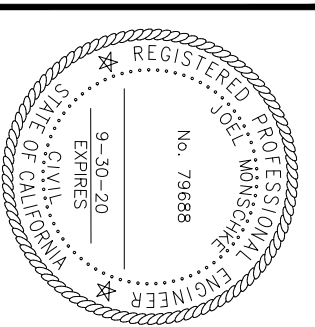
HUMBOLDT COUNTY, CA

Stillwater Sciences
850 G STREET SUITE K
ARCHA, CA 95521
P: (707) 822-9807



PROJECT NUMBER: 546.56
SCALE: AS NOTED
DATE: 10/10/2021

DESIGN: JM
DRAWN: JM/TC
CHECKED: JM
APPROVED: JM



TITLE SHEET

SHEET 1 OF 3

QUITTENTON
SITE PLAN
 APN 219-051-009

HUMBOLDT COUNTY, CA

Stillwater Sciences
 890 G STREET SUITE K
 ARCHATA, CA 95521
 P: (707) 822-9807

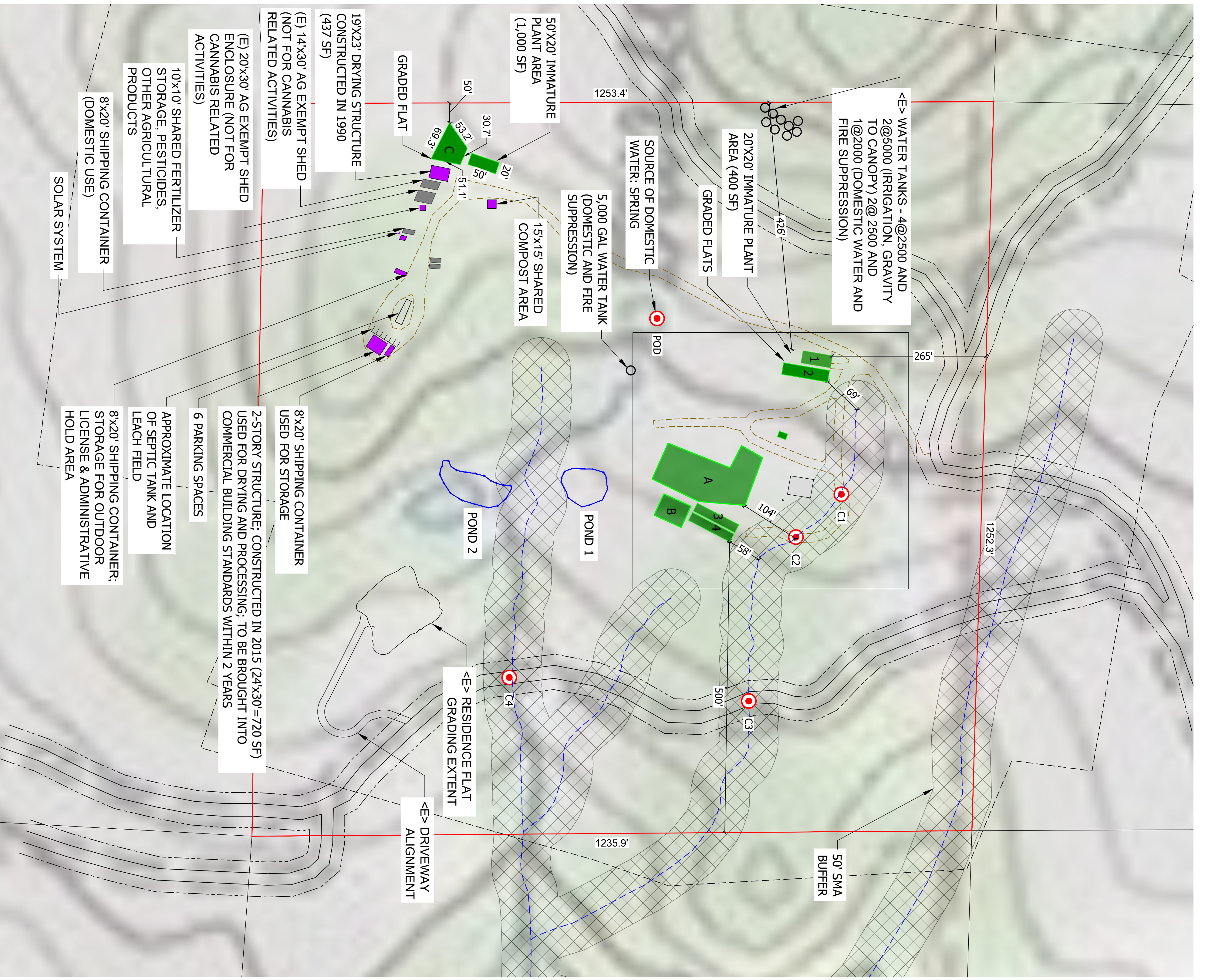
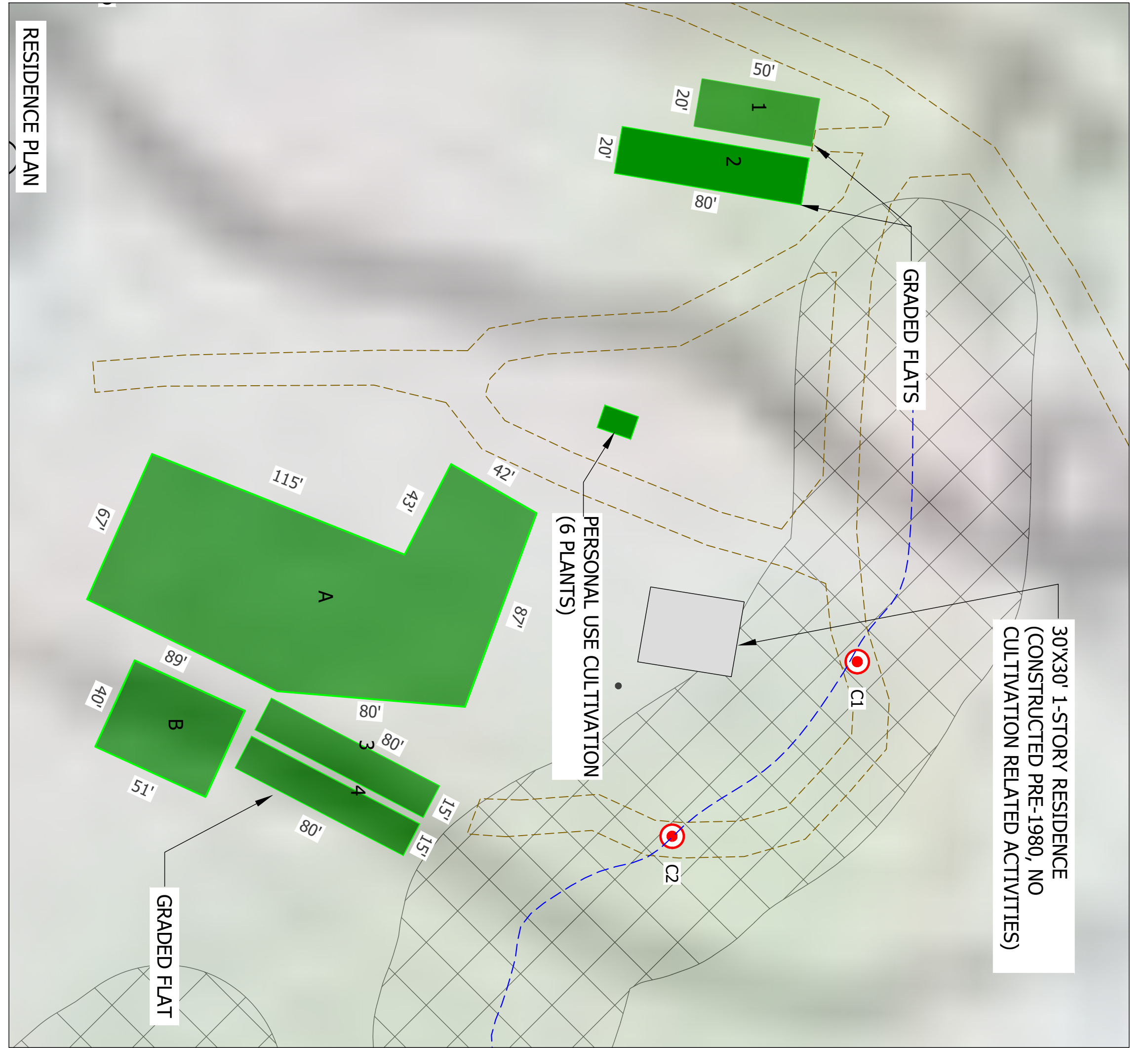
OUTDOOR CANOPY AREA
 (IN GREENHOUSES):

- 1) 50'x20' = 1,000 SF
- 2) 80'x20' = 1,600 SF
- 3) 80'x15' = 1,200 SF
- 4) 80'x15' = 1,200 SF

OUTDOOR CANOPY AREAS:

- A) 12,556 SF
- B) 2,044 SF
- C) 2,400 SF

TOTAL CULTIVATION AREA =
 22,000 SF



CROSSING/POINT OF DIVERSION POINT TABLE

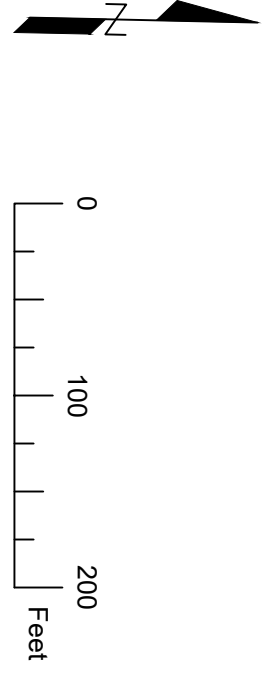
DESCRIPTION	LATITUDE	LONGITUDE
POND 2	40.1928	-123.9044
C1	40.1945	-123.9044
C2	40.1943	-123.9041
C3	40.1941	-123.9031
C4	40.1929	-123.9032
POD	40.1936	-123.9054

LEGEND

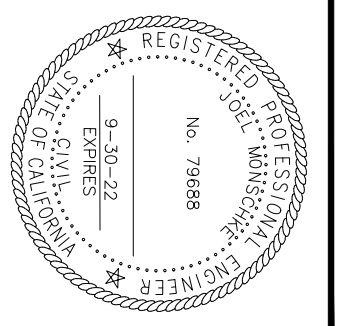
- PROPERTY LINE
- PRIVATE ROADWAY, COMMUNITY MAINTAINED
- PRIVATE ROADWAY
- CANOPY AREA
- NOT USED FOR CULTIVATION RELATED ACTIVITIES
- NOT USED FOR CULTIVATION RELATED ACTIVITIES
- TRIBUTARY
- 60' PVT R/W EASEMENT
- 600' SETBACK FROM CULTIVATION AREAS
- 50' STREAM MANAGEMENT AREA BUFFER
- EXISTING
- PROPOSED
- CROSSING/POINT OF DIVERSION

(E) EXISTING
 (P) PROPOSED

- NOTES:**
1. ALL FEATURE LOCATIONS ARE APPROXIMATE ONLY
 2. LIST OF ABBREVIATIONS:
 <E>S = PRE-EXISTING
 <P>S = PROPOSED
 3. 40' CONTOURS FROM USGS
 4. C1 = ROAD STREAM CROSSING



DESIGN: JM
 DRAWN: JM/TC
 CHECKED: JM
 APPROVED: JM



SITE PLAN EXISTING

SHEET 2 OF 3

**QUITTENTON
SITE PLAN**
APN 219-051-009

HUMBOLDT COUNTY, CA

Stillwater Sciences
850 G STREET SUITE K
ARCATA, CA 95521
P: (707) 822-9807

OUTDOOR CANOPY AREA
(IN GREENHOUSES):

- 1) 80'x20' = 1,600 SF
- 2) 80'x20' = 1,600 SF
- 3-13) 80'x15' = 1,200 SF EACH

OUTDOOR CANOPY AREA:

- C) 1,000 SF
- D) 1,000 SF

TOTAL CULTIVATION AREA = 19,800 SF

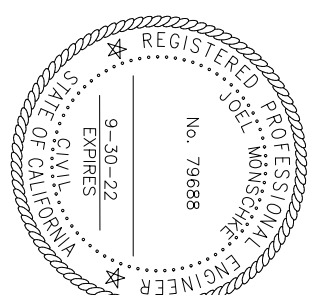


PROJECT NUMBER: 546.56

SCALE: AS NOTED

DATE: 10/10/2021

DESIGN: JM
DRAWN: JM/TC
CHECKED: JM
APPROVED: JM

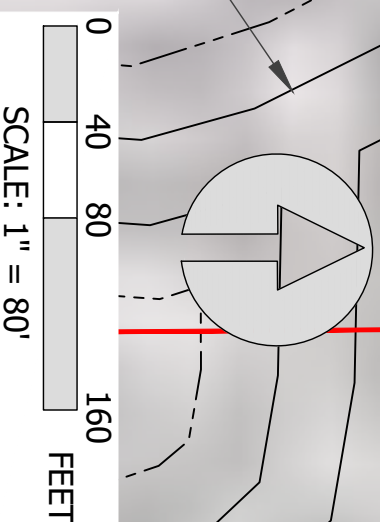
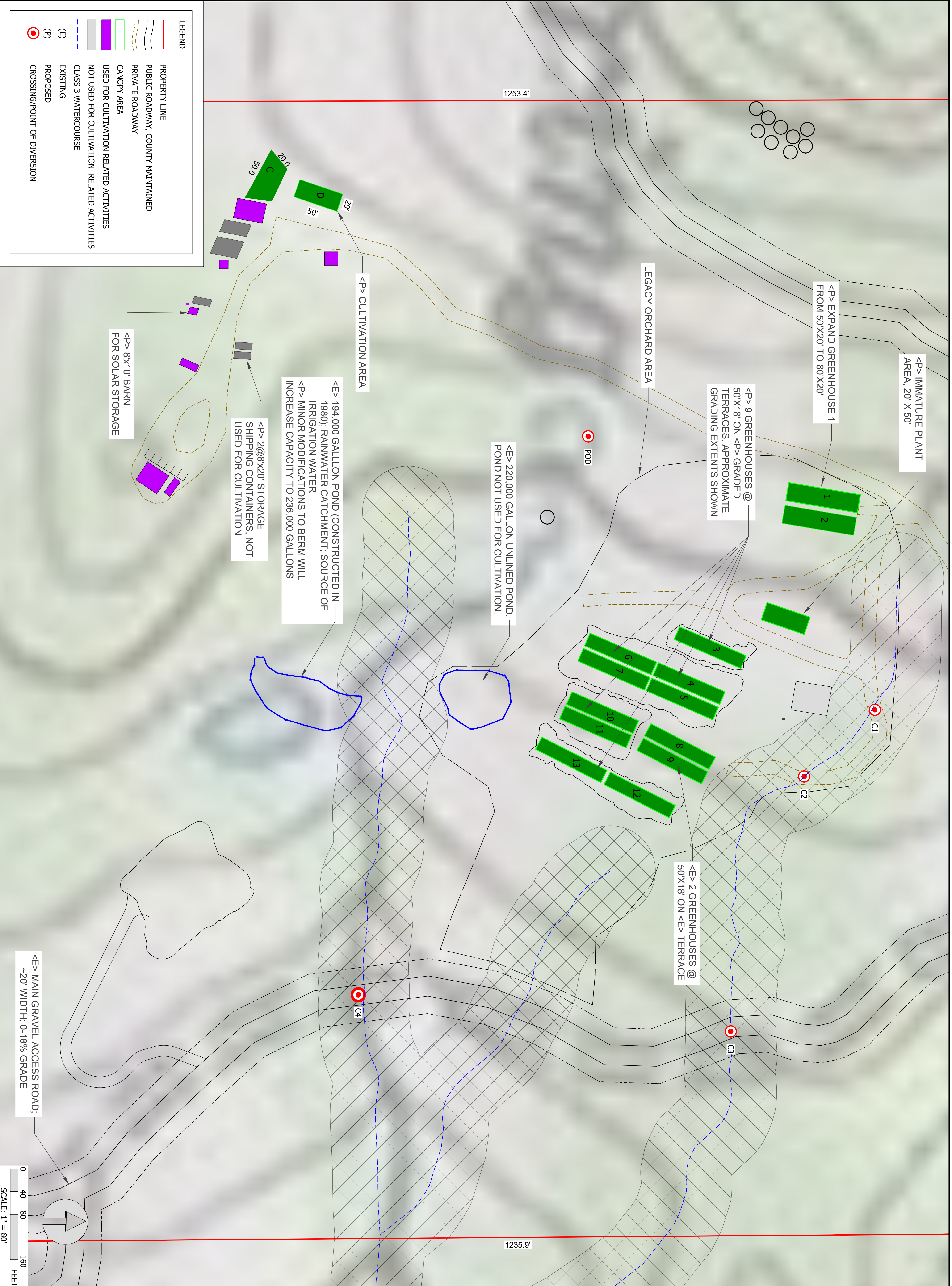


SITE PLAN PROPOSED

SHEET 3 OF 3

LEGEND

- PROPERTY LINE
- PUBLIC ROADWAY, COUNTY MAINTAINED
- PRIVATE ROADWAY
- CANOPY AREA
- USED FOR CULTIVATION RELATED ACTIVITIES
- NOT USED FOR CULTIVATION RELATED ACTIVITIES
- CLASS 3 WATERCOURSE
- EXISTING
- PROPOSED
- CROSSING/POINT OF DIVERSION



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this filing cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #10. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The applicant will demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources.

8. The processing buildings in their current configuration cannot be used for trimming and/or packaging. These types of activities must take place in a F1 Occupancy Type commercial structure with an accessible restroom and accessible parking. The owner must secure permits and complete any building of such structure within the 2-year provisional period. Alternatively, the operator may discontinue this use and process at an off-site licensed third-party facility.
9. To ensure that there is adequate irrigation water and irrigation water storage onsite to meet the project's demand, the applicant will undertake one or more of the following actions:
 - a) The applicant will obtain an additional 17,000 gallons of water storage. Prior to obtaining this water storage, the applicant will submit a site plan showing the proposed location to the Planning Department for review and approval.
 - b) The applicant will have the 220,000-gallon pond analyzed by a qualified professional to determine hydrological connectivity. The information provided by the applicant will be verified by the Planning Department and the California Department of Fish and Wildlife.
 - c) The applicant will receive a grading permit, or receive documentation one is not required, and expand the existing 195,000-gallon rainwater catchment pond to a capacity greater than or equal to 236,000 gallons.

If the applicant has not completed one of the above-mentioned tasks by April 31, 2022, the applicant will schedule a site visit with the Planning Department to verify the amount of water storage existing on site. If deemed necessary, the applicant will reduce their cultivation area to the amount supported by the stored irrigation water.

10. The applicant will 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.
11. The applicant will adhere to the recommendation made by the Department of Public Works Land Use Division and maintain visibility where the Upper Thomas Road (Early Ranch Road) intersects with Thomas Road, the county-maintained road, in accordance with the County's Sight Visibility Ordinance. Ongoing compliance with this condition will be assessed at the applicant's annual inspection.
12. The applicant shall complete the recommended improvements in the Road Evaluation Report by Joel Monschke for the 0.85 mile portion of Upper Thomas Road from Thomas Road junction to the private driveway. Specifically these improvements as:
 - Brush the road to improve visibility between the turnouts at miles 0.0 to 0.2
 - Widen the road on the inside turn on mile 0.15 to increase width and improve visibility.
 - Install signage identifying the lack of visibility between mile 0.65 and 0.75.
13. The applicant submitted a *Site Management Plan* (SMP) prepared by Margo Advisors. The SMP did not identify any corrective actions to be undertaken. The applicant will monitor the site, in accordance with the SMP, and complete any future corrective actions required to minimize erosion, prevent sediment discharge to surface waters, and protect water quality.
14. The applicant will execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
3. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations

to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.

12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. 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.
14. 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).
15. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
24. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

Performance Standards for Cultivation and Processing Operations

25. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

- d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
 30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
 31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
 32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
 33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
 34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.

ATTACHMENT 2

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

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

**APN 219-051-009, 4400 Thomas Road, Salmon Creek Area
County of Humboldt**

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

December 2021

Background

Modified Project Description and Project History –

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

The applicant is seeking a Conditional Use Permit for 19,800 square feet of existing outdoor commercial cannabis cultivation. The project will be supported by a 1,000 square-foot propagation greenhouse. Water for irrigation is sourced from an existing 194,000-gallon rainwater catchment pond. The capacity of this pond is proposed to be expanded to 236,000 gallons. Alternatively, the applicant may provide documentation that the existing 220,000-gallon pond onsite, which has historically been used as an irrigation source, is not hydrologically connected to surface waters or the applicant will obtain an additional 17,000 gallons of hard-tank water storage to meet the projected annual water usage. Water storage for irrigation totals 210,000 gallons between the 194,000-gallon rainwater catchment pond and existing hard-tank storage. The projected annual water usage for the project totals 227,000 gallons. All processing activities occur onsite in existing structures. Energy for the operation is sourced from a solar array and a generator is onsite to provide supplemental energy.

The applicant has submitted a *Cultural Resource Investigation* prepared by DZC Archaeology and Cultural Resource Management dated December 2019. A comprehensive field survey was conducted in April of 2018 and encompassed 35 acres. No tribal cultural resources were identified in the assessment area. The project is not anticipated to impact any tribal cultural resources. The Cultural Resource Investigation was sent for tribal review. The Bear River Band of Rohnerville Rancheria requested that a condition of approval include the inadvertent discovery protocol.

The continued cultivation of 19,800 square feet of outdoor commercial cannabis cultivation is not anticipated to impact any special status plant and animal species or sensitive natural communities. All cultivation related infrastructure adheres to the Streamside Management Area setback requirements. A review of the California Natural Diversity Database (CNDDDB) found that no species of special concern have been mapped on the subject parcel. The nearest Northern Spotted Owl activity center mapped in the CNDDDB is located over two miles southeast of the project.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 19,800 square feet of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 3 for a complete listing):

- *Cultivation and Operations Plan* prepared by Rain & Zepp received 12/04/19.
- *Site Plan* prepared by Stillwater Sciences 05/19/2020.
- *Site Management Plan* prepared by Margro Advisors, dated 10/1/19.
- *Cultural Resource Investigation Report* prepared by DZC Archaeology and Cultural Resource Management dated December 2019.
- *Road Evaluation Report* for Thomas Road prepared by Stillwater Sciences, dated June 5, 2019.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (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 one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plans prepared by Stillwater Sciences received 11/16/2021 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Rain & Zepp received 12/04/19 and Addendum to Cult Ops received 12/3/21– **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. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in the Addendum to the Cultivation Operations Plan (item 4. above).
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (NOI on file and Site Management Plan prepared by Margro Advisors- **Attached**)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2019-0303-R1- **Attached**)
9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner

has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

10. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
14. *Road Evaluation Report* for Thomas Road prepared by Stillwater Sciences, dated June 5, 2019. **(Attached)**
15. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
16. *Cultural Resource Investigation Report* prepared by DZC Archaeology and Cultural Resource Management dated December 2019. (On file- Confidential)

Operations Plan Addendum

Power Source

This projects primary power source is solar. Three independent systems are on site with two dedicated to farm needs and one system to meet domestic (non-cannabis) needs. The two cannabis related solar power systems have a total power generating capacity of 6.9 KW. The output capacity of the farm system is 12KW. In addition to the primary solar system there is a 14KW Kohler propane back-up generator (installed in 2020). The generator is serviced by Blue Star Gas. The solar system does handle all of the projects energy demand with the generator for back-up power only. The generator is housed in a noise attenuation structure.

Cultivation Area

The Cultivation Area Verification (CAV) for this project and the Interim Permit (IP) confirmed and authorized 21,968 square feet of canopy area. In an effort to remain competitive in the shifting market place the applicant is proposing a shift to greenhouse cultivation and in doing so diminish the cultivation area to a total of 19,800 square feet of canopy area.

Ancillary Propagation Area

Upon completion of the reconfiguration the ancillary propagation area will be reduced to 1,000 square feet.



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Email: tracyrain@rainzepplaw.com beornzepp@rainzepplaw.com

**Site Management Plan for:
WDID: 1B16249CHUM
APN: 219-051-009**

Prepared for:
State Water Resources Control Board (SWRCB)
North Coast Regional Water Quality Control Board (NCRWQCB)

Prepared by:
Margro Advisors
230 4th St, Eureka CA, 95501

Date of Completion:
10/01/2019

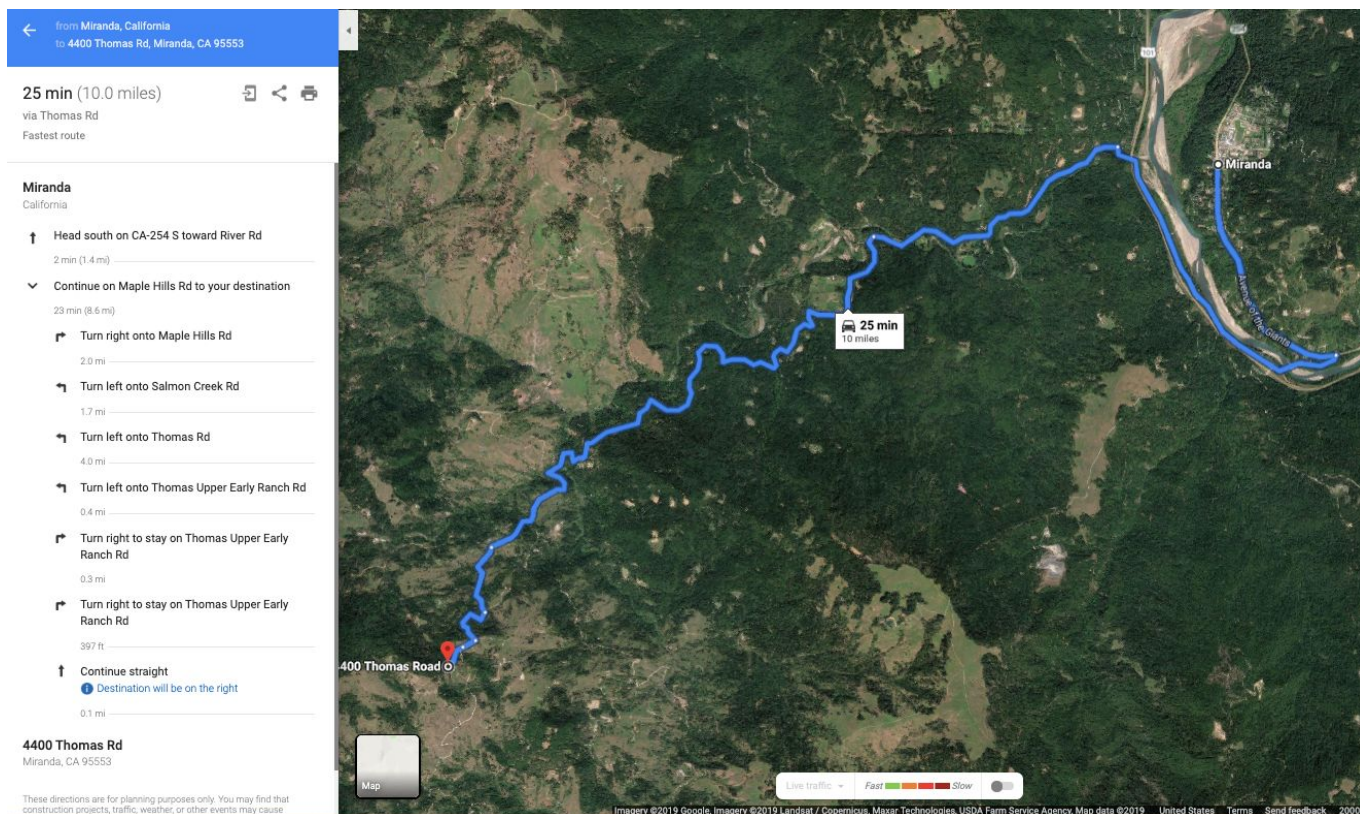
Introduction

This Site Management Plan (SMP) as required by the State's General Order¹, is for a cannabis cultivation site operated by Midgad LLC, located in the Miranda area, street address 4400 Upper Thomas Rd, Miranda, in Humboldt County. The site is located in watershed +HUC 12-180101060404. The purpose of this order is to provide a regulatory structure for cannabis cultivation that reduces contributions to existing water quality issues and prevents additional adverse impacts to water resources throughout California. The purpose of the SMP is to identify conditions present on a parcel that may pose a threat to water quality and resources, and establish a plan to meet or surpass requirements set forth in the order, as well as to describe how the cultivator is implementing the best practical treatment or control (BPTC) measures listed in Attachment A of the Cannabis General Order. Refer to Attachment D of the General Order for further technical report guidance.

Margro Advisors has made an initial assessment of this parcel through field work as well as through a variety of county, state, and private websites (e.g. USDA web soil survey, Google Earth, and Humboldt County Web GIS). The parcel boundaries are approximate and obtained from Humboldt County.

Attached is a map of directions from Google Maps.

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



Site Characteristics

This project is associated with Humboldt County Interim Permit # PLN-10651-CUP, and has been granted a license for 21,968 ft² of outdoor cultivation and CDFA State License # PML19-0000366, and PML19-0000365.

The terrain has mild to steep slopes. Elevation within this parcel ranges from approximately 1,200 to 1,500 feet. Mean annual precipitation is 50 to 55 inches.. The frost free period is 150 to 250 days. Mean annual air temperature is 53 to 57 degrees Fahrenheit.

Attached at the end of this document is a site map. The site map includes features such as: access roads, vehicle parking areas, streams, cultivation site(s), buildings, and other relevant site features.

Processing

After being harvested, the cannabis is dried and then machine trimmed. The final cannabis product will then be packaged and stored in a secure location. Planning is underway to bring the current processing building up to commercial standards so that it can be used for drying,

processing, and packaging of the final product. Offsite processing is also being considered with a licensed third-party processing facility.

Power

The site uses a small solar system to run the water pump. A EM6500 generator, two (2) EU3000, and two (2) EU2000 provide electricity for drying and curing. The Honda generators are rated by the manufacturer at 60dB, meeting perimeter noise restrictions required by environmental regulations.

Soil Description

Attached is a soil map of the parcel. The soils within the area are primarily Canocreek-Sproulish-Redwohly complex (Map Unit 575, 14.1% of parcel), Coyoterock-Yorknorth complex (Map Unit 647, 5.6% of parcel), Yorknorth-Devilshole complex (Map Unit 648, 47.2% of parcel), and Canocreek-Coyoterock-Sproulish complex (Map Unit 5508, 33.1% of parcel).



Soil Map—Humboldt County, South Part, California
(Midgad (APN: 219-051-009))

MAP LEGEND		MAP INFORMATION
<p>Area of Interest (AOI)</p> <ul style="list-style-type: none"> Area of Interest (AOI) <p>Soils</p> <ul style="list-style-type: none"> Soil Map Unit Polygons Soil Map Unit Lines Soil Map Unit Points <p>Special Point Features</p> <ul style="list-style-type: none"> Blowout Borrow Pit Clay Spot Closed Depression Gravel Pit Gravelly Spot Landfill Lava Flow Marsh or swamp Mine or Quarry Miscellaneous Water Perennial Water Rock Outcrop Saline Spot Sandy Spot Severely Eroded Spot Sinkhole Slide or Slip Sodic Spot 	<ul style="list-style-type: none"> Spot Area Stony Spot Very Stony Spot Wet Spot Other Special Line Features <p>Water Features</p> <ul style="list-style-type: none"> Streams and Canals <p>Transportation</p> <ul style="list-style-type: none"> Rails Interstate Highways US Routes Major Roads Local Roads <p>Background</p> <ul style="list-style-type: none"> Aerial Photography 	<p>The soil surveys that comprise your AOI were mapped at 1:24,000.</p> <p>Warning: Soil Map may not be valid at this scale.</p> <p>Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.</p> <p>Please rely on the bar scale on each map sheet for map measurements.</p> <p>Source of Map: Natural Resources Conservation Service Web Soil Survey URL: Coordinate System: Web Mercator (EPSG:3857)</p> <p>Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.</p> <p>This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.</p> <p>Soil Survey Area: Humboldt County, South Part, California Survey Area Data: Version 7, Sep 13, 2018</p> <p>Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.</p> <p>Date(s) aerial images were photographed: Dec 31, 2009—Nov 6, 2017</p> <p>The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.</p>

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
575	Canocreek-Sproulish-Redwohly complex, 50 to 75 percent slopes, warm	5.4	14.1%
647	Coyoterock-Yorknorth complex, 15 to 50 percent slopes	2.1	5.6%
648	Yorknorth-Devilshole complex, 5 to 30 percent slopes	17.8	47.2%
5508	Canocreek-Coyoterock-Sproulish complex, 15 to 50 percent slopes	12.5	33.1%
Totals for Area of Interest		37.8	100.0%

Canoe creek

The parent rock of the Canoe creek is colluvium and residuum derived from sandstone, mudstone, and conglomerate. The capacity of the most limiting layer to transmit water (Ksat) is moderately high to high (0.60 to 2.00 in/hr). The depth to a restrictive feature is more than 80 inches. The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is moderate (about 7.4 inches).

Sproulish

The parent rock of the Sproulish is colluvium derived from mudstone and/or colluvium derived from sandstone and/or residuum weathered from mudstone and/or sandstone. The capacity of the most limiting layer to transmit water (Ksat) is moderately high to high (0.20 to 2.00 in/hr). The depth to a restrictive feature is more than 80 inches. The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is high (about 10.1 inches). The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm).

Redwohly

The parent rock of the Redwohly is residuum weathered from sandstone and/or mudstone. The capacity of the most limiting layer to transmit water (Ksat) is moderately low to moderately high (0.14 to 1.42 in/hr). In terms of depth to a restrictive feature, there are 20 to 39 inches to strongly contrasting textural stratification. The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is low (about 3.7 inches). The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm).

Coyoterock

The parent rock of Coyoterock is colluvium derived from sandstone and mudstone. The natural drainage class is moderately well drained. The capacity of the most limiting layer to transmit water (Ksat) is low to moderately low (0.01 to 0.06 in/hr). The depth to a restrictive feature is more than 80 inches. The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is moderate (about 8.8 inches).

Yorknorth

The parent rock of the Yorknorth is colluvium derived from sandstone and/or earthflow deposits derived from schist. The natural drainage class is moderately well drained. The capacity of the most limiting layer to transmit water (Ksat) is moderately low to moderately high (0.06 to 0.20 in/hr). The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is high (about 9.1 inches).

Devilshole

The parent rock of Devilshole is Colluvium derived from sandstone and/or residuum weathered from schist and/or earthflow deposits derived from mudstone. The natural drainage is

moderately well drained. The capacity of the most limiting layer to transmit water (Ksat) is Moderately low to moderately high (0.06 to 0.20 in/hr). The maximum salinity in profile is non-saline to very slightly saline (0.0 to 2.0 mmhos/cm). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is low.

Water Storage, Use, and Irrigation Runoff

Midgad LLC has a Streambed Alteration Agreement (Notification No. 1600-2016-0303-R1) with CDFW and all work has been completed pursuant to that agreement. Water source for cannabis irrigation is two (2) rainwater catchment ponds that utilize a feeder tanks. A summary of water storage is shown below in Table 1.

Water Storage Type	Size (Gallons)	Number	Total (Gallons)
Pond	220,000	1	220,000
Pond	180,000	1	180,000
Poly Tank	2,500	2	5,000
Total			405,000

Table 1: Summary of water storage on the parcel.

The amount of water used for the cultivation of cannabis will vary throughout the year, from 30 gallons a day to 2,000 gallons per day in the summer months. A solar pump directs water from the rainwater catchment ponds to the feeder tanks. Gravity then directs water to irrigation lines and distributes water flow to the cultivation site. Most irrigation is dispersed using timed emitters with some supplemental hand watering. During the beginning of the grow season, clones are occasionally watered every few days as needed. Watering progresses to daily watering during the hottest days of the season. A summary of estimated water use in gallons by month for irrigation is shown below in Table 2.

Jan	Feb	Mar	Apr	May	June
0	0	0	5,000	12,000	20,000
July	Aug	Sept	Oct	Nov	Dec
35,000	49,000	43,600	22,300	0	0

Table 2: Summary of estimated water use in gallons by month for irrigation.

Water flow is metered and will be regularly recorded and reported with the end of the year monitoring report. Tanks, lines, and connections will be checked periodically for wear, damage, and leaks. Repairs are done immediately or mitigated until replacement parts are obtained.

Sediment Discharge

Access Roads

The access roads are in good condition and do not show evidence of erosion (e.g. surface rutting or gullyng). There is very little vehicle traffic from the site (about two cars go in and out per day), there are rocked surfaces, and there are currently no road maintenance activities. Storm water is drained from the access road via use of roadside ditches and ditch relief culverts. Access road stormwater drainage structures do not discharge onto unstable slopes, earthen fills, or directly to a waterbody. All required permits and approvals are obtained prior to any road or earth moving work.

Stream Crossings

There are four stream crossings on the parcel. An overview of stream crossings is shown below in Table 3.

Size (inches)	Type	Watercourse Class	Condition
-	Rocked Ford	Class III	Good
-	Rocked Ford	Class III	Good
18"	Corrugated Metal Pipe	Class III	Good
24"	Corrugated Metal Pipe	Class III	Good

Table 3: Overview of stream crossings on the property.

All stream crossings have been designed by a qualified professional and are believed to be capable of accommodating the estimated 100-year flood flow, including debris and sediment loads. All stream crossings are maintained and inspected for blockage with regular monitoring detailed in the Monitoring section of this plan. All culverts are installed parallel to the watercourse alignment to the extent possible, of sufficient length to extend beyond stabilized fill/sidecast material, and are embedded or installed at the same level and gradient of the streambed in which they have been placed to prevent erosion.

Sediment Erosion Prevention and Sediment Capture

Erosion Prevention

BPTC measures being implemented to ensure erosion prevention include watering plants with manual watering at appropriate agronomic rates. Soil will be topped with straw mulch, grass seed, or cover crop for sediment control to prevent erosion and transportation of sediment. Care is taken to limit dust. In addition, there is no driving or operating of vehicles or equipment within the riparian setbacks or within waters of the state.

Sediment Control

BPTC measures being implemented to capture sediment that has been eroded include topping soil with straw mulch, grass seed, or cover crop. When exposed surfaces or bare slopes appear, topsoil is covered with straw for temporary erosion control to minimize sediment and stabilize the surface in the event of heavy rainfall. Placement of gravel, straw wattles, and silt screens are examples of additional mitigation measures which will also be taken to ensure erosion control if deemed necessary, native erosion control seed is also broadcasted.

Monitoring

The access road, stream crossing, erosion prevention, and sediment control BPTC measures listed above will be monitored and maintained to confirm effectiveness and protect water quality by conducting inspections:

- Quarterly.
- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site.
- Prior to October 15th and December 15th to evaluate site preparedness for storm events and stormwater runoff.

Captured sediment will be stabilized in place.

Fertilizer, Pesticide, Herbicide, Fungicide, and Rodenticide

An overview of estimated annual chemical product use is shown below in Table 4.

Product Name	Chemical Type	N-P-K or Primary Active Ingredient(s)	Annual Use (lb or gal)
Stutzman's Chicken Manure	Fertilizer	3-2-2	7,700 lb
Bone Meal	Fertilizer	3-15-0	2,250 lb
Gypsum	Fertilizer	Gypsum	500 lb
Green Bicycle	Fertilizer	3-9-1	400 gal
Fish Emulsion	Fertilizer	5-1-1	20 gal
Green Cleaner	Pesticide	Soybean Oil, Sodium Lauryl Sulfate, Citric Acid, and Isopropyl Alcohol	1 gal

Table 4: Overview of estimated annual chemical product usage.

Products are taken to the site as needed - typically in the Spring. Amendments are stored in a designated amendment shed. Products which are not consumed during the growing season are kept to prevent discharge, including over the Winter season. Bulk fertilizers and chemical concentrates are stored, mixed, and applied per packaging instructions and/or at proper agronomic rates. All materials are securely stored in secondary containment. Empty containers are disposed of in closed-lid garbage cans. Application rates will be tracked and reported with the end of the year monitoring.

Petroleum Products

An overview of estimated annual petroleum usage is shown below in Table 5.

Product	Chemical Type	Storage (gal)	Annual Use (gal)
Gasoline	Petroleum	Up to 15	400
Motor Oil	Petroleum	Up to 1	1
Propane	Petroleum	Up to 5	10

Table 5: Overview of estimated annual petroleum usage.

Petroleum products are taken to the site as needed. Products which are not consumed during the growing season are kept in the designated fuel storage shed within secondary containment to prevent discharge over the Winter season. Petroleum, petroleum products, and similar fluids are stored in a manner that provides chemical compatibility, provides secondary containment, and protection from accidental ignition, the sun, wind, and rain. Fuels, lubricants, and other petroleum products are stored, mixed, and applied per packaging instructions. Vehicles or equipment are only refueled outside of riparian setbacks. A spill containment kit is kept with fuel storage. As a safety measure, spill kits provide a supply of clean-up materials in the event of accidents, and are kept within fuel storage areas.

Trash/Refuse and Domestic Wastewater

On an average day, there are about two to three employees, visitors, and/or residents at the site. Human waste, domestic wastewater, packaging, organic materials, plastic, paper, glass, clay, spent growth media will be generated at this site. All packaging from tools, amendments, soils, and fertilizers will be kept in secure trash storage and properly discarded to prevent leaching and transport of foreign materials to groundwater and are located outside of riparian setbacks. Any used soil kept for reuse will be stored in greenhouses within soil beds or will be properly stored off-ground on a tarp or in secure containers with proper covering. During the off-season reusable cultivation materials are collected and stored where they will not enter a waterway or create a nuisance. Garbage will be transported to the Redway Transfer Station on a weekly basis. Recycling will be transported to the same location on a monthly basis or more frequently as needed.

There is a permitted septic tank and leach field on the parcel. Toilet facilities will always be operational, maintained in a clean and sanitary condition, and kept in good repair. Records of service and maintenance shall be retained for two years.

Winterization

The property owner keeps a copy of Winterization Protocols for Statewide Cannabis General Order onsite. BPTC measures outlined in this document will be performed to winterize the site and prevent discharges of waste.

The property owner does not operate heavy equipment of any kind at the cannabis cultivation site during the winter period unless authorized for emergency repairs contained in an enforcement order issued by the State Water Board, Regional Water Board, or other agency having jurisdiction. In addition, if there is construction, all construction entrances and exits are stabilized to control erosion and sediment discharges from land disturbance. All loose stockpiled construction materials (e.g. soil, spoils, aggregate, etc.) that are not scheduled for use within 48 hours are covered and bermed. Erosion repair and control measures to the bare ground (e.g. cultivation area, access paths, etc.) are applied to prevent discharge of sediment to waters of the state. Drainage culverts/drainage trenches/settling ponds are maintained throughout winter to prevent debris and soil blockages, from drainage and sediment capture features, and ensure adequate capacity exists. If any BPTC measure cannot be completed before the onset of the winter period, the property owner will contact the Regional Water Board to establish a compliance schedule.

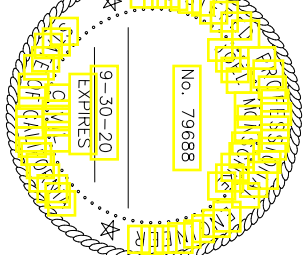


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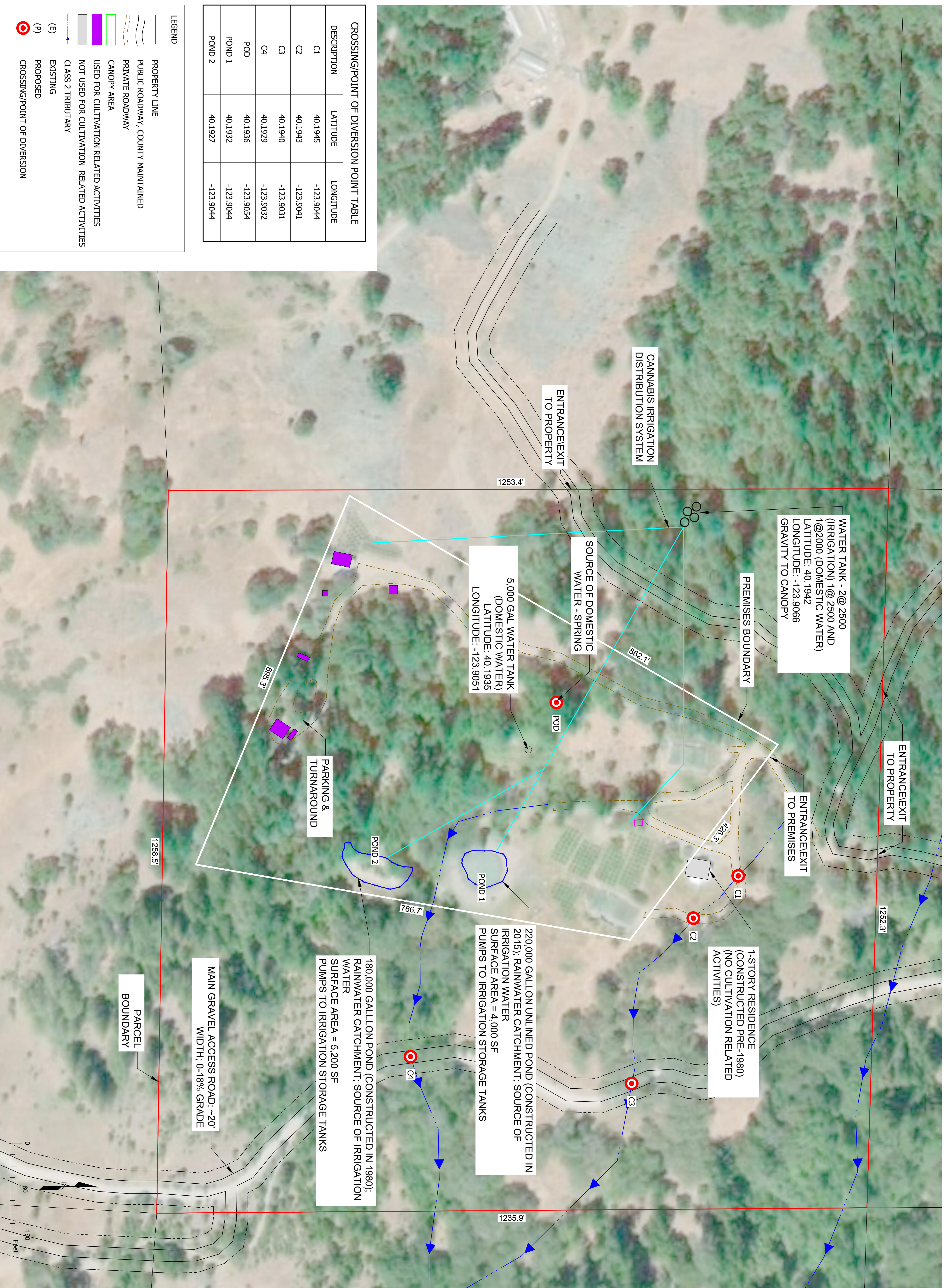
SCALE: AS NOTED

DATE: 5/13/2019

DESIGN: CL
DRAWN: CL
CHECKED: JM
APPROVED: JM



PROPERTY DIAGRAM



MIXED-LIGHT CANOPY AREAS:

- 1) 50'x20' = 1,000 SF
- 2) 80'x20' = 1,600 SF
- 3) 80'x15' = 1,200 SF
- 4) 80'x15' = 1,200 SF

TOTAL AREA = 5,000 SF

OUTDOORS CANOPY AREAS:

- A) 12,556 SF
- B) 2,044 SF
- C) 2,400 SF

TOTAL CANOPY AREA = 17,000 SF



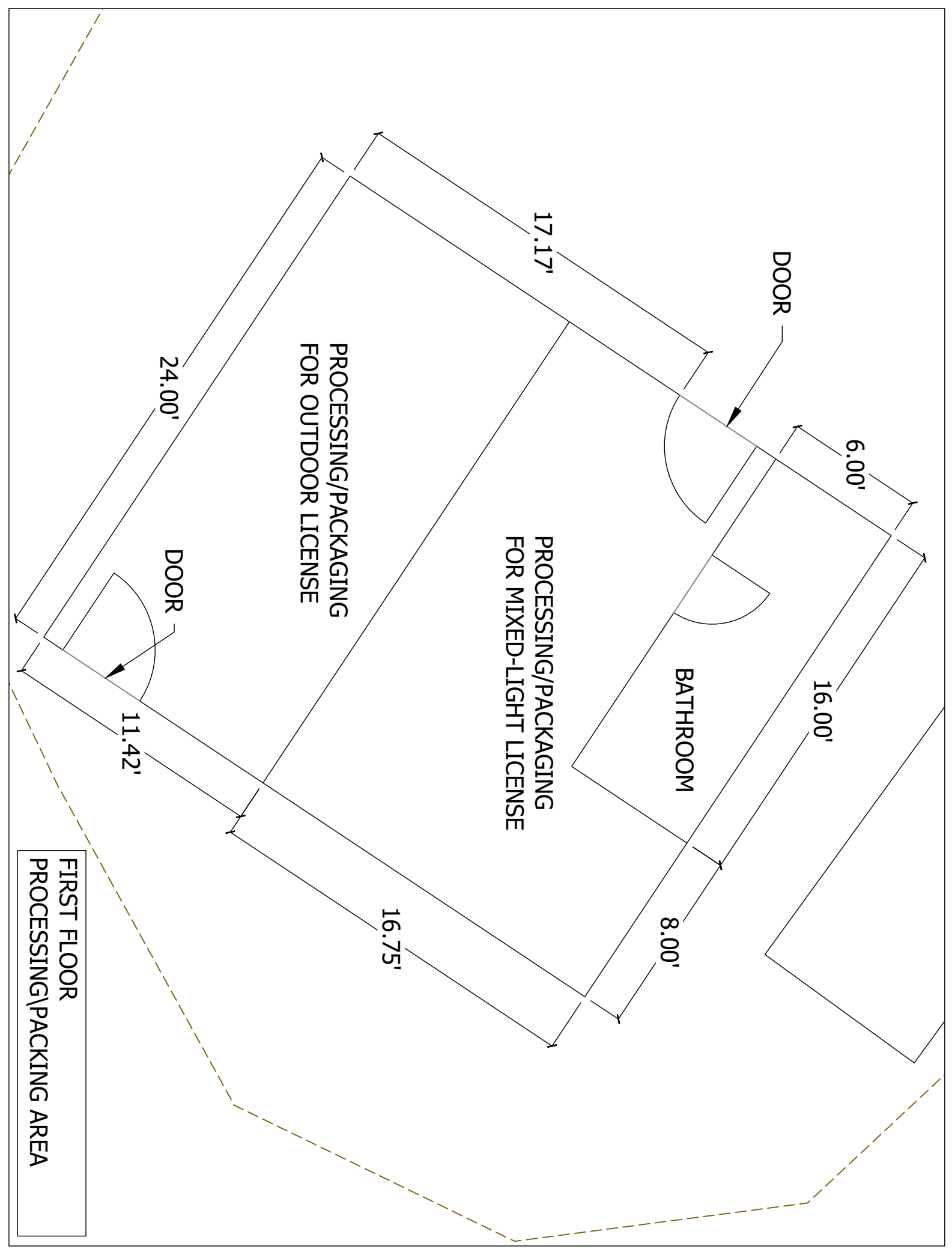
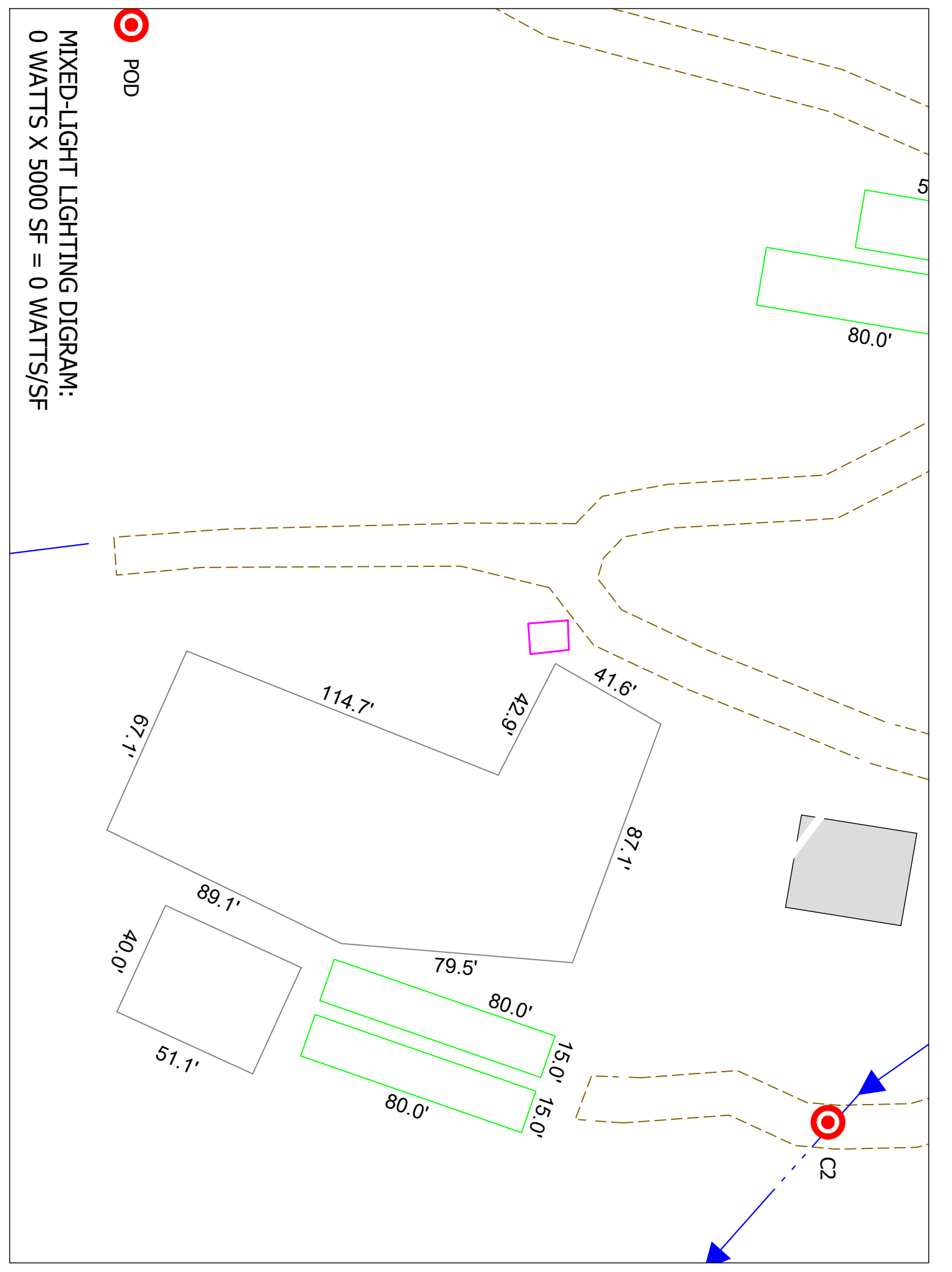
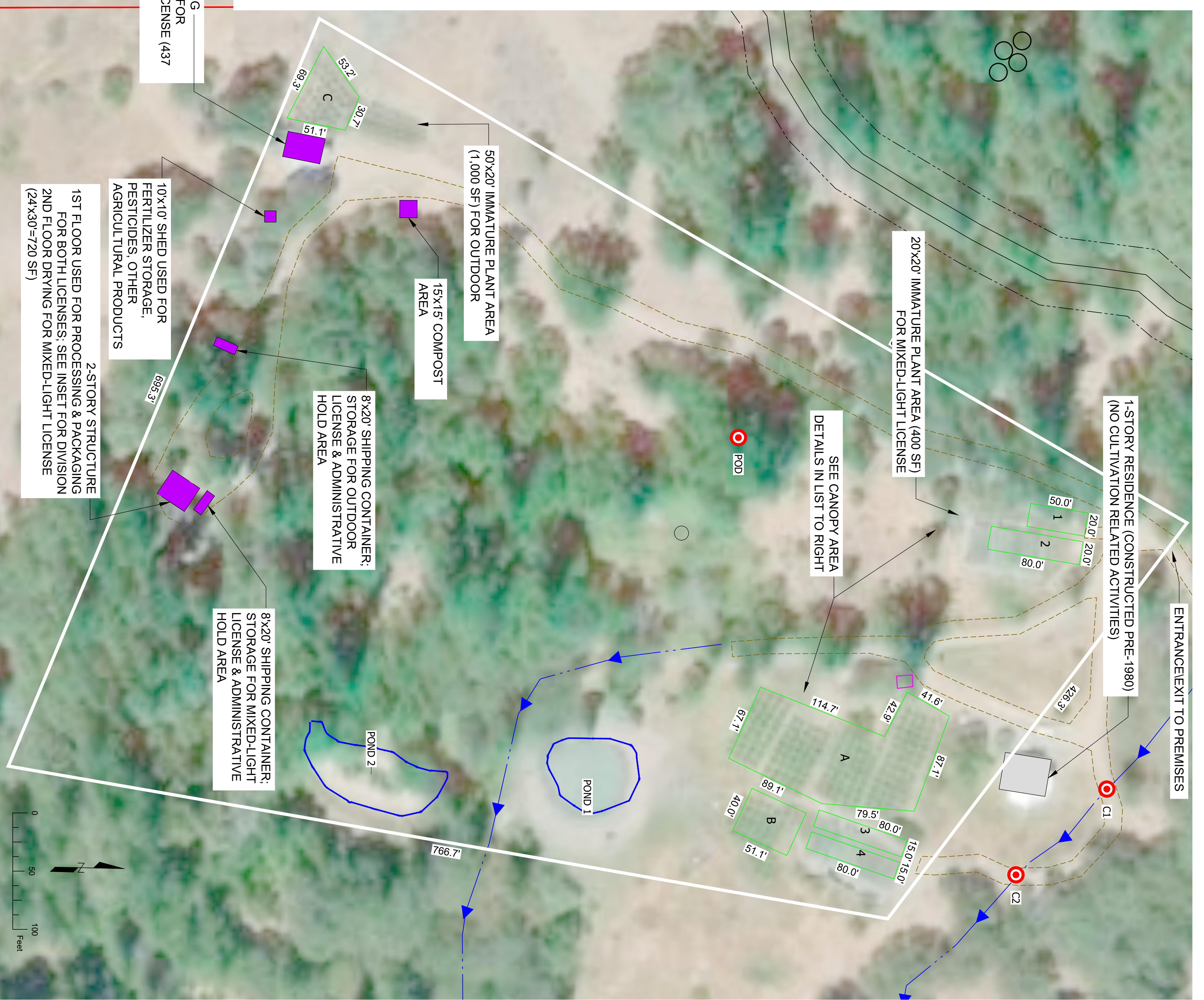
PROJECT NUMBER: 546.56

SCALE: AS NOTED

DATE: 5/13/2019

DESIGN: CL
DRAWN: CL
CHECKED: JM
APPROVED: JM

PREMISES DIAGRAM



LEGEND

- PROPERTY LINE
- PUBLIC ROADWAY, COUNTY MAINTAINED
- PRIVATE ROADWAY
- CANOPY AREA
- USED FOR CULTIVATION RELATED ACTIVITIES
- NOT USED FOR CULTIVATION RELATED ACTIVITIES
- CLASS 2 TRIBUTARY
- EXISTING
- PROPOSED
- CROSSING/POINT OF DIVERSION

19'x23' DRYING STRUCTURE FOR OUTDOOR LICENSE (437 SF)

10'x10' SHED USED FOR FERTILIZER STORAGE, PESTICIDES, OTHER AGRICULTURAL PRODUCTS

15'x15' COMPOST AREA

50'x20' IMMATURE PLANT AREA (1,000 SF) FOR OUTDOOR

8'x20' SHIPPING CONTAINER, STORAGE FOR OUTDOOR LICENSE & ADMINISTRATIVE HOLD AREA

8'x20' SHIPPING CONTAINER, STORAGE FOR MIXED-LIGHT LICENSE & ADMINISTRATIVE HOLD AREA

20'x20' IMMATURE PLANT AREA FOR MIXED-LIGHT LICENSE

SEE CANOPY AREA DETAILS IN LIST TO RIGHT

1-STOREY RESIDENCE (CONSTRUCTED PRE-1980) (NO CULTIVATION RELATED ACTIVITIES)

ENTRANCE/EXIT TO PREMISES

POD

19'x23' DRYING STRUCTURE FOR OUTDOOR LICENSE (437 SF)

10'x10' SHED USED FOR FERTILIZER STORAGE, PESTICIDES, OTHER AGRICULTURAL PRODUCTS

15'x15' COMPOST AREA

50'x20' IMMATURE PLANT AREA (1,000 SF) FOR OUTDOOR

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20'x20' IMMATURE PLANT AREA FOR MIXED-LIGHT LICENSE

SEE CANOPY AREA DETAILS IN LIST TO RIGHT

1-STOREY RESIDENCE (CONSTRUCTED PRE-1980) (NO CULTIVATION RELATED ACTIVITIES)

ENTRANCE/EXIT TO PREMISES

POD

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

RECEIVED

SEP 07 2016

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2016-0303-R1

Unnamed Tributaries to Salmon Creek, Tributary to the South Fork Eel River, Tributary to the Eel River and the Pacific Ocean

Mr. Matthew Quittenton

Quittenton Water Diversion, Stream Crossing, and Channel Restoration Project
8 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on July 7, 2016, with revisions received on August 22, 2016, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Salmon Creek watershed, approximately 5.1 miles southwest of the town of Miranda, County of Humboldt, State of California. The project is located in Section 24, T3S, R2E, Humboldt Base and Meridian; in the Ettersburg U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 219-051-09; latitude 40.1935 N and longitude 123.9055 W at the Point of Diversion (POD).

PROJECT DESCRIPTION

The project is limited to eight encroachments (Table 1). Two encroachments are for water diversion, one POD from a spring to be used for domestic use, and one POD from a pond to be used for irrigation. Work for the water diversion will include use and maintenance of the water diversion infrastructure. Four encroachments are for stream crossings which include either armoring or permit after the fact. The final two encroachments are for maintenance to the pond spillway, and reconstruction of a stream channel encroached upon by the pond and roadway. Work for these projects will include excavation, placement of rock armoring, and revegetation and erosion control as necessary to minimize erosion.

Table 1. Project encroachments with description.

ID	Latitude/Longitude	Description
Pond of Diversion (Spring)	40.1935, -123.9055	POD is located at a spring, tributary to Salmon Creek
Pond of Diversion (Pond)	40.1930, -123.9047	POD is located at a pond, tributary to Salmon Creek
Pond Outflow Maintenance	40.1930, -123.9047	Armor pond spillway
Stream Channel Restoration	40.1930, -123.9047	Reconstruct stream channel encroached upon by road and pond
X-ing-1	40.1945, -123.9044	Add additional rock armoring to existing rocked ford
X-ing-2	40.1942, -123.9041	Add additional rock armoring to existing rocked ford
X-ing-3	40.1940, -123.9031	Permit existing 18" diameter culvert
X-ing-4	40.1930, -123.9033	Permit existing 24" diameter culvert

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;
 temporary increase in fine sediment transport;

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

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

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

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 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.
- 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.

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 July 7, 2016, with revisions received on August 22, 2016, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.

Water Diversion

- 2.2 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the storage system. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water pumped to and from the system on a weekly basis. Alternatively, the Permittee can record the frequency of pumping and the time to fill storage.
- 2.3 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.
- 2.4 Intake Screening. Screens shall be installed on intakes wherever water is diverted, and shall be in place whenever water is diverted. Openings in intakes shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.5 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.6 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.7 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.

debris shall be removed from the project site and properly disposed of off-site upon project completion.

- 2.14 Vegetation Disturbance. Vegetation disturbance shall not exceed the minimum necessary to perform the work.
- 2.15 Revegetation Plan. At least ten (10) days prior to the commencement of the revegetation activities, the Permittee shall submit the Revegetation Plan to CDFW for review and written approval. The revegetation plan shall include a plant palette of species to be used in revegetation, success criteria, monitoring & reporting, and corrective actions to be taken when mitigation measures do not meet the proposed success criteria. The revegetation plan shall ensure no net loss of habitat or fish and wildlife resource values.
- 2.16 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.17 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.18 Project Inspection. The Project shall be inspected by Joel Monschke or a licensed engineer to ensure that the crossings and spillway were built as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

3. Reporting Measures

- 3.1 Measurement of Diverted Flow. Copies of the **water diversion records** (condition 2.2) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 **no later than December 31 of each year beginning in 2016**.
- 3.2 Revegetation Plan. The revegetation plan (condition 2.15) shall be submitted to CDFW for approval **prior to project implementation**. The Revegetation Plan shall be mailed to the LSA Program at 619 2nd Street, Eureka, CA 95501.
- 3.3 Project Inspection. The Permittees **shall submit the Project Inspection Report** (condition 2.18) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.

- 2.8 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.

Instream Work

- 2.9 Work Period. All work, not including water diversion, shall be confined to the period May 15 through October 15 of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.10 Excavated Fill. Excavated fill material shall be placed in locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 2.11 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- 2.12 Rock Armor Placement.
- 2.12.1 No heavy equipment shall enter the wetted stream channel.
- 2.12.2 No fill material, other than clean rock, shall be placed in the stream channel.
- 2.12.3 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.
- 2.12.4 Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.
- 2.13 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and

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).

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:

Ms. Matthew Quinttenton
2100 Stanford Circle
Eureka, California 95503
707-599-3493
ozzpop@gmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2016-0303-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

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.

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. Matthew Quittenton



Matthew Quittenton

8-31-16

Date

FOR DEPARTMENT OF FISH AND WILDLIFE



FOR Gordon Leppig

Senior Environmental Scientist Supervisor

9-9-2016

Date

Prepared by: David Manthorne, Environmental Scientist, August 25, 2016

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFIRE	✓	No comment	Attached
California Department of Fish & Wildlife		No response	
Northwest Information Center	✓	Further Study	On file and confidential
Humboldt County Sheriff	✓	Approval	On file
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
Bear River Band of Rohnerville Rancheria	✓	Survey Requested	On file- confidential
Intertribal Sinkyone Wilderness Council		No response	
California Division of Water Rights		No response	
North Coast Regional Water Quality Control Board		No response	
Salmon Creek Fire Protection District		No response	
Southern Humboldt Joint Unified School District		No response	



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

4/17/2020

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, FPD: Salmon Creek, RWQCB, NCUAQMD, School District: Southern Humboldt Unified, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Key Parcel Number 219-051-009-000

Application (APPS#) PLN-10651-CUP **Assigned Planner** Liza Welsh 707-268-3718

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: 5/2/2020

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

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

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

Other Comments: site/Plot Plan needs to show Buildings
in upper area of Property

4-23-2020

Rob EDWARDS

DATE:

PRINT NAME:



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.: PLN-10651-CUP
Parcel No.: 219-051-009-000
Case No.: _____

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

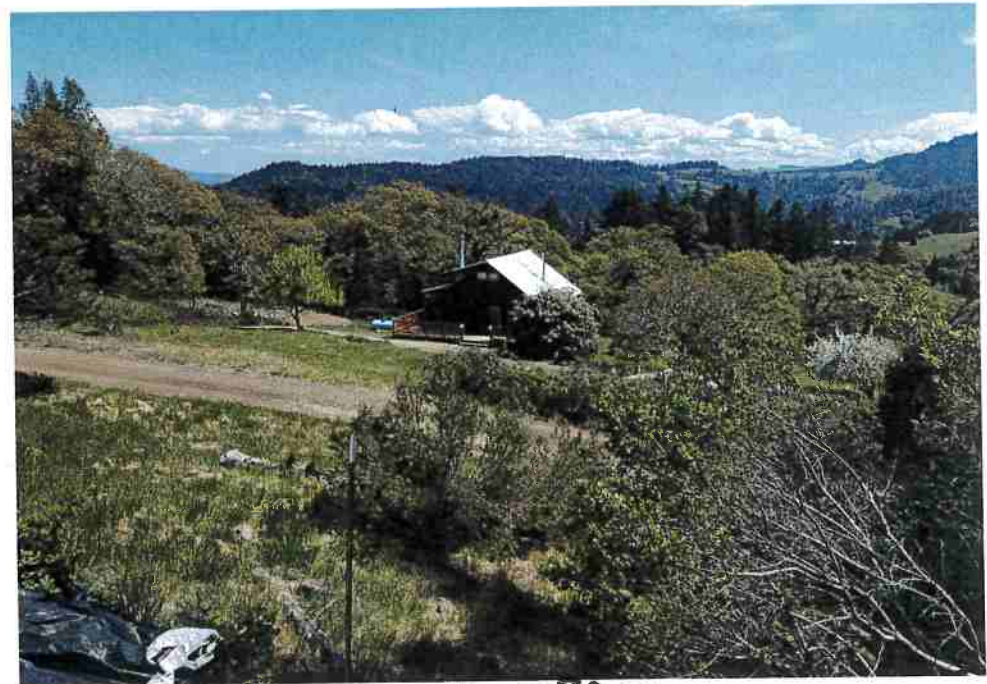
- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- 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.
- Is development near wet area? yes or no
- If yes, what is the distance?
- Is development near Steam side Management Area (SMA)? yes or no
- If yes, what is the distance?
- Recommend approval based on the condition that all required grading, building, plumbing, electrical, and mechanical permits and or Agricultural Exemption are obtained.

Other Comments: Revise site/plot plan showing
Buildings in upper section of property

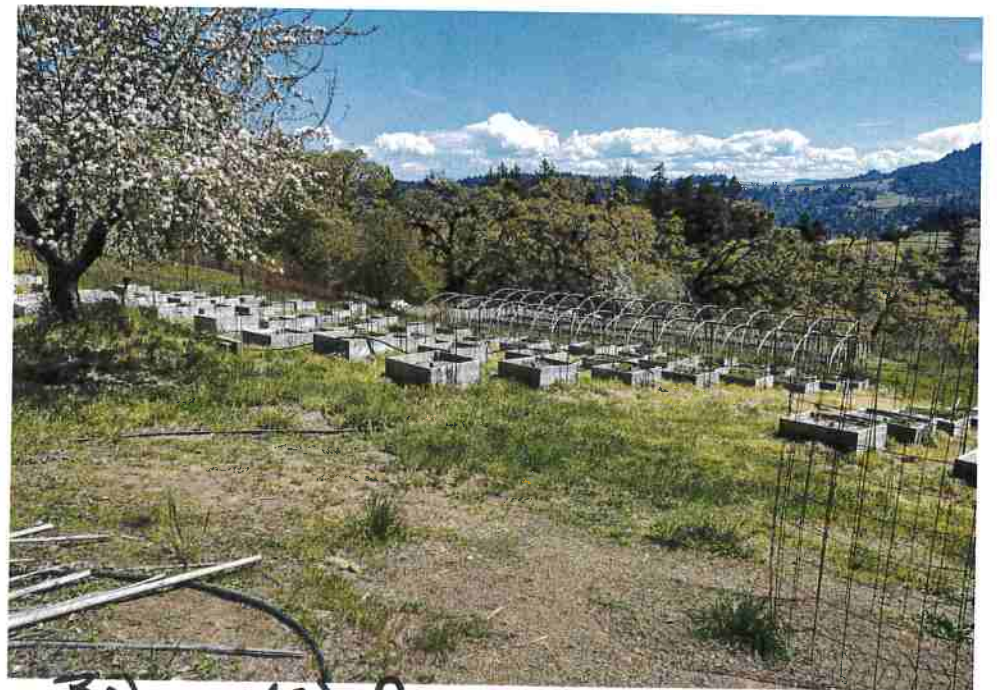
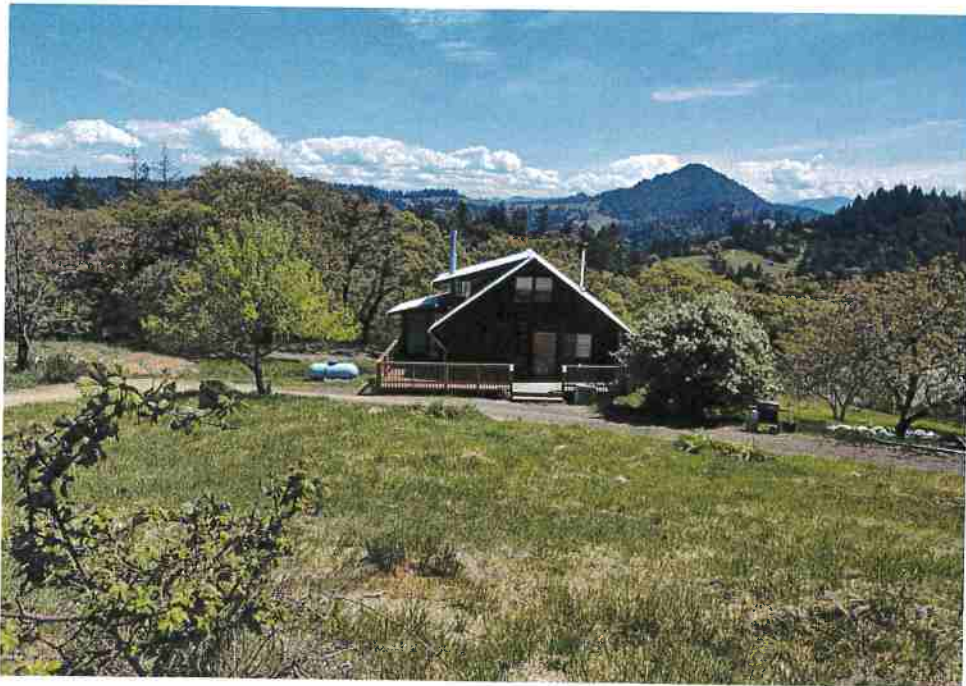
Name: Rolton ELD

Date: 4-23-2020

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



(E) RESIDENCE FROM
IMMATURE PLANT AREA



VIEW FROM (E) RESIDENCE

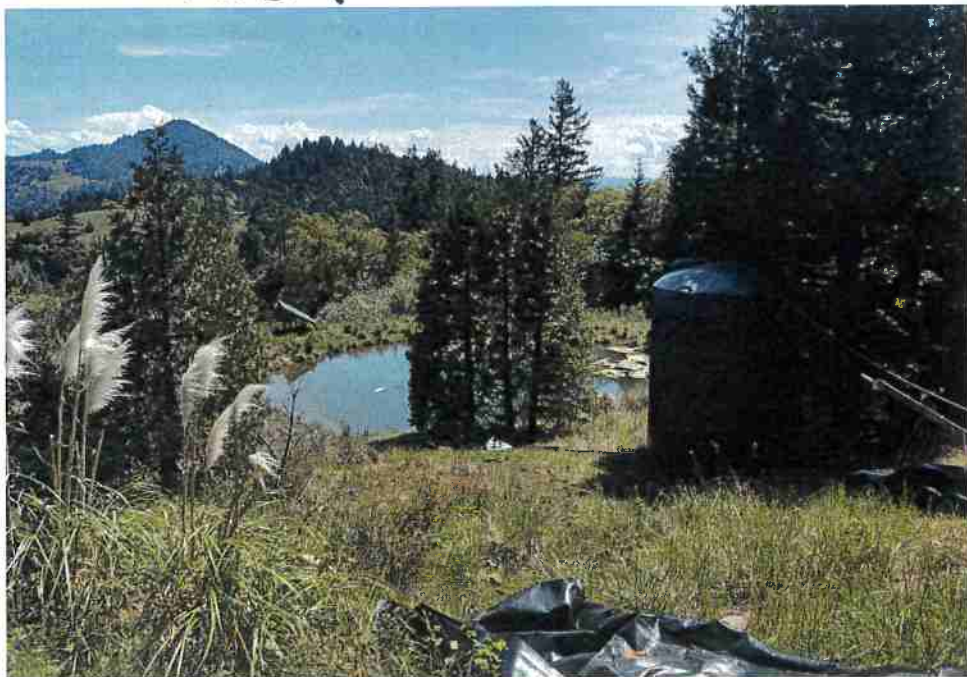
BEHIND (E) RESIDENCE



POND 1

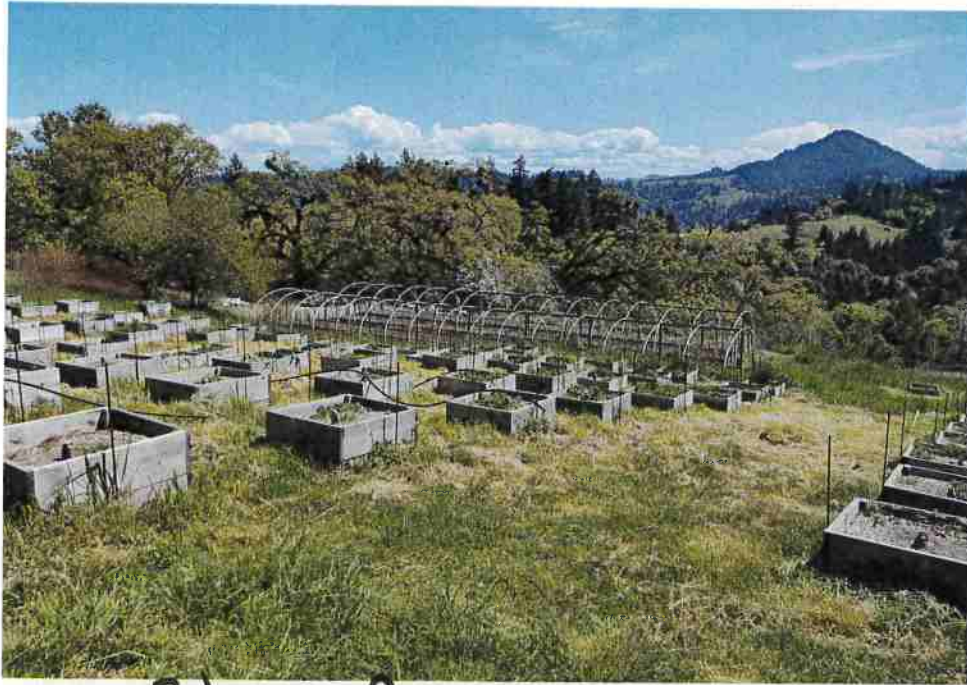


186 POND 1



POND 1





Behind Residence





1 0409



1 0409



POND 2

1 0409



FROM POND LOOKING BACK
AT RESIDENCE

1 0409



POND 2



POND 2



POND 2

at Reservoir
Midgard



POND 2

Midgard

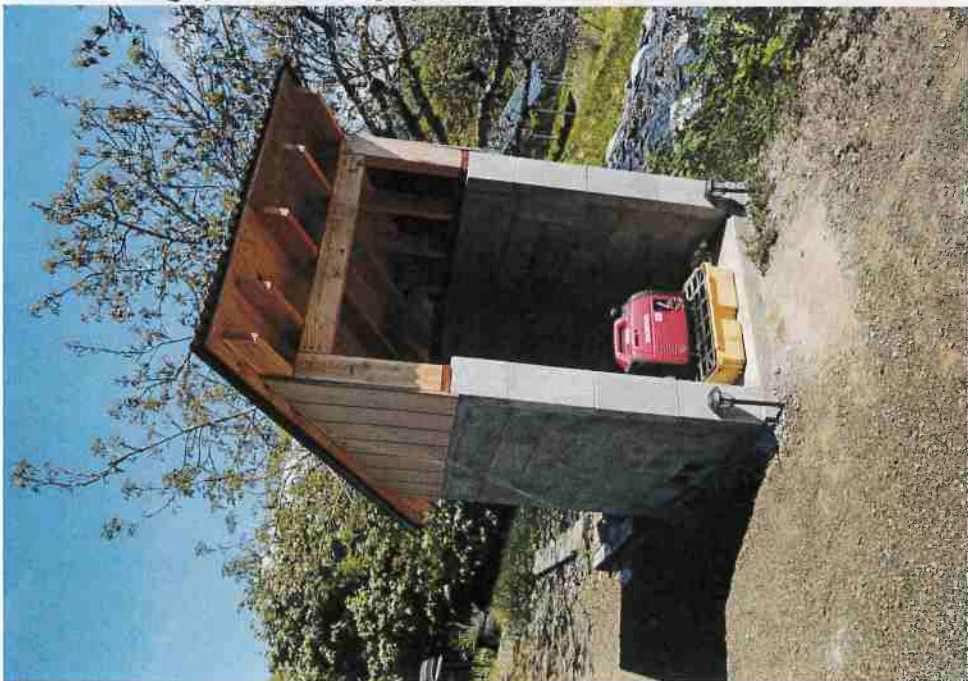




(E) RESIDENCE



(E) RESIDENCE





Area 2

20220509 10:12 AM



NOT ON PLOT PLAN



Area 2

20220509 10:12 AM



Area 2

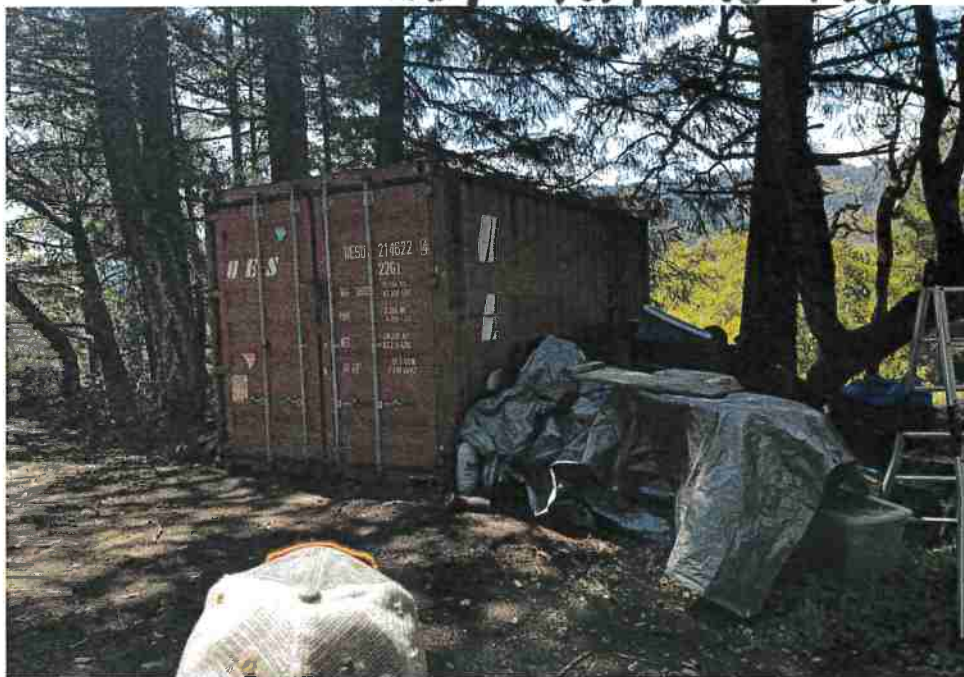
20220509 10:12 AM



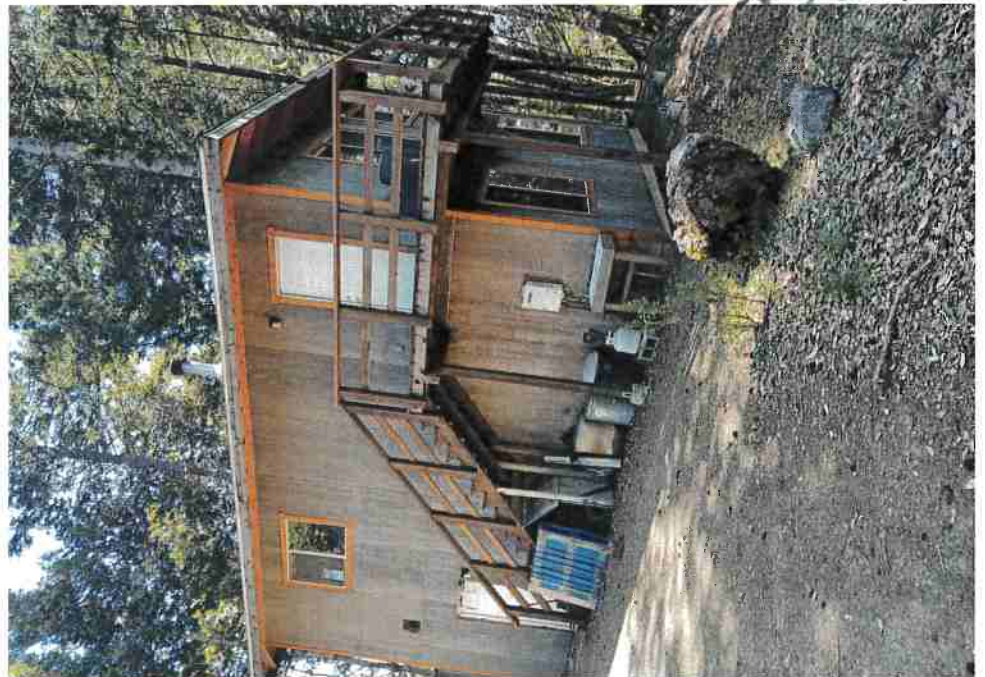
AREA 3 PROCESSING
 WA19 TO19 40 T04



INSIDE PROCESSING
 AREA 3



10X10 SHED
 AREA 3



AREA 3
 DRYING + PROCESSING
 AREA 3



~~Area 3~~ AREA 3 PROCESSING 2ND FLOOR



~~Area 3~~ PROCESSING 2ND FLOOR
AREA 3 page 67

PLN-10651-CUP - Midgad, LLC - CUP for 21,968 square foot existing outdoor cannabis...



Cancel Help

Summary	Task: Environmental Health	Due Date: 04/08/2019	Assigned Date: 03/28/2019
Project Description	Assigned to Department: Environmental Health	Assigned to LandUser: 1 DEH	Status: Approved with Conditions
Workflow	Action by Department: Environmental Health	Action By: Ben Dorf	Status Date: 03/29/2019
1 Referral Assignments	Start Time:	End Time:	Hours Spent: 0.0
2 Planning Information	Billable: No	Overtime: No	Comments: Applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system, or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWOCB definition of a Tier 0 system - not impeding groundwater or surface water resources.
3 GP / Zoning Information	Time Tracking Start Date:	Est. Completion Date:	In Possession Time (hrs):
4 CEQA	Display/Email Address in ACA: No	Display/Comment in ACA: <input checked="" type="checkbox"/>	Comment Display in ACA: <input checked="" type="checkbox"/>
5 Cannabis		<input checked="" type="checkbox"/> Record Creator	<input checked="" type="checkbox"/> All ACA Users
Project Tracking		<input checked="" type="checkbox"/> Licensed Professional	<input checked="" type="checkbox"/> Contact
6 Referral Task Log (2)		<input checked="" type="checkbox"/> Owner	
Fee (2)	Estimated Hours: 0.0	Action: Updated	Workflow Calendar
Payment			
Workflow History (6)			
Comments (5)			
Documents (21)			



Whittlesey, Joseph
Fri 7/9/2021 4:50 PM
To: Strickland, Abigail



Hi Abbie,

Thanks for looping us in on this. Yes, please update DEH's response to include the following in addition to the existing comments:

"DEH has no record of the well proposed as the source of water. Applicant shall either provide evidence of an approved permit, destroy the well, legalize the well through installation of a new sanitary surface seal, or provide compelling evidence that the well was installed prior to February, 1973. Applicant shall submit a County certified CEQA Environmental Document resulting from this project's Planning review and must explicitly address the well and all environmental impacts associated with its proposed use prior to DEH approval of water well permit.

A pit privy is shown on the site map provided. Discontinue the use of and decommission the pit privy."

Have a nice weekend!

Joey Whittlesey
Senior Environmental Health Specialist
[Land Use Program](#)
[Division of Environmental Health](#)
100 H Street, Suite 100, Eureka, CA 95501
Phone: (707) 268-2240 – Fax: (707) 441-5699

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:

ATTACHMENT 5
PUBLIC COMMENTS