



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

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

Hearing Date: April 21, 2022

To: Humboldt County Planning Commission

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

Subject: **Dustin Silva, Conditional Use Permit**  
Record Number: PLN-13266-CUP  
Assessor's Parcel Number (APN:) 216-144-004 & 216-143-012  
on the property located in Humboldt County, in the Garberville area, on the east side of Dyerville Loop Road, approximately 1.4 miles north from the intersection of Ross Road and Dyerville Loop Road, on the property known to be in the west half of Section 02 and the northwest quarter of Section 11, Township 04 South, Range 04 East.

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Please contact Michael Holtermann, Planner, at 707-268-3737 or by email at [mholtermann@co.humboldt.ca.us](mailto:mholtermann@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> April 21, 2022	<b>Subject</b> Conditional Use Permit	<b>Contact</b> Michael Holtermann
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**Project Description:** A Conditional Use Permit for 15,840 sq ft of existing outdoor cultivation. All cultivation is located away from riparian setbacks on slopes of less than 15%. Water for irrigation is sourced from three (3) spring and stream diversions, which are covered under the applicant's permit for Right to Divert and Use Water (Cert H100408) issued by the SWRCB. Water storage consists of three (3) 50,000 gallon bladders, one (1) 10,000 gallon bladder, four (4) 3,000 water tanks, seven (7), 2,500 gallon water tanks, two (2) 1,550 gallon water tanks, two (2) 1,000 gallon water tanks, one (1) 550 gallon water tank & one (1) 300 gallon water tank for a total of 195,450 gallons of water storage. The applicant estimates the project will demand .56 acre feet of water per year (182,000 gal). Generators provide power and are housed in a shed behind the existing 34'x40' residence and solar panels are proposed to be installed to offset generator use. Drying of harvested cannabis takes place in the garage under the existing residence and is transported off site for processing. The project will require a maximum of three employees, including the operator.

**Project Location:** The project is located in Humboldt County, in the Garberville area, on the east side of Dyerville Loop Road, approximately 1.4 miles north from the intersection of Ross Road and Dyerville Loop Road, on the property known to be in the west half of Section 02 and the northwest quarter of Section 11, Township 04 South, Range 04 East.

**Present Plan Land Use Designations:** Agricultural General (AG); 2017 General Plan; Density: 20-160 acres per unit; Slope Stability: High Instability (3)

**Present Zoning:** Agriculture Exclusive (AE); Special Building Site (B-5(160))

**Record Number:** PLN-13266-CUP

**Assessor's Parcel Number:** 216-144-004 & 216-143-012

**Applicant**

Dustin Silva  
PO Box 292  
Redway CA, 95560

**Owner**

Dustin Silva  
PO Box 292  
Redway CA, 95560

**Agents**

Northpoint Consulting Group, Inc.  
Lia Nelson  
1117 Samoa Blvd.  
Arcata CA, 95521

**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.

**Dustin Silva**

Record Number: PLN-13266-CUP

Assessor's Parcel Number: 216-144-004 & 216-143-012

**Recommended Planning Commission Action:**

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

*Find that the Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and approve the Dustin Silva project as recommended by staff subject to the recommended conditions.*

**Executive Summary:**

Dustin Silva seeks a Conditional Use Permit for the continued operation of 15,840 sq ft of existing outdoor cannabis cultivation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Agricultural General in the Humboldt County 2017 General Plan Update and zoned Agricultural Exclusive (AE). Cultivation will occur in the following structures:

<b>Cultivation Site</b>	<b>Square feet</b>
16'x80' Greenhouses (3)	1,280 sf each=3840 sf
16'x70' Greenhouse	1,120 sf
16'x56' Greenhouse	896 sf
20'x64' Greenhouse	1,280 sf
12'x72' Greenhouse	864 sf
14'x68' Greenhouse	452 sf
10'x64' Greenhouse	640 sf
10'x65.2' Greenhouse	652 sf
20'x72' Greenhouse	1,440 sf
20'x88' Greenhouse	1,760 sf
20'x100' Greenhouse	2,000 sf
16'x56' Greenhouse	896 sf
<b>Total Cultivation Area</b>	<b>15,840 sf</b>

Ancillary propagation will occur on site in one (1) proposed 1,380-square-foot greenhouse. The applicant proposes harvesting and drying on site, with all processing occurring offsite at a licensed third-party processing facility. The applicant anticipates a maximum of four (4) employees will be required for operations. Power for the project is currently generators but will be sourced from solar within three years of the date of approval (**Condition A.15**).

The project parcel is subject to a Land Conservation Contract pursuant to the California Land Conservation Act of 1965, also known as the Williamson Act. The project, including cannabis cultivation and all associated cannabis improvements on this and the adjacent property operated by the same applicant, is below the two-acre threshold approved by the Williamson Act Committee as not requiring specific review by the Committee. The total cultivation area of 17,220 square feet (appurtenant nursery space included) equate to roughly 0.27% of the subject APN. The remainder of the property remains useable for agricultural purposes relative to the Williamson Act and therefore approval of this project will not conflict with the Land Conservation Contract.

## **Water Resources**

Water for irrigation will be provided by three permitted surface water diversions, with a total permitted appropriation amount of .989 acre-feet (322,266 gallons) per year. The applicant anticipates 182,000 gallons of water will be required annually for irrigation (11.48 gallons/sf/yr). There are 232,050 gallons of water storage onsite, 82,050 gallons of storage occurring in hard sided tanks, and 150,000 gallons of additional water storage in existing water bladders. The applicant will forbear from using the point of diversion annually from April 1 to October 31. Removal of the existing water bladders and replacement with hard tank storage has been included as a condition of approval (**Condition A.9**). The project site is located in a parcel both in the Middle Main Eel Planning Watershed and the South Fork Eel Planning Watershed. Under Resolution 18-43 the Middle Main Eel Planning Watershed is limited to 360 permits and 125 acres of cultivation and the South Fork Eel Planning Watershed is limited to 730 permits and 251 acres of cultivation. With the approval of this project, the total number of approved permits in the Middle Main Eel Planning Watershed would be 87, and the total approved acres of cultivation would be 42.64. The total number of permits in the South Fork Eel Planning Watershed would be 295 permits and 80.33 acres of cultivation.

## **Tribal Consultation**

The subject parcel is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The applicant submitted a Cultural Resources Investigation prepared by William Rich and Associated, dated November 2021, and resulted in the identification a Native American artifact scatter on the subject parcel. The Cultural Resource Investigation recommended that no ground disturbance occur in the identified site. The project was referred to the Northwest Information Center, Bear River Band of the Rohnerville Rancheria, and Intertribal Sinkyone Wilderness Council. Referral comments recommend that no ground disturbance occur in the identified resource site, that if any ground disturbance occurs on the property outside of the resource site a cultural monitor be present, and that the project follow standard inadvertent discovery protocol. These recommendations have been included as recommended conditions of approval (**Conditions B.25-26**).

## **Biological Resources**

There are no mapped endangered or threatened species of concerns located on the subject APNs. The nearest Northern Spotted Owl (NSO) activity center (HUM0703) is located approximately 7-miles west of the cultivation site and the nearest NSO observation was observed approximately 0.76 miles northeast from the nearest cultivation site. Marbled Murrelet habitat is mapped approximately 5.25 miles southeast from the nearest cultivation site.

## **Access**

The property is accessed via a private driveway from Dyerville Loop Road. According to the Road Evaluation submitted by the agent received November 21, 2019, the entirety of the private road utilized for the project is developed to the equivalent of a road category 4 standard. The project was referred to the Department of Public Works who commented the applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance); that all fences and gates shall be located out of the County right of way so that vehicles will not block traffic when staging to open or close the gate; and the applicant shall rock the surface of the access road where it intersects Dyerville Loop Road, for a minimum width of 18 feet and a length of 50 feet. These conditions shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

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



- EVIDENCE:**
- a) Addendum Prepared for the proposed project.
  - b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
  - c) A Site Management Plan (SMP) dated November 2019 was prepared by Northpoint Consulting Group, Inc to show compliance with the North Coast Regional Water Quality Control Board Order No. 2017-0023-DWQ.
  - d) There are no mapped endangered or threatened species of concerns located on the subject APNs. The nearest Northern Spotted Owl (NSO) activity center (HUM0703) is located approximately 7-miles west of the cultivation site and the nearest NSO observation was observed approximately 0.76 miles northeast from the nearest cultivation site. Marbled Murrelet habitat is mapped approximately 5.25 miles southeast from the nearest cultivation site.
  - e) The subject parcel is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band of the Rohnerville Rancheria, and Intertribal Sinkyone Wilderness Council. Referral comments recommend that the project follow standard inadvertent discovery protocol, which has been included as a recommended condition of approval.

#### **FINDINGS FOR CONDITIONAL USE PERMIT**

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

- EVIDENCE**
- a) General agriculture is a use type permitted in the Agricultural Grazing (AG) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

- 4. FINDING** The proposed development is consistent with the purposes of the existing AE-B-5(160) zone in which the site is located.

- EVIDENCE**
- a) The Agriculture Exclusive or AE Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
  - b) All general agricultural uses are principally permitted in the AE zone.

- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over one acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 15,840 square feet of outdoor cultivation on a 175-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

**5. FINDING**

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

**EVIDENCE**

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned AE (HCC 314-55.4.8.2.2).
- b) APN 216-144-004 and APN 216-143-012 have been determined to be one legal parcel as described in Certificate of Subdivision Compliance 2019-011072.
- c) The applicant has a documented water right for a diversionary water source and will adhere to forbearance requirements.
- d) A Road Evaluation Report was submitted by the agent, received in November 2019 certifying that the road is equivalent to a road Category 4 standard. The Evaluation addressed the private access road to the from Dyerville Loop Road to the cultivation sites. All road segments evaluated were found to be functionally appropriate for the expected traffic.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The cultivation of cannabis will not result in the net conversion of timberland.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, and more than 600 feet from any school, church, public park or Tribal Cultural Resource.

**6. FINDING**

The cultivation of 15,840 square feet of outdoor cannabis and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) The site is located on road that is developed to the equivalent of a road category 4 standard and will safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which

have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.

- c) Water for irrigation will be provided by four permitted surface water diversions, with a total permitted appropriation amount of .989 acre-feet (322,266 gallons) per year. The applicant anticipates 182,000 gallons of water will be required annually for irrigation (11.48 gallons/sf/yr). There are 232,050 gallons of water storage onsite, 82,050 gallons of storage occurring in hard sided tanks, and 150,000 gallons of additional water storage in existing water bladders. The applicant will forbear from using the point of diversion annually from April 1 to October 31. Removal of the existing water bladders and replacement with hard tank storage has been included as a condition of approval.
- d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

**7. FINDING**

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

**EVIDENCE**

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element.

**8. FINDING**

The proposed project will not have an impact to sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).

**EVIDENCE**

- a) The nearest Northern Spotted Owl (NSO) activity center (HUM0703) is located approximately 7-miles west of the cultivation site and the nearest NSO observation was observed approximately 0.76 miles northeast from the nearest cultivation site. Marbled Murrelet habitat is mapped approximately 5.25 miles southeast from the nearest cultivation site.
- b) There are no mapped endangered or threatened species of concerns located on the subject APNs.
- c) The applicant submitted a Site Management Plan (SMP) prepared by Northpoint Consulting Group, Inc. which states the applicant is a Tier 2 discharger (WDID#-1\_12CC407649). The applicant shall implement and adhere to all recommendations and corrective actions found within the SMP.

**9. 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 cultivation sites are located both in the Middle Main Eel Planning Watershed and South Fork Eel Planning Watershed. Under Resolution 18-43 the Middle Main Eel Planning Watershed is limited to 360 permits and 125 acres of cultivation, and the South Fork Eel Planning Watershed 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 87 permits and the total approved acres would be 42.64 acres of cultivation.

**DECISION**

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

- Adopt the findings set forth in this resolution; and
- Approve the Dustin Silva Conditional Use Permit, (Application Number PLN-13266-CUP) subject to the conditions in Attachment 1.

Adopted after review and consideration of all the evidence on **April 21, 2022.**

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

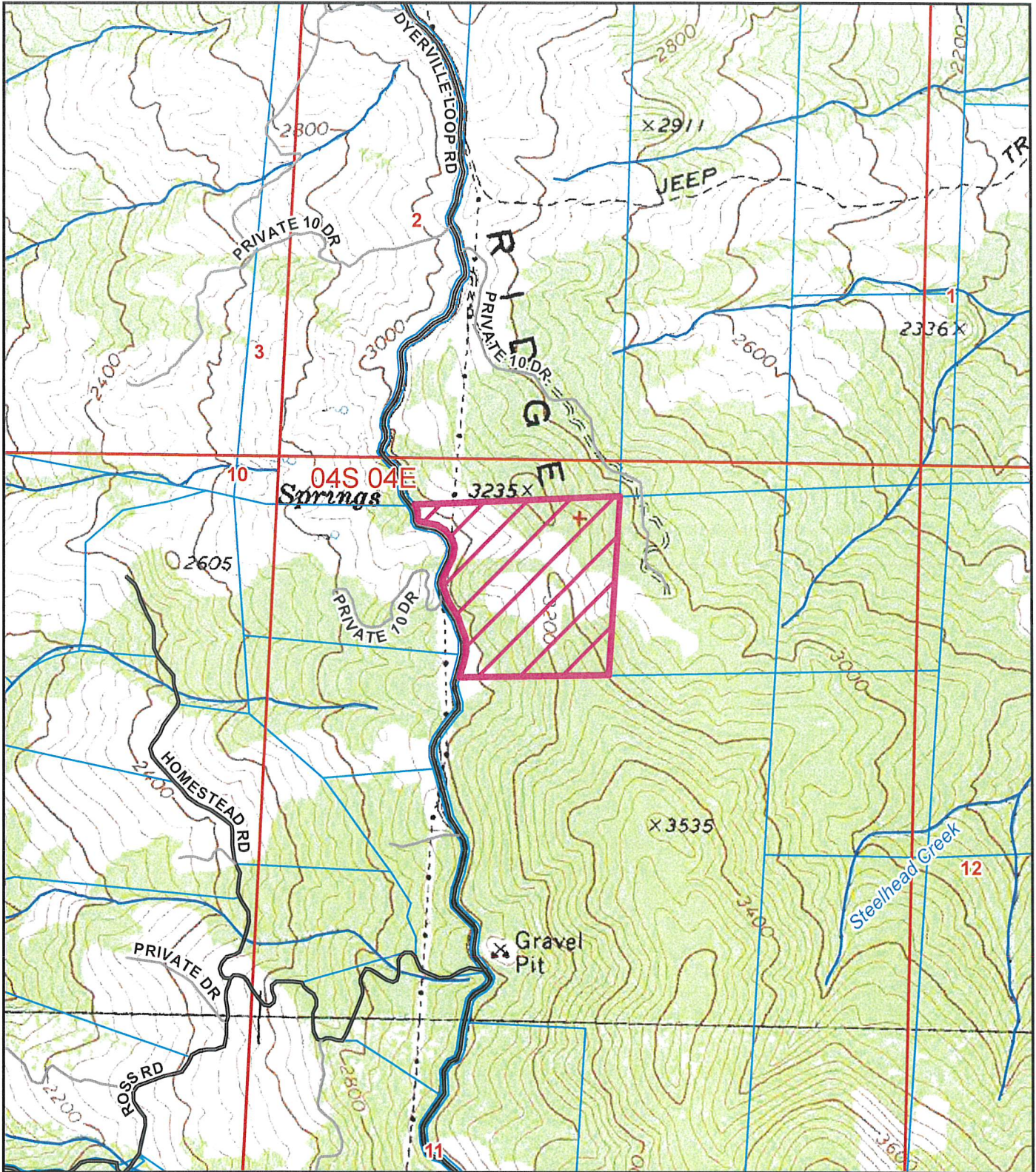
ABSTAIN: COMMISSIONERS:

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 H. Ford, Director,  
Planning and Building Department





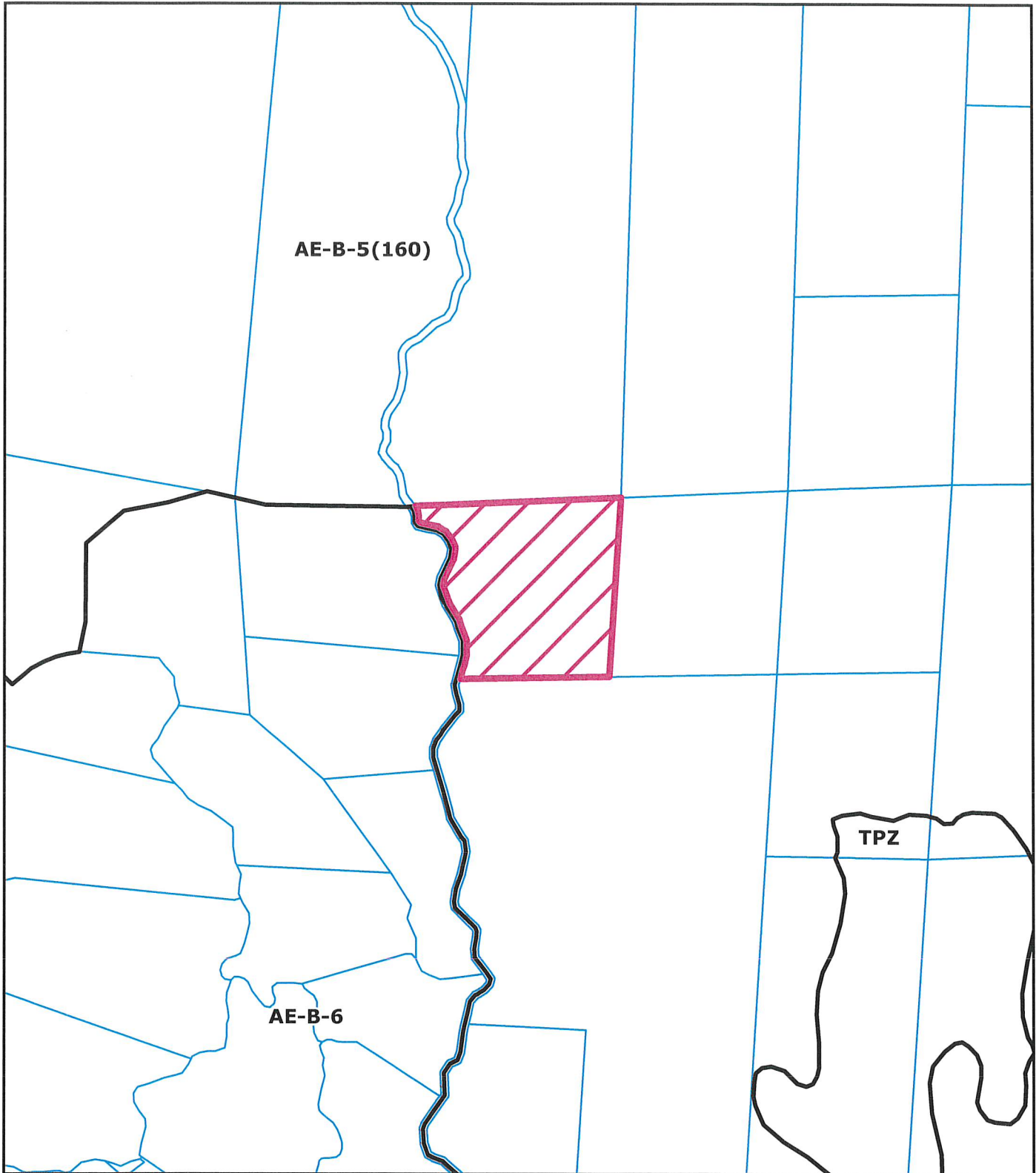
**TOPO MAP**  
**PROPOSED DUSTIN SILVA**  
**GARBERVILLE AREA**  
**CUP-16-1072; ZCC-17-056**  
**APN: 216-143-007-000; ET AL.**  
**T04S R04E S11 HB&M (FORT SEWARD)**

Project Area = 

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





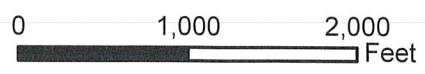


Project Area = 

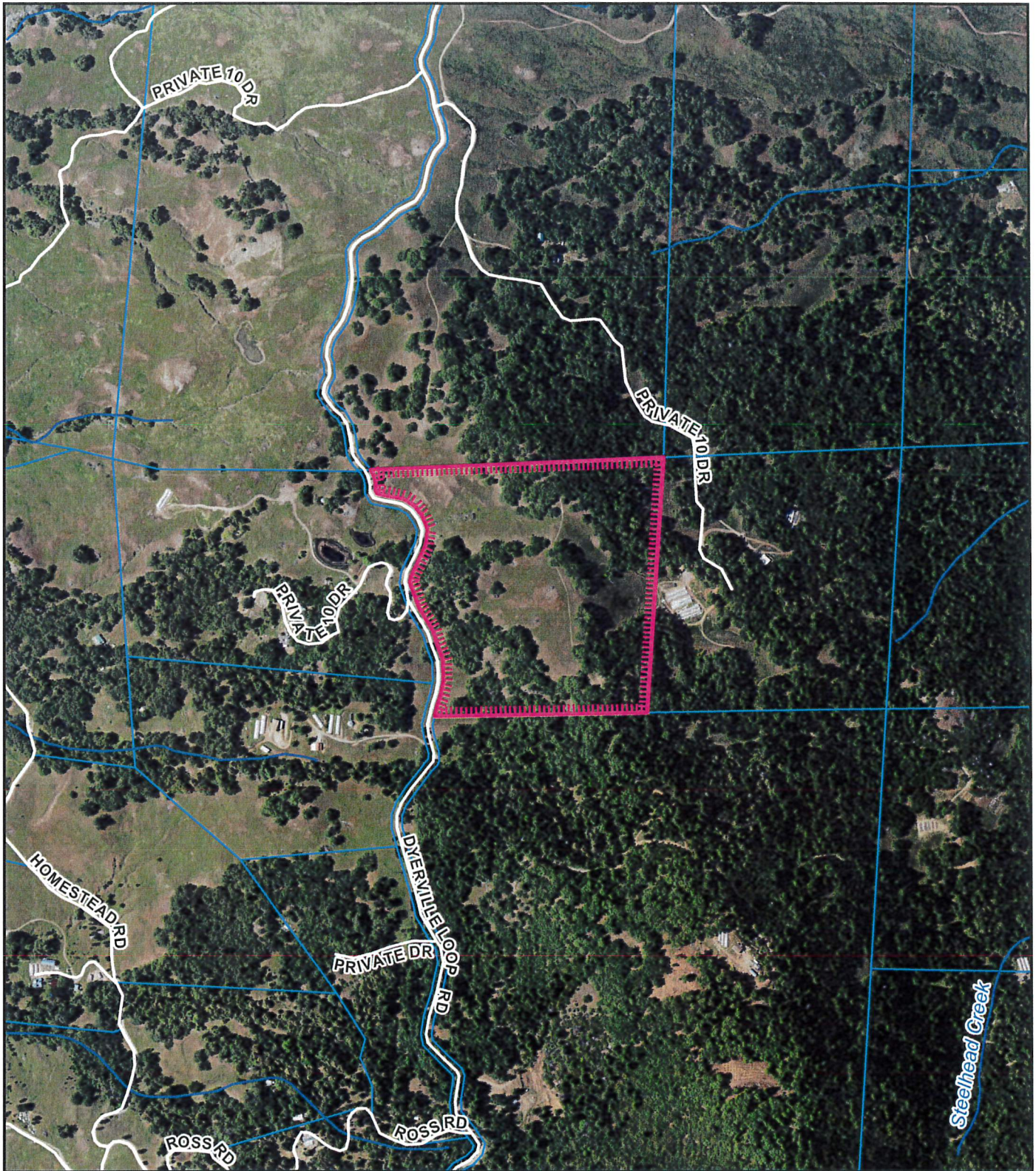
**ZONING MAP  
PROPOSED DUSTIN SILVA  
GARBERVILLE AREA  
CUP-16-1072; ZCC-17-056  
APN: 216-143-007-000; ET AL.  
T04S R04E S11 HB&M (FORT SEWARD)**



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Project Area = 

**AERIAL MAP  
 PROPOSED DUSTIN SILVA  
 GARBERVILLE AREA  
 CUP-16-1072; ZCC-17-056  
 APN: 216-143-007-000; ET AL.  
 T04S R04E S11 HB&M (FORT SEWARD)**



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.





# DUSTIN SILVA - TOP PROPERTY SITE MANAGEMENT PLAN

**SITE OVERVIEW**  
 APN: 216-143-012  
 WDID: 1\_12CC407649



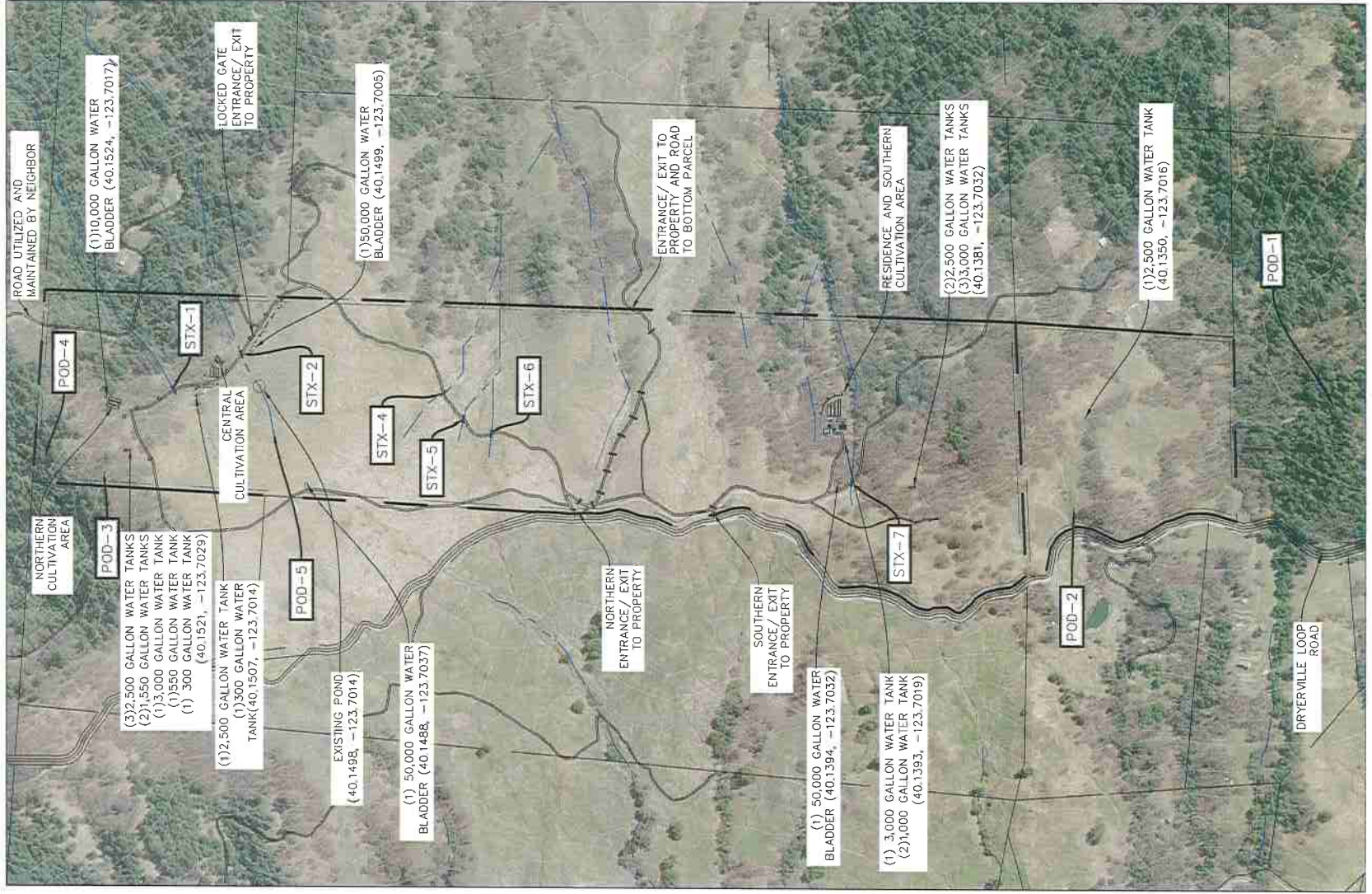
**VICINITY MAP**  
NOT TO SCALE

**PROJECT DESCRIPTION:**

DUSTIN SILVA IS PROPOSING TO PERMIT 15,850 OF CANNABIS CULTIVATION THROUGH THE HUMBOLDT COUNTY COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO). DUSTIN SILVA HAS ENROLLED IN THE STATE WATER RESOURCES CONTROL BOARD ORDER NO. 2017-0023-DWO AS A TIER 2, LOW RISK DISCHARGER (WDID# 1\_12CC407649) FOR WASTE DISCHARGE ACTIVITIES ASSOCIATED WITH CANNABIS CULTIVATION. DISTURBED AREA TOTALS 64,200 SQUARE FEET (1.47 ACRES)

**GENERAL NOTES:**

- DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
- THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPOINT CONSULTING GROUP, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
- THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE EXISTING CULTIVATION AREA.
- THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
- ALL AREAS OUTSIDE OF THE CANNABIS ACTIVITIES ARE USED IN ACCORDANCE TO THE HUMBOLDT COUNTY LAND USE DESIGNATION.



**PROJECT INFORMATION:**

**APPLICANT:**  
 DUSTIN SILVA  
 P.O. BOX 292  
 REDWAY, CA 95560

**PROPERTY OWNER:**  
 DUSTIN SILVA  
 P.O. BOX 292  
 REDWAY, CA 95560

**SITE ADDRESS:**  
 APN: 216-143-012, 216-143-008, 215-144-004  
 40.144, -123.701

HUMBOLDT COUNTY SQ.FT. ALLOTMENT = 15,850 SQ.FT.

PROPERTY SIZE = ±245 ACRES

**SHEET INDEX:**

SMPO = SITE OVERVIEW  
 SMP1 = DISTURBED AREA MAP & BPTC PRESCRIPTIONS  
 SMP2 = BPTC DETAIL AREA 1  
 SMP3 = BPTC DETAIL AREA 2



317 3rd Street, Ste. 15 Eureka, CA 95501

**SITE MANAGEMENT PLAN - SITE OVERVIEW**  
 APN: 216-143-007, 216-143-008, 215-144-004, 216-143-012  
 DUSTIN SILVA

PROJECT NO.	LN
DATE	02/12/2019
SCALE	AS SHOWN

SHEET 18-139



# DUSTIN SILVA - TOP PROPERTY SITE MANAGEMENT PLAN

**DISTURBED AREA MAP &  
BPTCS PRESCRIPTIONS**

**APN: 216-143-012  
WDID:1\_12CC407649**

**PROJECT INFORMATION:**

**APPLICANT:**  
DUSTIN SILVA  
P.O. BOX 292  
REDWAY, CA 95560

**PROPERTY OWNER:**  
DUSTIN SILVA  
P.O. BOX 292  
REDWAY, CA 95560

**SITE ADDRESS:**  
APN: 216-143-012, 216-143-007, 216-143-008, 215-144-004  
40,144, -123,701

HUMBOLDT COUNTY SQ.FT. ALLOTMENT = 15,850 SQ.FT.

PROPERTY SIZE = ±245 ACRES

**SHEET INDEX:**

SMP0 - SITE OVERVIEW  
SMP1 - DISTURBED AREA MAP & BPTC PRESCRIPTIONS  
SMP2 - BPTC DETAIL AREA 1  
SMP3 - BPTC DETAIL AREA 2

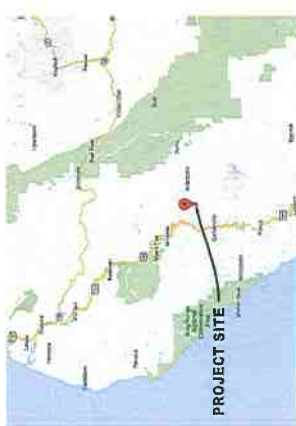
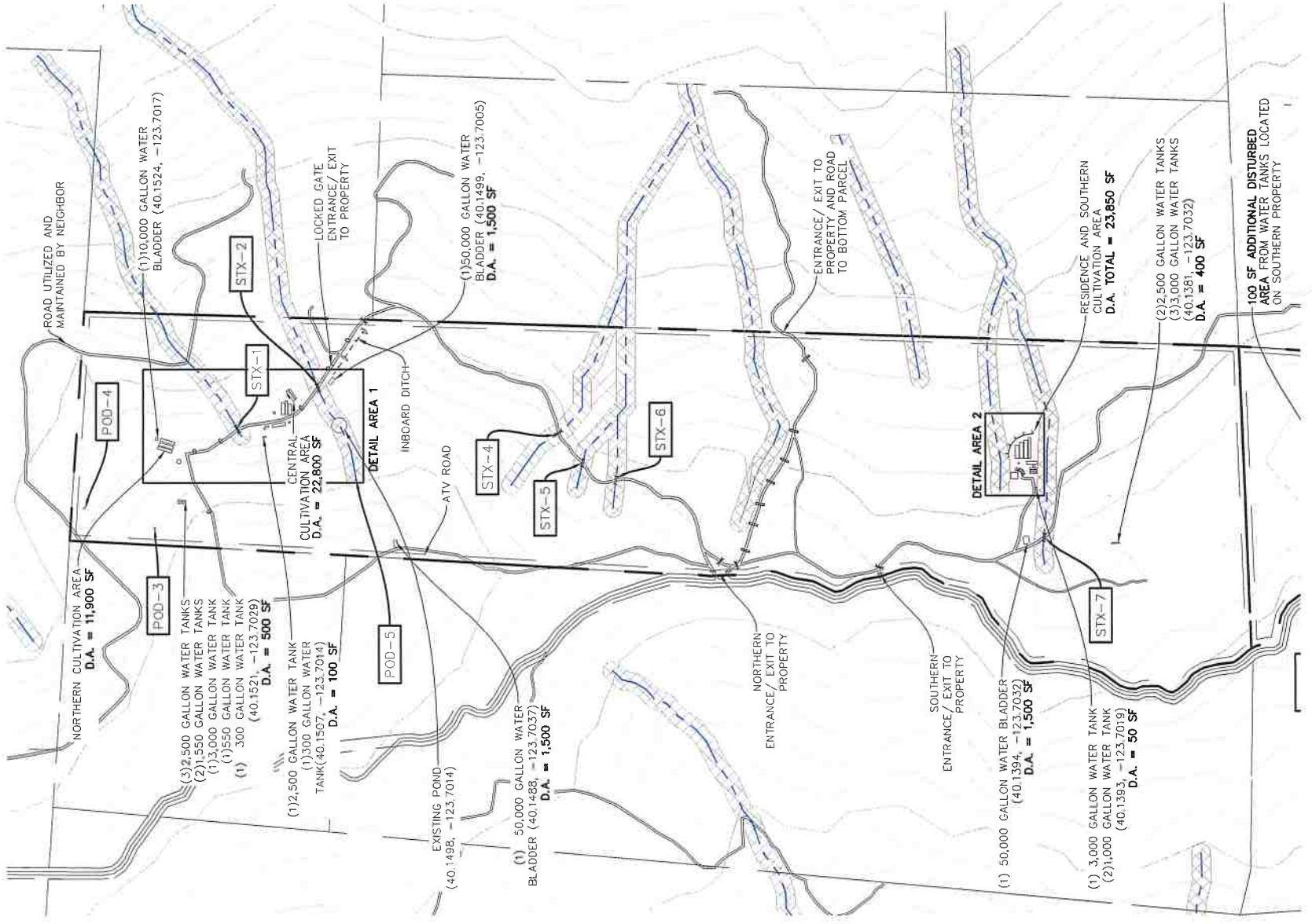
**NOTE:**

D.A. = DISTURBED AREA  
STX = STREAM CROSSING  
POD = POINT OF DIVERSION



**PLOT PLAN**

22x34 SHEET: 1"=400'  
11x17 SHEET: 1"=800'  
0 200 400 800



**PROJECT DESCRIPTION:**

DUSTIN SILVA IS PROPOSING TO PERMIT 15,850 OF CANNABIS CULTIVATION THROUGH THE HUMBOLDT COUNTY COMMERCIAL MARIJUANA LAND USE ORDINANCE (CMMLUO). DUSTIN SILVA HAS ENROLLED IN THE STATE WATER RESOURCES CONTROL BOARD ORDER NO. 2017-0023-DWQ AS A TIER 2, LOW RISK DISCHARGER (WDID# 1\_12CC407649) FOR WASTE CULTIVATION. DISTURBED AREA TOTALS 64,200 SQUARE FEET (1.47 ACRES)

**GENERAL NOTES:**

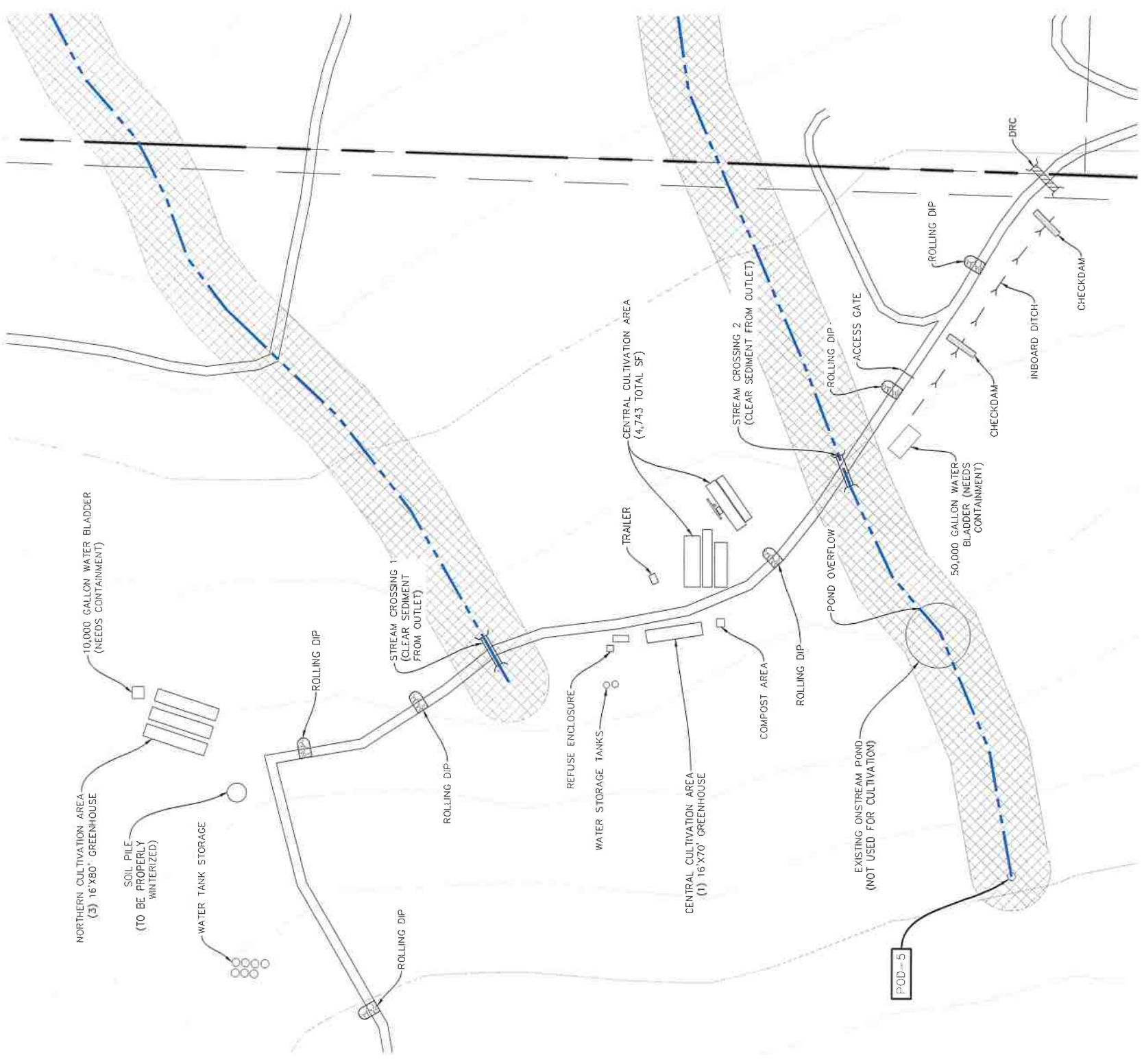
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- THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL RESOURCES WITHIN 600 FEET OF THE EXISTING CULTIVATION AREA.
- THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
- ALL AREAS OUTSIDE OF THE CANNABIS ACTIVITIES ARE USED IN ACCORDANCE TO THE HUMBOLDT COUNTY LAND USE DESIGNATION.

LEGEND	
	WATER COURSE
	INBOARD DITCH
	USGS CONTOUR
	ROLLING DIP
	WATERBAR
	CUT/FILL SLOPE
	DITCH RELIEF CULVERT
	CHECKDAM

# BPTC DETAIL AREA 1

RECEIVED  
 NOV 21 2019  
 Humboldt County  
 Planning Division

		APN: 216-143-007, 216-143-008, 216-144-004, 216-143-012 BPTC DETAIL AREA 1	
317 3rd Street, Ste. 15 Eureka, CA 95501		DUSTIN SILVA PROJECT NO.: LN DRAWN BY: DRH DATE: 02/12/2019 SCALE: AS NOTED	



LEGEND	
	OUTSLOPE
	WATER COURSE
	INBOARD DITCH
	USGS CONTOUR
	ROLLING DIP
	WATERBAR
	CUT/FILL SLOPE
	STREAM CROSSING
	DITCH RELIEF CULVERT
	ROCK ROAD
	FIBER ROLLS
	STRAW/MULCH
	CHECKDAM
	OUTLET PROTECTION
	SILT FENCE



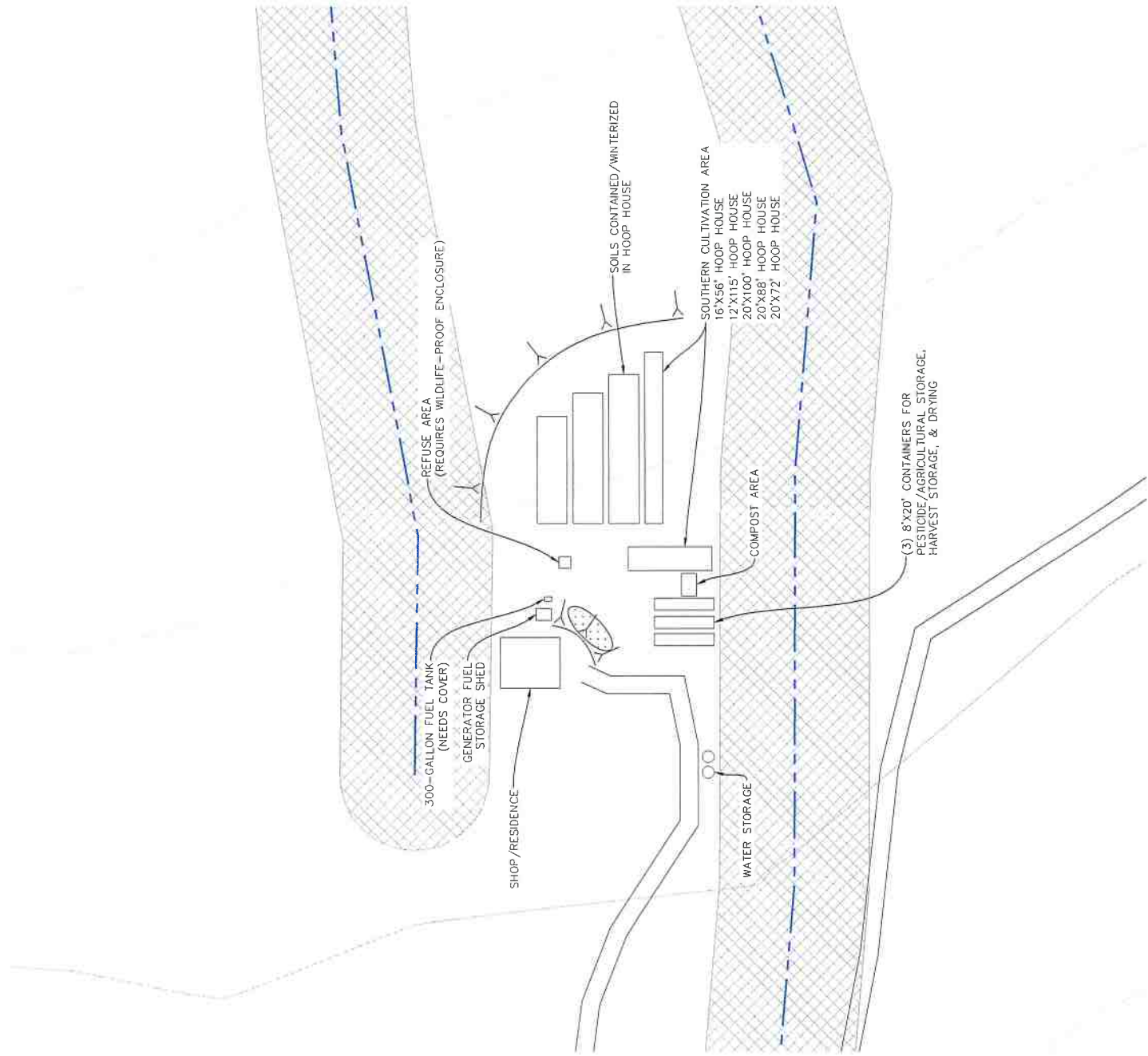
**PLOT PLAN**

22x34 SHEET: 1"=80'  
 11x17 SHEET: 1"=160'



# BPTC DETAIL AREA 2

LEGEND	
	OUTSLOPE
	WATER COURSE
	INBOARD DITCH
	USGS CONTOUR
	ROLLING DIP
	WATERBAR
	CUT/FILL SLOPE
	STREAM CROSSING
	DITCH RELIEF CULVERT
	ROCK ROAD
	FIBER ROLLS
	STRAW/MULCH
	CHECKDAM
	OUTLET PROTECTION
	SILT FENCE



**NORTHPOINT**  
 CONSULTING GROUP, INC.  
 317 3rd Street, Ste. 15 Eureka, CA 95501

DUSTIN SILVA  
 APN: 216-143-007, 216-143-008, 215-144-004, 216-143-012  
 BPTC DETAIL AREA 2

PROJ. NO.: LN  
 DRAWN BY: JPH  
 DATE: 02/12/2018  
 SCALE: AS NOTED  
 SHEET  
**SMP3**  
 12-139

DATE	REVISIONS	DRAWN BY

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

#### **A. General Conditions**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, the Department will file the Notice of Determination and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #13. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility

Ordinance). Confirmation from the Department of Public Works that the work has been done will satisfy this condition.

8. The applicant shall rock the surface of the access road where it intersects Dyerville Loop Road, for a minimum width of 18 feet and a length of 50 feet. An encroachment permit must be obtained for the Department of Public Works Land Use Division prior to work within the county right-of-way. Confirmation from the Department of Public Works that the work has been done will satisfy this condition.
9. The applicant shall discontinue the use of all bladders and replace bladder water storage with hard sided tanks. The applicant shall provide an updated Site Plan to the Planning Department displaying the size and location of the replacement tanks. Final signoff from the Planning Department will satisfy this condition.
10. The applicant shall install water monitoring device on each source – rainwater catchment and surface diversion if/when utilized and storage tanks as applicable - to monitor water used for cannabis irrigation separate from domestic use. Final signoff from the Planning Department will satisfy this condition.
11. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed. Final signoff from the Planning Department will satisfy this condition.
12. The applicant shall provide portable toilets at cultivation sites for seasonal cultivation activities or install a permitted onsite wastewater treatment system associated with a permitted structure. If the applicant elects to provide portable toilets for seasonal cultivation activities, the applicant shall retain receipts to be furnished during annual inspections.
13. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
14. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
15. The applicant shall develop an alternative energy source on the parcel within 3 years of project approval (by March 3, 2025) that is capable of supplying 80% of the energy demands of the cultivation operation including, all nursery lighting, fans, dehumidifiers, and water pumps used for irrigation. An energy consumption plan and monitoring evidence illustrating the alternative power source installed, shall be provided to County Planning for approval.

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

1. The combined decibel level for all noise sources, including generators, measured at the property line shall be no more than 60 decibels.
2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g.,



through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.

3. Documentation from a licensed offsite processing service will be kept on file by the applicant to be furnished during annual inspections.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than 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.

13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. Maintain enrollment in Tier 1 or 2 certification with State Water Resources Control Board Order WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW), if applicable.
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. 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).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
25. The applicant shall refrain from ground disturbing activities in the identified resource site (referred to as "WRA-01(Silva Site)" in the submitted Cultural Resources Investigation). Any ground disturbing activities conducted on the property outside of the identified resource site shall require the presence of a Cultural Monitor.

26. 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

27. 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."
28. 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).
29. 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.
30. 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.
31. 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
32. Term of Commercial Cannabis Activity Permit. Any Commercial Cannabis Cultivation Permit issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
33. 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.
34. 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.
35. 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.
36. 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.

37. 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.

**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 216-144-004 & 216-143-012; Garberville, County of Humboldt**

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

**April 2022**

## Background

### **Modified Project Description and Project History –**

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

The modified project involves a Conditional Use Permit (PLN-13266-CUP) for 15,840 square feet of outdoor cannabis cultivation and appurtenant propagation and drying activities.

Water for irrigation will be provided by four permitted surface water diversions, with a total permitted appropriation amount of .989 acre-feet (322,266 gallons) per year. The applicant anticipates 182,000 gallons of water will be required annually for irrigation (9.91 gallons/sf/yr). There are 232,050 gallons of water storage onsite, 82,050 gallons of storage occurring in hard sided tanks, and 150,000 gallons of additional water storage in existing water bladders. The applicant will forbear from using the point of diversion annually from April 1 to October 31. Removal of the existing water bladders and replacement with hard tank storage has been included as a condition of approval.

There are no mapped endangered or threatened species of concerns located on the subject APNs. The nearest Northern Spotted Owl (NSO) activity center (HUM0703) is located approximately 7-miles west of the cultivation site and the nearest NSO observation was observed approximately 0.76 miles northeast from the nearest cultivation site. Marbled Murrelet habitat is mapped approximately 5.25 miles southeast from the nearest cultivation site.

The subject parcel is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band of the Rohnerville Rancheria, and Intertribal Sinkyone Wilderness Council. Referral comments recommend that the project follow standard inadvertent discovery protocol, which has been included as a recommended condition of approval.

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

**Purpose** - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified 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 15,430 square feet of cultivation with ancillary propagation and drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Cultivation and Operations Plan prepared by Northpoint Consulting Group, Inc, dated November 2019.
- Site Plan prepared by Northpoint Consulting Group Inc, received December 21, 2021.
- Site Management Plan (SMP) prepared by Northpoint Consulting Group Inc, dated March 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. (Plot Plans prepared by Northpoint Consulting Group, Inc, received December 21, 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 dated November 2019- **Attached**)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above)
6. 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. (Site Management Plan prepared by Northpoint Consulting Group, INC. – **Attached**. Notice of Applicability: Waiver of Waste Discharge Requirements WD 1\_12CC407649 – On file)
7. 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. (**Attached**)
8. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
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. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
15. Right to Divert and Use Water. (**Attached**)
16. *Road Evaluation Report* form dated April 2, 2019. (**Attached**)

**DUSTIN SILVA  
CULTIVATION AND OPERATIONS MANUAL  
HUMBOLDT COUNTY, CA**

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**PROPOSED CANNABIS  
CULTIVATION FACILITIES**



**PREPARED FOR:**



**November 2019  
Updated December 2021**

Cultivation and Operations Manual  
For

**Dustin Silva**

Apps. #: 13266  
APNs: 216-143-012, 216-144-004  
CUP16-1072, ZCC17-056

**Proposed Commercial Cannabis Cultivation Facilities**

Lead Agency:  
**Humboldt County Planning Department**  
3015 H Street  
Eureka, CA 95501

Prepared By:



**NorthPoint Consulting Group, Inc.**  
1117 Samoa Boulevard  
Arcata, CA 95521  
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In Consultation with:  
Dustin Silva  
PO Box 292  
Redway, CA 95560

November 2019  
Updated December 2021

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# OPERATIONS MANUAL

DUSTIN SILVA

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## 1. PROJECT SUMMARY

### 1.1. PROJECT OBJECTIVE

Dustin Silva (“applicant”) is proposing to permit existing commercial cannabis cultivation activities in accordance with the County of Humboldt’s (County) Commercial Medical Marijuana Land Use Ordinance (CMMLUO). Activities are proposed to occur on Assessor Parcel Numbers (APNs) 216-143-012 and 216-144-004, which together comprise one legal parcel.

The applicant originally applied for a Conditional Use Permit (CUP) for 43,560 square feet (sq. ft.) of pre-existing outdoor cultivation and 12,641 sq. ft. of pre-existing mixed-light cultivation (CUP16-1072), as well as a Zoning Clearance Certificate (ZCC) for 10,000 square feet of new mixed-light cultivation (ZCC17-056). Approximately 15,850 sq. ft. of pre-existing cultivation was verified by the Cultivation Area Verification (9,200 sq. ft. of existing mixed-light cultivation and 6,650 sq. ft. of existing outdoor cultivation). The applicant was issued a Zoning Clearance Interim Permit for 6,650 square feet of existing outdoor cultivation and 9,200 square feet of existing mixed-light cultivation (15,850 sf total).

**The application is currently for a Conditional Use Permit for 15,850 sq. ft. of pre-existing cultivation. The application no longer includes a mixed-light component; all cultivation is outdoor. Outdoor cultivation typically occurs in hoop houses, constructed without impervious floors, though small portions of outdoor may be cultivated as full-sun in pots. Water for the project comes from surface water diversions and associated storage (authorized by Small Irrigation Use Registration # H505001). Power currently comes from existing generators, but the applicant is proposing to install a solar system within the next three (3) years. The application includes permitting of cannabis cultivation, water storage, and appurtenant facilities.**

### 1.2. SITE DESCRIPTION

The project site is located off Dyerville Loop Road in the rural north coast bioregion near Garberville, CA (See Site Plan in Appendix A). The parcel primarily drains into the Steelhead Creek – Eel River HUC 12 Watershed (#180101050406) with some areas of the property draining into the Ohman Creek-South Fork Eel River HUC 12 Watershed (#180101060403). The parcel is situated on top of a ridge, and numerous Class III watercourses drain easterly across the parcel to eventually reach Steelhead Creek, a tributary to the Eel River. The parcel has undulating topography, with slopes varying from less than 5% to greater than 50%. All proposed existing and proposed development is located on slopes of less than 30%. Site soils consist primarily of Yorknorth-Witherell complex of 30 to 50% slopes, which are well drained, gravelly loam soils, and Coolyork-Yorknorth complex of 30 to 50% slopes, which are moderately well-drained clay loam soils. There are no mapped prime agricultural soils on the parcel. The property is mostly comprised of grassland, with sparsely forested areas of conifers and oak woodland species. Land uses surrounding the parcel include farmland, livestock, ranching, undeveloped forested areas and sparse residences. The site is located in a rural area with no major populated or developed areas near the project site. Garberville, an area of ±1,000 people, is located approximately 13 miles from the property, and Alderpoint, an area of ±200 people, is located approximately 15 miles from the property.

### 1.3. LAND USE

The parcel is part of the California Land Conservation Act of 1965, also known as the Williamson Act, which is a program for landowners to benefit from tax incentives in order to maintain agricultural activities on their project. As such, the project site has operated as a ranch for many decades and is currently utilized for ranching and livestock production in addition to cannabis operations. Associated livestock infrastructure includes pig barns and feeding areas, cattle grazing areas, a legacy livestock



pond, fencing, and agricultural storage sheds, in addition to the greenhouses, storage shipping containers, water storage, and drying areas utilized for cannabis cultivation. The parcel is developed with a three-story building utilized as a residence on the top two floors and a garage/drying area on the lower floor.

The subject property has a General Plan land use designation of Agricultural Grazing (AG) and is zoned Agriculture Exclusive (AE-B-5[160]). Land uses surrounding the parcel are comprised of agriculture and scattered rural residences. The surrounding parcels are zoned Agriculture Exclusive (AE).

#### 1.4. STATE AND LOCAL COMPLIANCE

##### 1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Dustin Silva has been issued a Medium Mixed-Light Tier 1 Cannabis Cultivation License under Sole Proprietorship through the Department of Cannabis Control.

##### 1.4.2. STATE WATER RESOURCES CONTROL BOARD

Water for cannabis cultivation is provided by existing surface water diversions. The diverter has obtained a certified Small Irrigation Use Registration (SIUR) which allows for the appropriation of 0.989 acre-feet annually (SIUR Registration #H505001).

Dustin Silva is enrolled as a Tier 2, Low Risk discharger under the State Water Resources Control Board (SWRCB) General Order WQ 2019-001-DWQ *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities* ("SWRCB Order"). He has been assigned WDID 1\_12CC407649. A Site Management Plan was developed for the property in March 2019.

##### 1.4.3. HUMBOLDT COUNTY BUILDING DEPARTMENT

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the Conditional Use Permit and the Zoning Clearance Certificate.

##### 1.4.4. CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines. If required by Cal Fire, a 2,500-gallon water tank with a riser to SRA specifications will be installed for fire suppression purposes.

##### 1.4.5. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Dustin Silva submitted a Streambed Alteration Notification from the California Department of Fish and Wildlife (CDFW) for maintenance and upgrades to the seven (7) total onsite stream crossings, maintenance of the five (5) points of diversion, and maintenance of the existing onstream pond spillway located on an adjacent parcel. Due to Operation of Law, Dustin has the legal authority from CDFW to proceed with the stream crossing upgrades and maintenance activities as proposed in the application, including the replacement of two culverts on ephemeral drainages.

##### 1.4.6. CULTURAL RESOURCES

If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and

a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

## 2. CULTIVATION AND PROCESSING

### 2.1. EXISTING CULTIVATION

The site has historically contained cultivation areas including full sun and shade grown cannabis, of which 15,850 sq. ft. were able to be verified via aerial imagery in the Cultivation Area Verification produced by Humboldt County. Historic cultivation occurred in three distinct areas: one near the northern property boundary (Area A), one centrally located in the property area (Area B), and one near the Southern boundary of the Property (Area C). All of the historic cultivation areas are suitably located away from riparian setbacks and on slopes of less than 15%. Since then, slight reorganization of canopy area has occurred, all within the same areas as the pre-existing cultivation. The cultivation areas are easily accessible from a wide rocky road off of Dyerville Loop Road which is maintained in good condition.

### 2.2. PROPAGATION AND INITIAL TRANSPLANT

Juvenile plants will be propagated onsite in the 12' x 115' greenhouse in Cultivation Area C, which is operated by the applicant (Dustin Silva). Immature plants are started in rooting media, then transferred to small individual pots. When ready, each immature plant will be transplanted directly into raised beds within hoop houses, or into smart pots / above ground pots where they will continue their 'vegetative' cycle. The juvenile plants are irrigated using hand watering methods.

### 2.3. OUTDOOR CULTIVATION PLAN AND SCHEDULE

Juvenile plants will be transplanted directly into raised bed with imported and amended soils. Outdoor cultivation consists of both full-sun cultivation techniques and light deprivation techniques within hoop houses. Hoop houses are constructed without improved floors. Light deprivation is achieved by pulling a tarp or similar opaque material over the greenhouses to achieve multiple flowering cultivation cycles per year. Full sun plants produce one (1) flowering cycle per year while, light deprived plants produce two (2) flowering cycles per year. The monthly Cultivation Schedule in Appendix B details the cultivation activities associated with the outdoor cultivation.

### 2.4. IRRIGATION PLAN AND SCHEDULE

Irrigation and fertigation of plants occurs using drip irrigation and some top-feed hand watering methods as appropriate. While most irrigation needs are met with automatic drip systems, some irrigation and fertigation applications are more efficiently managed via hand watering, allowing for daily inspection of each plant by the cultivator and tailored irrigation and nutrient application depending on the needs of each individual plant. The monthly Cultivation Schedule in Appendix B details the irrigation activities associated with all cultivation.

## 2.5. HARVESTING, DRYING, AND TRIMMING

Plants that are ready for harvest have their flowering branches removed and suspended in the drying room located on the bottom floor of the 34' x 40' residence/garage in the southern area of the property. The drying process takes approximately one week.

The dried flowers are then bucked into manageable buds and transported to an off-site processing facility for trimming, packaging, and distribution.

## 2.6. EMPLOYEE PLAN

Dustin Silva 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), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

### 2.6.1. STAFFING REQUIREMENTS

The applicant and his family reside onsite and help operate the cultivation operations full-time. In addition to the applicant's family, up to two (2) full-time seasonal laborers are employed to assist with cultivation-related tasks. During peak activities, such as planting or harvesting, an additional two (2) part-time contract farm laborers may be required onsite for a total of four (4) employees. At least four (4) parking spaces are provided near the shop/residence building.

### 2.6.2. EMPLOYEE TRAINING AND SAFETY

On site cultivation, harvesting and drying is performed by employees trained on each aspect of the procedure including: cultivation and harvesting techniques and use of pruning tools; proper application and storage of pesticides and fertilizers. All cultivation staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation and drying facilities are limited to authorized and trained staff. Employees will have access to drinkable water.

All employees are trained on proper safety procedure including fire safety; use of rubber gloves and respirators; proper hand washing guidelines; and protocol in the event of an emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control as well as the Agent in Charge will be posted at the employee restroom. Each employee is provided with a written copy of emergency procedures and contact information. The material safety data sheets (MSDS) are kept on site and accessible to employees.

### 2.6.3. TOILET AND HANDWASHING FACILITIES

There is an existing bathroom located within the drying and shop building on-site. A Septic Investigation Study is proposed to be performed, and if required the septic system will be updated and potentially relocated according to the results of the investigation. In the interim time, employees will utilize a proposed ADA-compliant portable toilet that will be serviced bi-weekly. Anti-bacterial Liquid Soap and paper hand towels will be made available. Employees will work at a distance typically no greater than 725 feet from a restroom facility.

### 2.6.4. ON-SITE HOUSING

The Applicant and his family live in the residence on the property. All other seasonal employees live off site and commute daily to the cultivation site.



## 2.7. SECURITY PLAN AND HOURS OF OPERATION

### 2.7.1. FACILITY SECURITY

An entry gate is located on the driveway off Dyerville Loop Road. The entry gate remains locked at all times and access to the cultivation area is limited exclusively to employees and adjacent landowners. The drying and storage rooms remain locked and are only accessible by trained employees.

### 2.7.2. HOURS OF OPERATION

Activities associated with cultivation (watering, transplanting, and harvesting) generally occur during daylight hours. All other activities such as harvesting and drying typically occur no earlier than 8 AM and extend no later than 8 PM.

## 3. ENVIRONMENT

### 3.1. WATER SOURCE AND PROJECTED WATER USE

Dustin Silva diverts water for irrigation, fire protection, and domestic purposes. Due to the property's length, water is sourced from five (5) spring and stream diversions (see attached Site Plan). Four (4) points of diversion (PODs) are utilized to irrigate the current 15,850 square feet of cultivation: POD-2, POD-3, POD-4, and POD-5, which are all covered under Dustin Silva's Small Irrigation Use Registration (#505001). POD-2 is a spring diversion located at 40.1352, -123.7037 that is used for domestic, irrigation and fire suppression purposes. POD-3 is a spring diversion located at 40.1535, -123.7030 (APN 216-143-007) that is used for irrigation purposes. POD-4 is a spring diversion located at 40.1524, -123.7034 (APN 216-143-007) that is also used for irrigation purposes. POD-5 is a spring diversion located at 40.1304, -123.7005 (APN 216-144-017) that is used for irrigation and domestic purposes. POD-1 is used for domestic and fire suppression purposes.

Annual water use for the 15,850 square feet of cannabis cultivation is approximately 0.56 acre-feet of water (~182,000 gallons). Table 1 below reflects water use during a typical year, though exact amounts are subject to change due to varying conditions.

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	0	11,000	22,000	25,000	25,000	28,000	27,000	26,000	18,000	0

### 3.2. WATER STORAGE

Currently, the site has more than enough water storage to meet projected water demand. Approximately 232,050 gallons of storage currently exists onsite in the following storage structures: approximately 82,050 gallons in the form of water storage tanks, and three (3) 50,000-gallon bladders. The applicant has been actively adding water tanks over the years to eventually replace the water bladders, if required by the County. Water from POD-3 is pumped to the 10,000-gallon bladder and the cultivation located near the 10,000-gallon bladder. Water from POD-4 is gravity-fed to tanks, bladders, and cultivation areas across the site. Water from POD-4 is gravity-fed to cultivation, storage tanks, and one of the 50,000-gallon bladders.

A legacy onstream livestock pond with an approximated capacity of 25,000 gallons is located near the Central Cultivation Area, though it is not used for irrigation or storage purposes and is unrelated to cannabis cultivation. The applicant has authorization from CDFW via Operation of Law to maintain and rock the pond spillway.

### 3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

The property is accessed off of Dyerville Loop Road from two accessed driveways. The road network on the parcel was previously utilized as legacy ranching activities. From the northern driveway entrance, a 0.41-mile road segment leads to the Southern cultivation site and residence, and 0.84-mile segment leads to the most Northern cultivation site. The 0.84-mile segment is also used to access a residence on another parcel. Other on-site road segments, including ATV roads and skid trails, lead to water bladders, points of diversion and off-parcel to access nearby parcels.

Dustin Silva is enrolled as a Tier 2, Low Risk discharger under the State Water Resources Control Board (SWRCB) General Order WQ 2019-001-DWQ *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities* ("SWRCB Order"). He has been assigned WDID 1\_12CC407649. A Site Management Plan was developed for the property in March 2019. The Site Management Plan includes applicable Best Practicable Treatment or Control ("BPTC") Measures from Attachment A of the SWRCB Order which will improve site drainage, reduce sedimentation, and control erosion. Such BPTC Measures include the installation of water bars or rolling dips to improve road drainage, winterization of soils piles to ensure leachate does not enter surface waters and rocking of inboard ditches to reduce sedimentation and erosion.

#### 3.3.1. SITE DRAINAGE AND RUNOFF

Site investigation for the development of the Site Management Plan showed no evidence of surface runoff associated with the existing cultivation areas entering nearby drainages. The existing cultivation areas are currently located 50 feet from Class III drainages and 100 feet from Class II drainages, outside of the SMA buffers and outside of setbacks mandated by the Order. See Table 2 below, which details disturbed areas associated with cultivation, their size, average slope, and distance to water body.

Road runoff is generally minimal, though several water bars and rolling dips are proposed along various segment of access roads. Proposed improvements include five (5) rolling dips and seven (7) water bars. Numerous existing drainage features, including ditch relief culverts, rolling dips, and water bars, are adequately functioning and will be maintained to ensure continued proper road drainage.

#### 3.3.2. EROSION CONTROL

The Site Management Plan (SMP) includes erosion and sediment control BPTCs designed to prevent, contain, and reduce sources of sediment. The SMP also includes corrective actions to reduce sediment delivery, including: maintaining roads, replacing culverts, and adhering to best practicable treatment and controls (BPTCs). The applicant rocks the road surface as necessary to minimize erosion. Additionally, the SMP requires mulch piles, soil piles and spoils from any grading to be stored in a designated location away from surface waters. See the SMP section titled Best Practicable Treatment and Controls for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities for complete BPTC recommendations and specifications.

### 3.4. WATERSHED AND HABITAT PROTECTION

Adherence to the Site Management Plan and prohibition of cultivation activities within riparian buffers ensures that the watershed and surrounding habitat are protected. All cultivation areas comply with riparian setbacks. Additionally, site development and maintenance activities utilize BPTCs in accordance with the SWRCB's recommendations. No grading or earthwork activities are currently proposed. No illegal pesticides or rodenticides are used onsite that could be consumed by wildlife, and all potentially hazardous substances (including pesticides or petroleum products) are stored within secondary containment when in use or within the shipping container near the residence over

the winters season. Noise levels will be kept to a minimum at the site, meeting at least 60 decibels at the property line, so as not to impact sensitive species. Noise sources include a generator for domestic activities, though the applicant is proposing to install a solar array in the future to minimize the reliance on generators. Light is not expected to impact nearby sensitive species, as mixed-light operations are no longer included as part of this application.

### 3.5. MONITORING AND REPORTING

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Site Management Plan (SMP) and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the SMP.

A Monitoring and Reporting Form (Order No. 2019-0001-DWQ Attachment B) is submitted electronically to the State Water Board's California Integrated Water Quality System (CIWQS) program internet website annually, following each year of continued enrollment in the Order. This monitoring and reporting program form (MRP) is due annually by March 1st to the Regional Water Board. The annual report will include data from the individual monitoring reports as per the requirements of the Order.

### 3.6. ENERGY AND GENERATOR USE

Dustin Silva intends to develop solar power infrastructure to operate the drying building and irrigation pump systems. It is the intention of the applicant to utilize a solar array for the production of all onsite electrical power, including that required for domestic needs. Use of on-site generators will be limited to necessary operations and emergencies and will follow all guidelines set up by Humboldt County and the State of California. Existing generators onsite currently include a 10-kw diesel generator located near the residence and two (2) 2,000-watt portable Honda generators. The generators are centrally located to ensure the noise levels from operation do not exceed 60 decibels at the property line. The generator and fuels are located within a secondary containment trough and covered from the elements within a generator shed (shipping container). Fuels and generators are stored outside of riparian areas.

### 3.7. USE AND STORAGE OF REGULATED PRODUCTS

#### 3.7.1. BEST MANAGEMENT PRACTICES

Best Practicable Treatment and Controls (BPTC's) are employed when storing, handling, mixing, applying and disposing of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are located in a locked storage area in a repurposed delivery truck and contained within water-tight, locked and labeled containers in accordance with manufactures instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the SMP. Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. See the SMP for complete BPTC specifications for the use and storage of regulated products.



### 3.7.2. FERTILIZERS

A Nitrogen Management Plan has been completed for this site in accordance with the SWRCB General Order. Nutrients and biological inoculants used for cultivation may include:

- Roots Organic Greenfields Soil
- Stutzman Chicken Manure (3-2-2)
- Dr. Earth Flower Girl Bud & Bloom Booster (3-9-4)
- Erath Juice Solution Guano Primal Harvest (-0-8-1)
- Primal Harvest Fossilized Phosphate Seabird Guano (0-12-1)
- Grow Organic Cal Phos Soft Rock Phosphate (0-3-0)
- Kelp Meal (1-0-0)
- Alaska Fish (5-1-1)
- Down to Earth Liquid Bone Meal (0-12-0)

### 3.7.3. PESTICIDES AND FUNGICIDES

Pesticides and fungicides used for cultivation include:

- Neem Oil

### 3.7.4. FUELS AND OILS

Fuels and oils stored on site include:

- Gasoline / Diesel – 350-gallon emergency fuel tank, several portable fuel tanks for generator power, pumps, ATVs, equipment, vehicles, & tools
- Propane – 100-gallon metal propane tank; several 5-gallon tanks

## 3.8. WASTE MANAGEMENT PLAN

### 3.8.1. SOLID WASTE MANAGEMENT

Trash and recycling containers are located inside the existing garage/ drying building, enclosed within a secure area to prevent animal intrusion. Solid wastes and recycling are hauled off-site to the Garberville Recology Center as needed, typically twice per month during the cultivation season.

### 3.8.2. CULTIVATION WASTE AND SOIL MANAGEMENT

Organic waste from cultivation is composted in designated areas near the Southern and Central cultivation areas. Compost areas are located 150+ feet from the nearest drainage and stabilized with appropriate BPTC measures. Cultivation vegetative matter such as root balls, branches, and leaves are composted near the Southern and Central cultivation areas in designated locations. Compost areas are located 150+ feet from drainages and are stabilized with appropriate BPTC measures. Spent potting soil is stored in a designated contained covered area that is lined to prevent any soil erosion or nutrient seepage. The soils are analyzed using soil testing procedures, and after consultation, the soils are amended and stored for use the next season. Used pots will be collected and stored within the shipping containers for the next season. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

### 3.8.3. WASTEWATER MANAGEMENT

The residence/shop building produces greywater from the kitchen sinks and bathing facilities and produces blackwater from the restroom facilities. The residence is connected to a septic system which is currently in the process of becoming permitted. If necessary during permitting, portable toilets may be brought onsite and serviced at regular intervals. The portable toilets or permitted septic system

will ensure that the sanitary needs of the workers are met while satisfying the wastewater requirements of local and state agencies.

The water management plan includes strategies to minimize runoff by maintaining conscious watering and fertilizing practices, as well as maintaining sufficient distance and vegetated buffers from nearby surface waters to ensure that unintended runoff does not deliver to surface waters. The wide vegetated buffers are sufficient in size to prevent the delivery of nutrients and / or entrained sediment to surface waters.

## 4. PRODUCT MANAGEMENT

### 4.1. PRODUCT TESTING AND LABELING

Samples are selected from individually harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product is labeled and will include tracking ID's provided by the Statewide tracking systems (METRC).

### 4.2. PRODUCT INVENTORY AND TRACKING

Dustin Silva will follow all regulations and requirements set by the CCTT-METRC system. After approval of state licenses related to the proposed cultivation, Dustin Silva will request credentials and order unique identifiers (UIDs) which will be assigned to each immature lot, flowering plant, and distinct cannabis product.

### 4.3. TRANSPORTATION AND DISTRIBUTION

Transportation will be handled by a licensed transporter/distributor in accordance with State and Local regulations. All merchantable product will be distributed through licensed commercial cannabis dispensaries. The CCTT-METRC system will be used for all transactions with distributors or transporters.



## APPENDIX A: SITE PLAN

## APPENDIX B: CULTIVATION ACTIVITIES SCHEDULE

Item	Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Drainage, Runoff, and Erosion Control	Winterization (storage of pots/greenhouse covers)												
	Temporary Erosion Control BMP's (straw, seeding, fiber rolls, etc.)												
	Road maintenance												
	Culvert and inboard ditch maintenance/inspection												
Irrigation Activities	Cover soil beds and seed / straw with cover crop												
	Irrigation of juvenile plants/clones												
Pre-cultivation Activities	Irrigation of flowering plants												
	Transplant clones into beds												
	Amend soil in beds												
Outdoor Cultivation and Harvest Schedule	Import new cultivation soil												
	Outdoor Cultivation Cycle												
	Light Deprivation Cultivation Season												
	Harvest Activities												
	Drying Activities												

## APPENDIX C: REFERENCES

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# SITE MANAGEMENT PLAN

In fulfillment of  
Order WQ 2017-0023-DWQ

General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for  
Discharges of Waste Associated with Cannabis Cultivation Activities

Prepared for:

**Dustin Silva – Top Property**

and

California State Water Resources Control Board



APNs: 216-143-012, 216-143-007, 216-144-004

**WDID: 1\_12CC407649**  
**Tier 2, Low Risk Discharger**

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March 2019

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## **APPENDICES**

- Appendix A: Vicinity Map
- Appendix B: Site Map (Overview, Disturbed Area Map, BPTC Prescriptions)
- Appendix C: BPTC Implementation and Maintenance Schedule
- Appendix D: BPTC Measure Specifications
- Appendix E: References
- Appendix F: Monthly BPTC Monitoring and Maintenance Records





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## INTRODUCTION

This Site Management Plan (SMP) has been developed to satisfy conditions of Tier 2 enrollment requirements in the State Water Resource Control Board (SWRCB) General Order No. WQ 2017-0023-DWQ (Order). The purpose of the Order is to implement the Cannabis Policy requirements for waste discharges associated with cannabis cultivation. The Policy provides a structure for managing water quality and instream flow impacts associated with cannabis cultivation. It also establishes criteria for personal use and site conditional exemptions and includes a tiered approach for permitting discharges of waste. All eligible dischargers developing land for cannabis cultivation activities are required to enroll in the program under the Order. Dischargers must implement Best Practicable Treatment or Control (BPTC) measures and submit technical and monitoring reports to assure compliance with the Order. The SMP describes how the discharger is complying with the applicable BPTC measures listed in the Policy and how they are being implemented property-wide.

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## SITE INFORMATION

**Registrant:** Dustin Silva  
P. O. Box 292  
Redway, CA 95560

**Site Address:** APN: 216-143-007, 215-144-004, 216-143-0112  
Dyerville Loop Road  
Garberville, CA 95524  
Lat/Long: 40.1507, -123.7014

**Zoning:** Humboldt County Zoning: Agriculture Exclusive (AE-B-5[160])  
Humboldt County General Plan Land Use: Agricultural Grazing (AG)

**Acres:** APN: 216-143-012: 143 acres (Assessed Lot Size)/ 205 acres (GIS Acres)  
Per Humboldt County Web GIS  
Disturbed Area: Approximately 1.47 acres

**Location:** The project site is located in Garberville off of Dyerville Loop Road, approximately 68 miles south of Eureka. To reach the site from Garberville, take Alderpoint Road for 7 miles. Turn left onto Dyerville Loop Road and continue for 3 miles. The parcel driveway will be on your right.

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## SITE DESCRIPTION

### *Environmental Setting and Site Overview*

The project site is located off Dyerville Loop Road in the rural north coast bioregion near Garberville, CA (See Vicinity Map in Appendix A). The parcel primarily drains into the Steelhead Creek – Eel River HUC 12 Watershed (#180101050406) with some areas of the property draining into the Ohman Creek-South Fork Eel River HUC 12 Watershed (#180101060403). The parcel is situated on top of a ridge, and numerous Class III watercourses drain westerly across the parcel to eventually reach Steelhead Creek, a tributary to the Eel River. Steelhead Creek is known to support Steelhead (*Oncorhynchus mykiss*), an anadromous fish species, though no anadromy is present in the nearest Steelhead Creek reaches to the project site due to a barrier identified approximately 2.5 miles from the confluence with the Eel River. Steelhead Creek does not cross the project site.



The parcel has undulating topography, with slopes varying from less than 5% to greater than 50%. All proposed existing and proposed development is located on slopes of less than 30%. Site soils consist primarily of Yorknorth-Witherell complex of 30 to 50% slopes, which are well drained, gravelly loam soils, and Coolyork-Yorknorth complex of 30 to 50% slopes, which are moderately well-drained clay loam soils. There are no mapped prime agricultural soils on the parcel. The property is mostly comprised of grassland, with sparsely forested areas of conifers and oak woodland species. Land uses surrounding the parcel include farmland, livestock, ranching, undeveloped forested areas and sparse residences. The site is located in a rural area with no major populated or developed areas near the project site. Garberville, an area of ±1,000 people, is located approximately 13 miles from the property, and Alderpoint, an area of ±200 people, is located approximately 15 miles from the property.

#### *Existing Land Use and Permitting Status*

The parcel is part of the California Land Conservation Act of 1965, also known as the Williamson Act, which is a program for landowners to benefit from tax incentives in order to maintain agricultural activities on their project. As such, the project site has operated as a ranch for many decades and is currently utilized for ranching and livestock production in addition to cannabis operations. Associated livestock includes pig barns and feeding areas, a legacy livestock pond, fencing, and agricultural storage sheds, in addition to the greenhouses, storage shipping containers, water storage, and drying areas utilized for cannabis cultivation. The parcel is developed with a three-story building utilized as a residence on the top two floors and a garage / drying area on the lower floor.

Water for domestic and irrigation purposes is sourced from numerous spring diversions scattered across the property. Current annual use for cannabis cultivation is approximately 0.56 acre-feet of water. Existing on-site water storage totals 195,450 (0.59 acre-feet) gallons in water bladders and hard plastic storage tanks. Interim water bladders are proposed to be replaced by an engineered rainwater catchment pond or an engineered steel-bolted rainwater catchment tank. A legacy spring-fed, onstream livestock pond with an approximated capacity of 25,000 gallons is located near the Central Cultivation Area, though it is not used for irrigation or storage purposes. There are no on-site wells.

Dustin Silva has applied for a Conditional Use Permit through the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) to permit 43,560 square feet of outdoor cultivation and 12,641 square feet of mixed-light cultivation (CUP16-1072), in addition to a Zoning Clearance Certificate for 10,000 square feet of new mixed-light cultivation (ZCC17-056). The application includes permitting of cannabis cultivation, water storage, and appurtenant facilities. The applicant was issued a Zoning Clearance Interim Permit for 6,650 square feet of existing outdoor cultivation and 9,200 square feet of existing mixed-light cultivation (15,850 sf total). The application has been assigned Apps #13266. Dustin Silva has been issued a Medium Mixed-Light Tier 1 temporary Cannabis Cultivation License under Sole Proprietorship through the California Department of Food and Agriculture (CDFA) CalCannabis department (TML18-0013385). An Adult-Use annual license application for the parcel is pending approval.

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## **TIER AND RISK DESIGNATION**

The Cannabis Policy and General Order provide criteria for evaluating threats to water quality for cannabis cultivation sites based on three site characteristics: proximity to water body, total disturbed area, and slope of the disturbed area. Based on the criteria and site characteristics the subject





property is designated as a **Tier 2, Low Risk**. The total disturbed area is approximately 1.47 acres. The total disturbed area 1.47 acres remains outside of the riparian setback requirements and on slopes less than 30 percent (Table 1).

Table 1: Disturbed Area Size, Slopes, and Setbacks

Disturbed Area Type	Area (ft <sup>2</sup> )	Disturbed Area Avg. Slope	Distance to Water Body (ft.)	Water Body Type
Northern Cultivation Area (including greenhouses, soil pile, and 10k bladder)	11,900	15%	190	Class III Drainage
Water Tanks near Northern Cultivation Area	500	14%	175	Class III Drainage
Central Cultivation Area (including greenhouses, soil pile, parking, storage buildings, dumpster, materials, and outdoor pots)	22,800	8%	100	Class III Watercourse
Water tanks on hill overlooking Central Cultivation Area	100	12%	83	Class III Drainage
50K Water Bladder near Central Cultivation Area	1,500	5%	78	Class III Watercourse
50K Water Bladder on Knoll	1,500	9%	81	Class III Drainage
50K Water Bladder near Southern Cultivation Area and Residence	1,500	4%	90	Class III Drainage
Water Tanks located adjacent Southern Cultivation area	50	9%	52	Class III Drainage
Drying/Storage Shipping Containers near Southern Cultivation Area	1,400	10.4%	65	Class III Drainage
Southern Cultivation Area	13,550	12%	55	Class III Drainage
Parking, Graded Flat, Generator storage, generator shed	7,500	10%	59	Class III Drainage
Residence / Garage / Shop Building	1,400	9%	54	Class III Drainage
Water Tanks located above Southern Cultivation Area	400	16%	70	Class III Drainage
Water tanks located on APN 216-144-004	50	10%	270	Class III Drainage
Fire Suppression Water Tanks located on APN 216-144-017	50	4%	50	Class III Drainage
<b>Total Disturbed Area</b>	<b>64,200 square feet (1.47 acres)</b>			

The road network was constructed prior to cultivation activities and is maintained according to the guidance provided by the *Handbook for Forest, Ranch, and Rural Roads* ("Road Handbook") by Pacific Watershed Associates. Segments of road that are prescribed improvements (rolling dips, water bars, check dams, etc.) are considered maintenance activities and are therefore not included in the disturbed area. See the Disturbed Area Map in Appendix B for specific areas included in the disturbed area.



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## **BEST PRACTICABLE TREATMENT OR CONTROL (BPTC) MEASURES**

BPTC measures are being utilized as part of the road maintenance program to protect water quality. The *Construction Site Best Management Practices Manual* by the CA Department of Transportation (Caltrans) is referenced for the correct installation, maintenance, and monitoring of all applicable erosion control and sediment capture BPTC measures.

All straw mulch must be free of noxious weeds and all seed/plants must be non-invasive. A list of prohibited species can be found in the CA Invasive Plant Council's database. Erosion control measures shall not include synthetic monofilament netting, including photo- and biodegradable plastic netting. All netting shall be made of jute, coir fiber, hemp, or another product without welded weaves.

A schedule of BPTC measures to be implemented and maintained throughout the site is shown in Appendix C, and Appendix D includes specifications for BPTCs.

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### **1. SEDIMENT DISCHARGE BPTC MEASURES**

#### **1.1. SITE CHARACTERISTICS**

##### **1.1.1. SITE MAP**

The site map shows all relevant site features: streams, stream crossings, storage areas, roads, buildings, cultivation areas, and other disturbed areas related to cultivation activities. Erosion prevention and sediment control BPTC measures are identified on the map (See Appendix B for BPTC Prescriptions).

##### **1.1.2. ROAD CONDITIONS**

The property is accessed off of Dyerville Loop Road from two accessed driveways. The road network on the parcel was previously utilized as legacy ranching activities. From the northern driveway entrance, a 0.41-mile road segment leads to the Southern cultivation site and residence, and 0.84-mile segment leads to the most Northern cultivation site. The 0.84-mile segment is also used to access a residence on another parcel. Other on-site road segments, including ATV roads and skid trails, lead to water bladders, points of diversion and off-parcel to access nearby parcels.

Daily road trips along the main access road vary widely by season and are difficult to calculate due to the number of neighboring parcels the road accesses. Daily trips resulting from neighboring uses are unknown, however, the Discharger reports approximately 0-4 daily vehicle trips in the winter season to the on-site residence, and between 4-14 daily vehicle trips to cultivation areas during the peak of cultivation season. These numbers may during instances of construction.

The road surface is native materials with rock. The road gradient varies from less than 5% to greater than 25% due to the undulating topography. Sections of the road are insloped to drain into a maintained inboard ditch, although most of the road is outsloped to convey unconcentrated water off the road. Currently, road maintenance activities consist of clearing inboard ditches of debris, re-shaping water bars for the winter season, and ensuring culverts remain unplugged. Additional road maintenance is prescribed in section 1.2.1.



### 1.1.3. WATER BODIES, STREAM CROSSINGS, RIPARIAN SETBACKS

#### 1.1.3.1. WATER BODIES

One existing pond is located on the property near the Central Cultivation Area. The pond has been on the property for decades and was historically used for livestock watering purposes. The pond is approximately 20' x 50' and has a 6' maximum depth, for an estimated capacity of 25,000 gallons. The pond is spring-fed and collects hillslope runoff and rainwater, and generally remains wet year-round. The existing pond outlet, included in the Streambed Alteration Notification described below, is a 1' x ½' channel that discharges to Stream Crossing 2 (STX-2, described below). The pond outlet is well-rocked and is placed in a natural flow location. No signs of erosion were noted during NorthPoint Consulting's January 2019 site visit.

#### 1.1.3.2. STREAM CROSSINGS

On-site stream crossings will be maintained in accordance with the Lake or Streambed Alteration Agreement. A Notification was submitted to the California Department of Fish and Wildlife (CDFW) on February 21<sup>st</sup>, 2019 and the Discharger is awaiting a final agreement. There are seven (7) stream crossings on the subject parcel:

- Stream Crossing 1 is an existing rocked crossing located where a Class III ephemeral drainage crosses a seasonally-used road. The crossing drains diagonally from the upstream channel to the downstream channel and drains approximately 4.5 acres of hillslope. The upstream and downstream channels are approximately 1.5' wide and are not exhibiting signs of erosion or sediment pollution. The applicant proposes to maintain the existing rocked crossing, as it is effectively conveying water across the road.
- Stream Crossing 2 is an existing 18" corrugated plastic culvert that drains a spring fed watercourse and the overflow of the onstream pond. The upstream and downstream channels are approximately 1-2' wide and are not exhibiting any signs of erosion. The 18" pipe is structurally in good condition, is installed on-grade, and is appropriately sized to drain the 3.5 acres of hillslope (see accompanying Culvert Memo for details on culvert sizing). Sediment build-up at the outlet of the culvert will be removed as described in Section 1.2.2.2. The applicant proposes to maintain this crossing, as it is effectively draining the watercourse.
- Stream Crossing 3 is an existing rocked crossing that drains a very small, Class III drainage. The upstream channel is approximately 1' wide and the downstream channel is approximately 2' wide. No erosion is visible. The outlet of the rocked crossing is well-armored with appropriately-sized rock. The applicant proposes to maintain this rocked crossing, as it is adequately draining the approximately 4 acres of hillslope.
- Stream Crossing 4 is an existing 16" corrugated plastic pipe that drains a seasonal watercourse. The culvert drains approximately 6.8 acres of hillslope and is undersized for the 100-year storm event. The applicant proposes to remove the existing pipe and install a 24" corrugated metal pipe on grade with the stream channel.
- Stream Crossing 5 is an existing 18" corrugated plastic pipe that drains a Class III watercourse. The existing culvert is installed on-grade, has good





road cover, and is correctly sized to sufficiently drain the 2.0 acres of hillslope during the 100-year flood event. In addition to removing an old culvert from near the inlet of the crossing, the applicant proposes to maintain the existing pipe.

- Stream Crossing 6 is an existing 18" corrugated plastic pipe that drains a Class III crossing located approximately 20' from STX-5. The existing pipe is structurally in good condition, is installed on grade, and has good road cover. The pipe is appropriately sized to drain the approximately 3 acres of hillslope in the 100-year storm event. The upstream and downstream channels are approximately 0.5' wide and are not exhibiting any erosion. The applicant proposes to maintain this crossing.
- Stream Crossing 7 is an existing 12" metal culvert that drains a Class III watercourse with a watershed size of approximately 2.99 acres. The existing pipe has a structurally compromised inlet and not constructed on grade with the stream channel, though it is not causing any visible erosion issues. The culvert is undersized and will be replaced with an 18" corrugated metal culvert constructed on grade with the stream channel.

#### 1.1.3.3. RIPARIAN SETBACKS

All cannabis-related structures and cultivation areas currently meet setback requirements in the Order.

#### 1.1.4. SOIL DISTURBANCE

All historic graded areas are stable and vegetated, aside from the cutbank slope on the house/shop graded flat. The slope is approximately 4' in height and is located over 100' from the nearest Class III watercourse. BPTC measures for this cutbank slope are described in Section 1.2.2.3 and 1.2.1.2. Due to the geology of the area, some parts of the hillslope above the road are prone to move, although there are no active slides currently on site. Dustin Silva will monitor these areas for further slide action and take appropriate actions if necessary. Prescriptions for soil disturbance during stream crossing upgrades are detailed 5.1.1.

### 1.2. EROSION PREVENTION AND SEDIMENT CAPTURE

#### 1.2.1. EROSION PREVENTION BPTC MEASURES

##### 1.2.1.1. ROADS

Several water bars and rolling dips are proposed along various segments of access roads and ATV roads to break up the sheet flow length and convey water off of the road prism. Five (5) rolling dips and/or rocked rolling dips are proposed along the access roads to cultivation and the ATV road used to access the water tanks from the Northern Cultivation Area. In addition, seven (7) water bars are proposed along the steeper central road segment that leads to Dustin Silva's lower properties. Numerous existing water bars and rolling dips are adequately functioning and will be maintained to ensure effectiveness. The road surface is strategically rocked during the dry season to prevent surface erosion.

Most of the road network is outsloped, though a few short segments utilize inboard ditches drained by ditch relief culverts, rolling dips, or fords to disperse water off of the road prism. Three (3) Ditch Relief Culverts (DRCs)



exist on the top property and are adequately preventing erosion. The DRC located near the Central Cultivation Area (DRC-1) is an 18"-diameter corrugated plastic pipe that currently drains approximately 400 feet of an inboard ditch that is incising. In order to prevent further incision of the inboard ditch, two rolling dips are proposed to reduce the volume of water flowing through the inboard ditch. Additional sediment capture BPTC measures are prescribed for this section of ditch in Section 1.2.2.1, below. DRC-2 is a 24"-diameter corrugated metal pipe with a less than 10% rust line located right inside the Northern driveway gate, adjacent to an existing ford. These two ditch relief crossings convey flow from stretches long of the County-maintained Dyerville Loop Road and are functioning adequately. The ford is well-armored, and no signs of erosion were present during a January 2019 site visit conducted by NorthPoint Consulting. DRC-3 is located just inside the Southern driveway gate and is adequately functioning.

All culvert inlets and outlets will be maintained and cleared of sediment buildup on an annual basis prior to the wet season. All ditch relief culverts discharge on to stable, vegetated/armored slopes. Erosion prevention measures roads will be implemented during the dry summer months. The road construction standards described in the "Road Handbook" will be adhered to for all road improvements. See Appendix C for the Schedule of BPTC Implementation and Maintenance.

#### 1.2.1.2. DISTURBED AREAS

The house/shop cutbank slope was the only area of bare or exposed soil identified during NorthPoint's January 2019 site visit. This cutbank slope will be strawed and seeded with native grass to prevent erosion and sedimentation of this slope. All roads and developed or disturbed areas appear relatively stable and settled, with no obvious indicators of failure (scarping, cracking, slumping) visibly apparent on any exposed surfaces. All other disturbed areas, including cultivation area fill slopes, are well-vegetated and are not exhibiting signs of erosion or sedimentation. Any areas for planned for additional disturbance or development will be surveyed for sensitive species, wildlife, and communities.

#### 1.2.1.3. STREAMS AND STREAM CROSSINGS

As detailed in Section 1.1.3.1, above, the seven (7) stream crossings will be maintained as directed in the final Lake or Streambed Alteration Agreement (LSAA) issued by the California Department of Fish & Wildlife. None of the stream crossings are currently exhibiting signs of erosion. Stream crossing inspection and maintenance, such as the removal of debris, will be regularly conducted throughout the year, and after a significant storm event (0.5 in/day or 1 in/7 days of rain). All cultivation operations comply with setbacks from streams and riparian areas. The existing riparian vegetation has been preserved and the buffer width maintained. Biological or structural BPTC measures will be implemented depending on the requirements in the LSAA.

#### 1.2.1.4. WINTERIZATION



Winterization measures will be implemented annually by November 1<sup>st</sup> and interim erosion prevention BPTC measures will be utilized as needed throughout the year. To prevent erosion and sediment transport, numerous measures for soil stabilization, runoff management, erosion and sediment prevention/retention are utilized throughout the seasonally dry period and prior to the onset of winter. See Section 5 for more information on proposed actions to protect water quality in the winter season.

## 1.2.2. SEDIMENT CAPTURE BPTC MEASURES

### 1.2.2.1. ROADS

The inboard ditch leading into DRC-1 will have check dams/vegetative slash installed along the inboard ditch in order to capture sediment and slow the flow of water, in addition to the rolling dips prescribed to break up the ditch in Section 1.2.1.1. During road construction and maintenance activities, sediment control devices (e.g. straw wattles) will be installed around culvert inlets to prevent sediment transport. Stockpiled materials for construction and road maintenance will be stored in stable locations and contained using appropriate BPTC measures. See Appendix C for the schedule of all sediment control BPTC measures being employed on site.

### 1.2.2.2. STREAM CROSSINGS

Aggraded sediment at the outlet of Stream Crossing 2 (STX-2) will be removed, stabilized in an upland area and seeded/mulched to ensure captured sediment reintegrates into the landscape.

### 1.2.2.3. SOIL DISTURBANCE

Spoils piles and spent potting soil is stabilized in a location outside of riparian setbacks and stream buffers on stable slopes of 15% or less. Across the parcel, cultivation soils are generally secured in the cultivation beds and cover cropped or tarped for the winter prior to amendment for the next cultivation season. There is one soil pile near the Northern Cultivation Area that requires secured tarping and placement of straw wattles around the base of the wattle to ensure loose soils do not migrate out of the designated area and contaminate surface waters. See Sections 2.1.1-2.1.3 for additional information about soil use and amendment.

## 1.2.3. MAINTENANCE ACTIVITIES – EROSION PREVENTION AND SEDIMENT CAPTURE

### 1.2.3.1. MONITORING

All of the stream crossings and ditch relief culverts will be regularly monitored for plugging. The inboard ditch near the Central Cultivation Area and all other identified areas of active erosion or sedimentation will be regularly monitored for further incision and BPTCs will be installed as-needed (See Table 2). The cultivator will monitor erosion and sediment control measures during and after each storm event that produces at least 0.5 in/day or 1 in/7 days of precipitation. In addition, winterization measures that are implemented will be monitored for effectiveness (inspected during the first major winter storm event) before the site is closed for the winter. See Appendix F for a log of monthly BPTC monitoring and maintenance records.





Table 2. BPTC Effectiveness Monitoring

Monitoring Requirements	Description	Monitoring Frequency
<b>Winterization Measures Implemented</b>	Report winterization procedures implemented, any outstanding measures, and the schedule for completion.	October - May
<b>Tier Status Confirmation</b>	Report any change in the tier status. (Stabilization of disturbed areas may change the tier status of a facility. Contact the Regional Water Board if a change in status is appropriate).	Annually
<b>Active Erosion or Sediment Control Areas</b>	Observe areas of active erosion or sedimentation for signs of improvement.	Monthly

1.2.3.2. MAINTENANCE

Year-round maintenance of all erosion prevention and sediment capture measures is required. All existing measures shall be maintained, repaired, or replaced as needed. All property inboard ditches will be regularly monitored and treated appropriately. Culverts, including ditch relief culverts and stream crossings, will be regularly checked for plugging and/or debris build up. Exotic or invasive species found in revegetated or disturbed areas shall be removed. Remaining exposed soil shall be reseeded/revegetated and have 2-4" of weed-free mulch reapplied. Any captured sediment in inboard ditches/drainageways, culvert outfalls, or against silt fences/straw wattles will be removed and stabilized on a designated flat area. The sediment may be used for site improvement where it will not threaten water quality. Interim measures for sediment retention, such as mulching and wattling, require more regular monitoring and maintenance. See Appendix F for a log of monthly BPTC monitoring and maintenance records.

**2. FERTILIZER, PESTICIDE, HERBICIDE, AND RODENTICIDE BPTC MEASURES**

**2.1. CULTIVATION PRODUCT STORAGE, USE, AND DISPOSAL**

**2.1.1. STORAGE**

Fertilizers, soils, soil amendments, and pesticides are stored in an 8' x 20' shipping container near the Southern Cultivation Area, separate from petroleum products, which are located in the generator shipping container next to the shop/house. Fertilizers and pesticides are placed in secondary containment while in use. Soil and fertilizers may temporarily be stored in or near the greenhouses within 48 hours prior to being applied but should be removed immediately post use to a secure location where they pose no threat of delivery to surface waters or leachate to groundwater. No rodenticides are being used on site. At the end of each season, any unused liquid products are stored in their respective areas within secondary containment for continued use the following seasons (See Site Map for storage locations).



Appropriate BPTC measures are being utilized when storing, handling, mixing, applying, and disposing of all fertilizers, pesticides, herbicides, and rodenticides. Each year an inventory is conducted prior to the beginning of the grow season and necessary products are delivered to the site as needed. Amounts of fertilizers are tracked and applied Nitrogen is reported annually. See the accompanying Nitrogen Management Plan for a list of fertilizers and pesticides/herbicides used on site.

**2.1.2. APPLICATION**

Mixing of liquid fertilizers occurs in large fertilizer tanks located near each individual cultivation area, located well outside of riparian buffers where the fertilizer will not enter surface waters. Fertilizers are hand-applied to plants. Spent soil is amended and reused as needed. The application of any agricultural chemical products will be conducted according to the manufacturer's recommendation.

**2.1.3. DISPOSAL AND SPILL PREVENTION/CLEANUP**

Trash and recycling containers are located near the Southern Cultivation Area and the Central Cultivation Area. When fertilizers, pesticides, herbicides, etc. have been used, their containers are added to the refuse areas (See Site Map for location details). Spent fertilizer products are removed from site when trash and recycling and taken to the nearest waste management authority center (See Section 4.1, below). A spill kit with plenty of sorbent pads is kept on site in the event of a fertilizer or pesticide spill.

**3. PETROLEUM PRODUCT BPTC MEASURES**

**3.1. PETROLEUM STORAGE, USE, AND DISPOSAL**

**3.1.1. STORAGE**

Petroleum products are stored in secondary containment while being stored in the container and while being used in the field. Generators, which are stored with the petroleum products, are placed in an impermeable tray while in storage so as not to leak out of the shipping container. The discharger has a 350-gallon petroleum storage tank with secondary containment and a 100-gallon propane tank, both located near the residence (Table 3). The 350-gallon petroleum storage tank is located in secondary containment but requires overhead covering to prevent water from filling the trough. Additional fuel is safely transported to the site in a transfer tank as needed. The propane tank is serviced by a licensed professional a couple times a year. Smaller 5-gallon gas cans, lubricants, and other petroleum products are being stored in secondary containment when not in use. The generators have drip pans and are being stored in a shed behind the residence. Vehicles and machines are regularly monitored for leakage and when not in use are being stored in a location outside riparian setbacks.

**3.1.2. APPLICATION**

Fueling and maintenance of the generators, cars, and other machines is being conducted in a designated area that prohibits discharge to waters of the state.

**3.1.3. DISPOSAL AND SPILL PREVENTION/CLEANUP**

Special care is taken when transporting and handling all petroleum products. Spill prevention/cleanup BPTC measures are being utilized; a spill kit with plenty of sorbent pads is kept on site in the event of a spill. Spent petroleum products and





related trash are kept in secondary containment before being transferred to the waste management facility.

Table 3. Petroleum Product List, Storage, and Use

Petroleum Product	Delivery Period	Storage Method	Use Type
Gasoline / Diesel	As needed throughout the year	350-gallon fuel tank, numerous portable fuel tanks	Power for generators, pumps, ATVs, vehicles, equipment, tools
Propane	As needed throughout the year	100-gallon metal propane tank; numerous 5-gallon tanks	Heating/cooking for the shop/residence
Lubricants	As needed throughout the year	In storage shed within secondary containment	Equipment maintenance

#### 4. TRASH/REFUSE AND DOMESTIC WASTEWATER BPTC MEASURES

##### 4.1. HOUSEHOLD TRASH AND CULTIVATION-RELATED WASTE

Cultivation-related waste from the Northern and Central Cultivation Areas is stored in a wildlife-proof dumpster located near the Central Cultivation Area where refuse will not migrate or leach into waters of the state. Domestic waste and cultivation waste from the Southern Cultivation Area is stored near the residence but requires wildlife-proofing to ensure the agricultural operations are not impacting wildlife or surface waters. Both refuse areas are located well away from riparian setbacks to prevent surface water contamination. All trash and recycling are disposed of as needed, between once per month to once every two weeks, depending on the time of year. Trash and recycling are transported to the Garberville Recology Center for permitted processing. Spent product containers are carefully transferred from the mixing area to the refuse area.

Organic waste from cultivation is composted in designated areas near the Southern and Central cultivation areas. Compost areas are located 150+ feet from the nearest drainage and stabilized with appropriate BPTC measures.

Non-cannabis refuse is present near the Southern Cultivation Site from the previous landowner. Additional housekeeping, including dump runs of large appliances and broken-down vehicles, is required to ensure compliance with the Order and to ensure wildlife are not impacted by the property activities.

##### 4.2. RESIDENTS, EMPLOYEES, AND VISITORS

Approximately 3-4 residents are on site during the growing season, and the farm is run as a family operation with no reported employees. The property is occupied by the inhabitants year-round. Tourism is not proposed as a component of this project, and therefore no cannabis-related visitors are expected. Residential-related visitors are unknown.

##### 4.2.1 DOMESTIC WASTEWATER – GENERATION

The residence/shop building produces greywater from the kitchen sinks and bathing facilities and produces blackwater from the restroom facilities. The residence is connected to a septic system which is currently in the process of becoming permitted.



If necessary during permitting, portable toilets may be brought onsite and serviced at regular intervals. The portable toilets or permitted septic system will ensure that the sanitary needs of the workers are met while satisfying the waste water requirements of local and state agencies.

#### 4.2.2 DOMESTIC WASTEWATER – DISPOSAL

Household greywater and wastewater is disposed of via a septic system adjacent to the building. The current system is in the process of being inspected by a septic professional and will be improved, if necessary, for permitting through the Humboldt County Department of Environmental Health. The cultivator shall make sure that no substances that are hazardous to fish and wildlife (e.g. trash, paint, concrete washings, treated wood) are used, located, or disposed of where they can contaminate waters of the state. Human and animal waste shall also be disposed of properly.

### 5. WINTERIZATION BPTC MEASURES

#### 5.1. ACTIVITIES AND MAINTENANCE

##### 5.1.1. ROADS AND STREAM CROSSINGS

Appropriate erosion prevention and sediment control measures will be installed, maintained, and monitored for effectiveness prior to the winter season. Road work requiring heavy machinery, such as the rolling dips and water bars detailed in Section 1.2.1.1, shall be conducted only during the dry season, unless the cultivator is authorized by an agency with jurisdiction to make emergency repairs. Temporary access roads are closed to traffic prior to the onset of winter, though many roads on this parcel access other properties and will remain open even though the discharger is not utilizing them during the winter season. Winterization of the main access roads includes temporary and long-term runoff management and soil stabilization measures, such as the rocking of inboard ditches, installing check dams, and stream inlet protection. All winterization BPTC measures will be monitored and maintained prior to site closure for the winter. Culverts will be inspected for erosion or clogging prior to and after a significant storm event. Any debris and sediment found to be clogging culverts, inlets/outlets, or drainageways will be removed and appropriately stored, reused, or disposed of.

##### 5.1.2. DISTURBED AREAS

Areas that have exposed soil shall be seeded and mulched to prevent erosion and sediment delivery to a waterbody. Any revegetation shall take place at the onset or at the end of the precipitation season to ensure establishment. Exposed slopes shall have linear sediment controls, such as wattles or silt fences, to interrupt sheet flow lengths. All disturbed areas will be inspected for potential and active erosion issues. Such sites will be repaired/controlled as needed using appropriate BPTC measures.

##### 5.1.3. STORAGE AND STOCKPILED MATERIALS

###### 5.1.3.1. CULTIVATION-RELATED PRODUCTS AND WASTE

All fertilizers, pesticides, herbicides, and rodenticides need to be stored where they will not enter surface waters or pose a threat to wildlife. The cultivator will have all liquid products stored in secondary containment and stored along with all other cultivation-related products, protected from the elements. Waste associated with cultivation will be removed from the site and



taken to the nearest waste management facility prior to closing the site for winter, as outlined in Section 4.1.

5.1.3.2. VEHICLES, MACHINES, AND PETROLEUM PRODUCTS/WASTE

Prior to winter, any remaining vehicles or machines on-site will be stored out of the elements where any potential leaks will not enter surface waters or pose a threat to wildlife. The generator shed will also be locked to prevent wildlife intrusion. Petroleum products will be kept in compatible secondary containment within their own storage container. As discussed in Section 3.1.3, spent petroleum containers and related trash will be removed and appropriately disposed of at the nearest waste management facility.

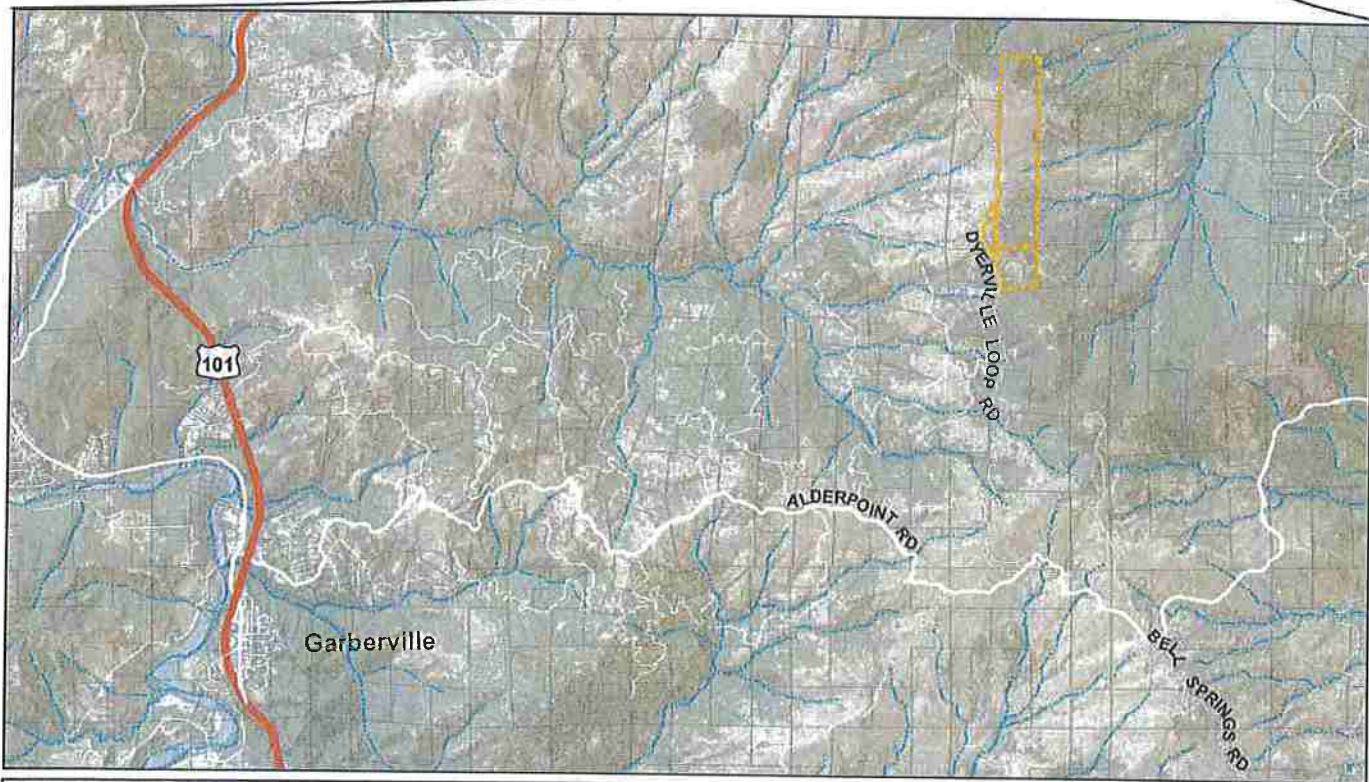
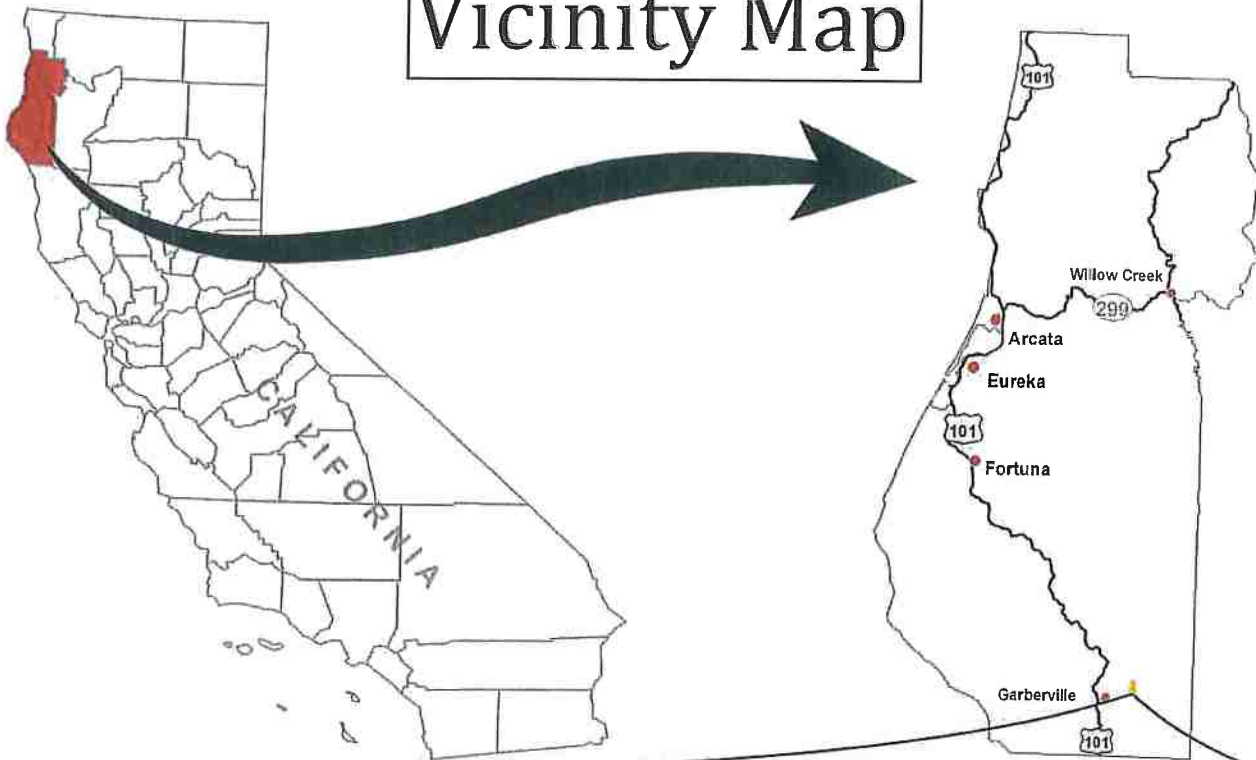
5.1.3.3. STOCKPILED MATERIALS

Appropriate BPTC measures shall be used for all stockpiled materials that have the potential to migrate to surface waters or that may be hazardous to wildlife. Stockpiled materials include bark, sawdust, potting soil, amendments, rock, compost, treated wood, polytube and other irrigation equipment, greenhouse plastic sheeting, and any other materials used for cultivation and site development, improvement, and management. They shall be stabilized in an upland area, covered, and/or stored in a storage shed/container.





# Vicinity Map



Paper Size 8.5" x 11" (ANSI A)  
 0 3,000 6,000 Feet  
 Map Projection Lambert Conformal Conic  
 Horizontal Datum North American 1983  
 Grid NAD 1983 StatePlane California 1 FIPS 0401 Feet



Dustin Silva  
 Regulatory Compliance Consultation

Job Number 11110617  
 Revision DRAFT  
 Date 22 Dec 2016

## Vicinity APNs 216-143-07, 216-143-08, and 216-144-04 Figure 1

\\NUSIEureka\Projects\1111110617 Dave Harris Multiple Sites-Cultivation\06-015\Maps\Figures\Site3A\FI\_Site3A\_Vicinity\_ANSIA.mxd  
 © 2016 While every care has been taken to prepare this map, GHD (and DATA CUSTODIAN) make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and cannot accept liability and responsibility of any kind (whether in contract, tort or otherwise) for any expenses, losses, damages and/or costs (including indirect or consequential damage) which are or may be incurred by any party as a result of the map being inaccurate, incomplete or unusable in any way and for any reason. Data source: Humboldt County GIS; parcel data: 2016; Humboldt county Roads 2008; Humboldt County Streams; Esri and USGS shaded relief; NAIP orthomage 2014. Created by jdkk2



# DUSTIN SILVA - TOP PROPERTY SITE MANAGEMENT PLAN

**SITE OVERVIEW**  
 APN: 216-143-012  
 WDID: 1\_12CC407649



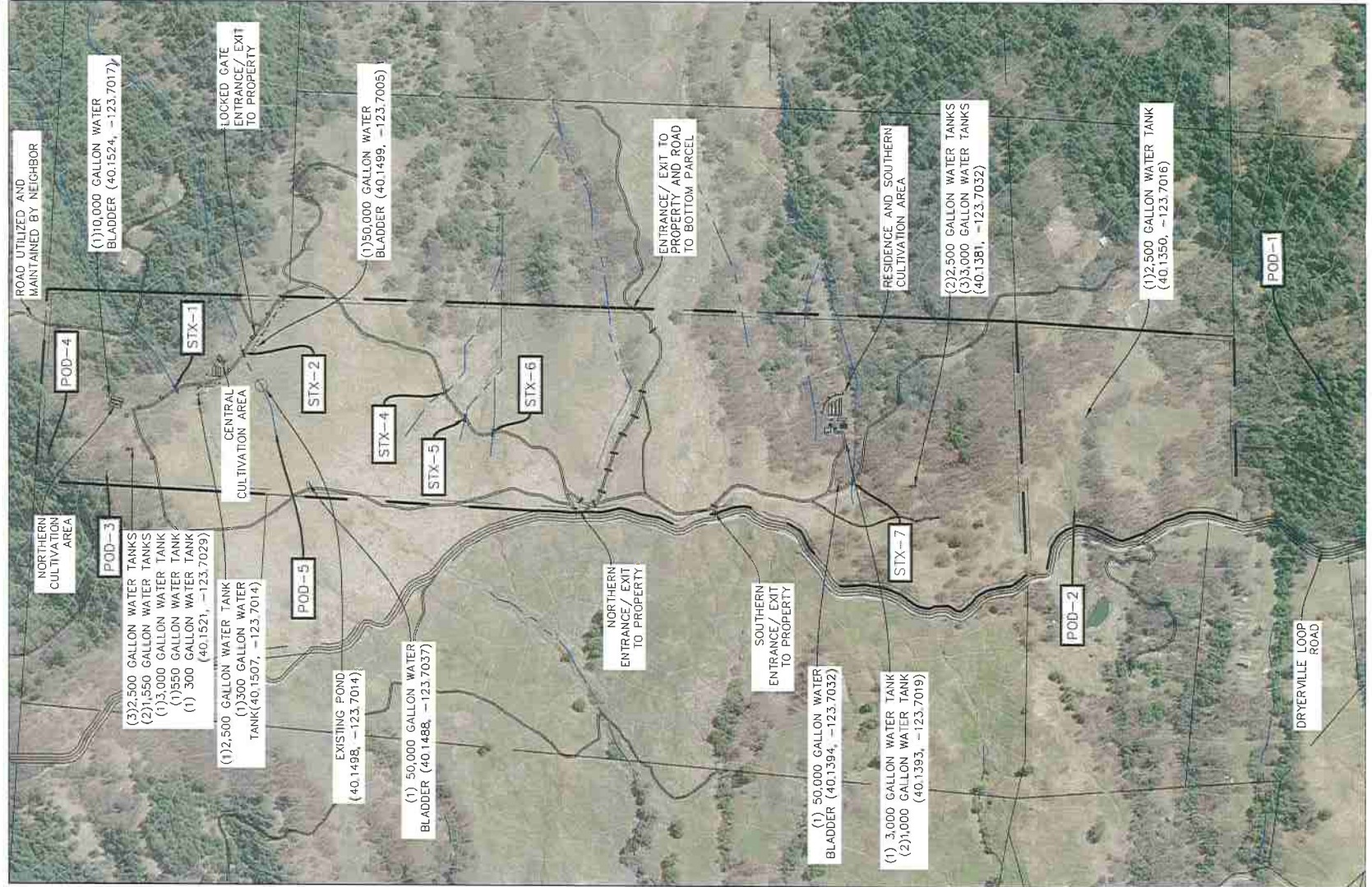
**VICINITY MAP**  
NOT TO SCALE

**PROJECT DESCRIPTION:**

DUSTIN SILVA IS PROPOSING TO PERMIT 15,850 OF CANNABIS CULTIVATION THROUGH THE HUMBOLDT COUNTY COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO). DUSTIN SILVA HAS ENROLLED IN THE STATE WATER RESOURCES CONTROL BOARD ORDER NO. 2017-0023-DWO AS A TIER 2, LOW RISK DISCHARGER (WDID# 1\_12CC407649) FOR WASTE DISCHARGE ACTIVITIES ASSOCIATED WITH CANNABIS CULTIVATION. DISTURBED AREA TOTALS 64,200 SQUARE FEET (1.47 ACRES)

**GENERAL NOTES:**

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPOINT CONSULTING GROUP, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE EXISTING CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
5. ALL AREAS OUTSIDE OF THE CANNABIS ACTIVITIES ARE USED IN ACCORDANCE TO THE HUMBOLDT COUNTY LAND USE DESIGNATION.



**PROJECT INFORMATION:**

**APPLICANT:**  
 DUSTIN SILVA  
 P.O. BOX 292  
 REDWAY, CA 95560

**PROPERTY OWNER:**  
 DUSTIN SILVA  
 P.O. BOX 292  
 REDWAY, CA 95560

**SITE ADDRESS:**  
 APN: 216-143-012, 216-143-008, 215-144-004  
 40.144, -123.701

HUMBOLDT COUNTY SQ.FT. ALLOTMENT = 15,850 SQ.FT.

PROPERTY SIZE = ±245 ACRES

**SHEET INDEX:**

SMPO = SITE OVERVIEW  
 SMP1 = DISTURBED AREA MAP & BPTC PRESCRIPTIONS  
 SMP2 = BPTC DETAIL AREA 1  
 SMP3 = BPTC DETAIL AREA 2



**PLOT PLAN**

22x34 SHEET: 1"=400'  
 11x17 SHEET: 1"=800'

<p>317 3rd Street, Ste. 15 Eureka, CA 95501</p>	<p>APN: 216-143-007, 216-143-008, 215-144-004, 216-143-012</p> <p>SITE MANAGEMENT PLAN - SITE OVERVIEW</p>	<p>PROJECT NO.: LN          DRAWN BY: DRB          DATE: 02/12/2019          SCALE: AS SHOWN</p>	<p>SHEET  <b>SMPO</b>          18-139</p>
	<p>DUSTIN SILVA</p>		



# DUSTIN SILVA - TOP PROPERTY SITE MANAGEMENT PLAN

## DISTURBED AREA MAP & BPTCS PRESCRIPTIONS

APN: 216-143-012  
WDID: 1\_12CC407649

### PROJECT INFORMATION:

APPLICANT:  
DUSTIN SILVA  
P.O. BOX 292  
REDWAY, CA 95560

PROPERTY OWNER:  
DUSTIN SILVA  
P.O. BOX 292  
REDWAY, CA 95560

SITE ADDRESS:  
APN: 216-143-012, 216-143-007, 216-143-008, 215-144-004  
40,144, -123,701

HUMBOLDT COUNTY SQ.FT. ALLOTMENT = 15,850 SQ.FT.

PROPERTY SIZE = ± 245 ACRES

### SHEET INDEX:

SMP0 - SITE OVERVIEW  
SMP1 - DISTURBED AREA MAP & BPTC PRESCRIPTIONS  
SMP2 - BPTC DETAIL AREA 1  
SMP3 - BPTC DETAIL AREA 2

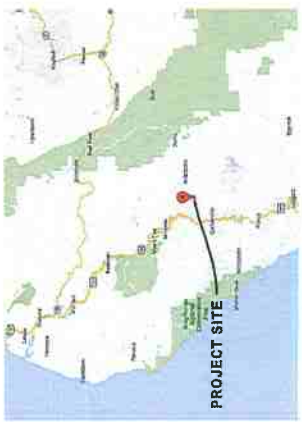
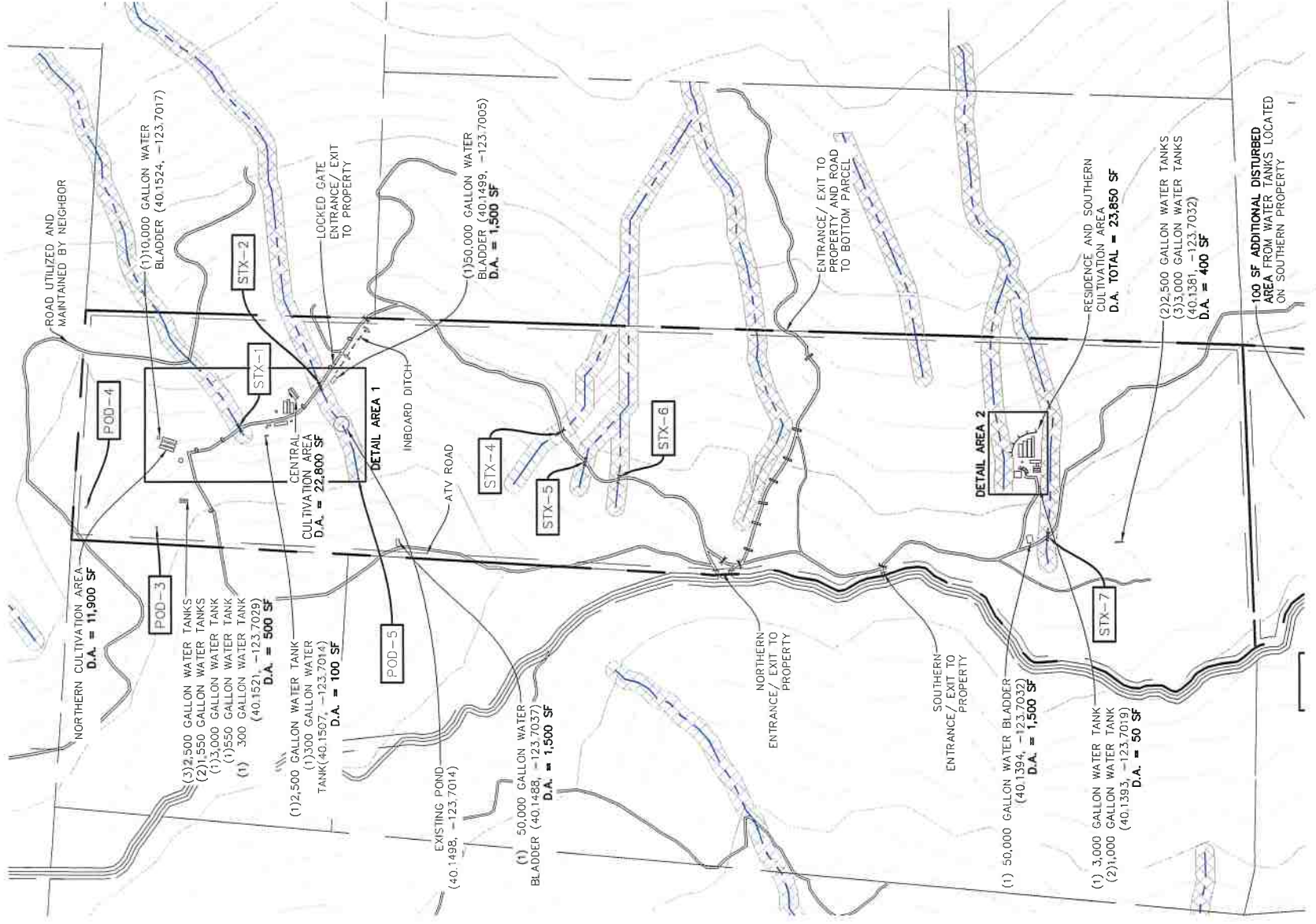
### NOTE:

D.A. = DISTURBED AREA  
STX = STREAM CROSSING  
POD = POINT OF DIVERSION



### PLOT PLAN

22x34 SHEET: 1"=400'  
11x17 SHEET: 1"=800'  
0 200 400 800



VICINITY MAP  
NOT TO SCALE

### PROJECT DESCRIPTION:

DUSTIN SILVA IS PROPOSING TO PERMIT 15,850 OF CANNABIS CULTIVATION THROUGH THE HUMBOLDT COUNTY COMMERCIAL MARIJUANA LAND USE ORDINANCE (CMMLUO). DUSTIN SILVA HAS ENROLLED IN THE STATE WATER RESOURCES CONTROL BOARD ORDER NO. 2017-0023-DWQ AS A TIER 2, LOW RISK DISCHARGER (WDID# 1\_12CC407649) FOR WASTE CULTIVATION. DISTURBED AREA TOTALS 64,200 SQUARE FEET (1.47 ACRES)

### GENERAL NOTES:

- DRAWING SCALE AS NOTED, WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
- THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPOINT CONSULTING GROUP, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
- THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL RESOURCES WITHIN 600 FEET OF THE EXISTING CULTIVATION AREA.
- THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
- ALL AREAS OUTSIDE OF THE CANNABIS ACTIVITIES ARE USED IN ACCORDANCE TO THE HUMBOLDT COUNTY LAND USE DESIGNATION.

### LEGEND

	WATER COURSE
	INBOARD DITCH
	USGS CONTOUR
	ROLLING DIP
	WATERBAR
	CUT/FILL SLOPE
	DITCH RELIEF CULVERT
	CHECKDAM

**NORTHPOINT**  
CONSULTING GROUP, INC.  
317 3rd Street, Ste. 15 Eureka, CA 95501

DUSTIN SILVA  
APN: 216-143-007, 216-143-008, 215-144-004, 216-143-012  
SITE MANAGEMENT PLAN - DISTURBED AREA MAP

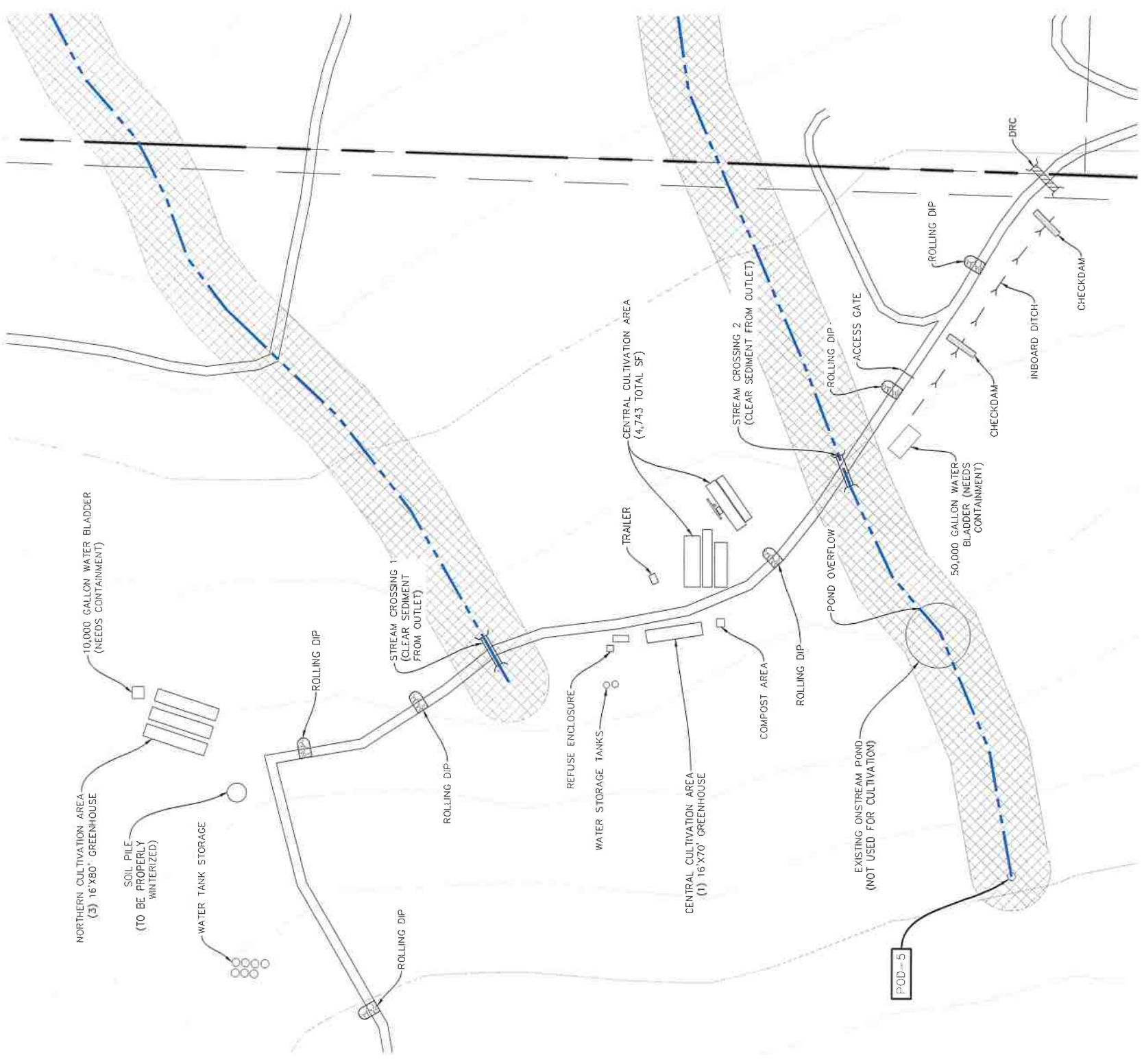
PROJ. NO.: LN  
DRAWN BY: JLN  
DATE: 02/12/2019  
SCALE: AS NOTED

SHEET  
**SMP1**  
18-139

# BPTC DETAIL AREA 1

RECEIVED  
 NOV 21 2019  
 Humboldt County  
 Planning Division

<b>NORTHPOINT CONSULTING GROUP, INC.</b> 317 3rd Street, Ste. 15 Eureka, CA 95501		APN: 216-143-007, 216-143-008, 216-144-004, 216-143-012 BPTC DETAIL AREA 1	
PROJECT NO.: LN DRAWN BY: PRN DATE: 02/12/2019 SCALE: AS NOTED	SHEET <b>SMP2</b> 18-139	DUSTIN SILVA	



LEGEND	
	OUTSLOPE
	WATER COURSE
	INBOARD DITCH
	USGS CONTOUR
	ROLLING DIP
	WATERBAR
	CUT/FILL SLOPE
	STREAM CROSSING
	DITCH RELIEF CULVERT
	ROCK ROAD
	FIBER ROLLS
	STRAW/MULCH
	CHECKDAM
	OUTLET PROTECTION
	SILT FENCE

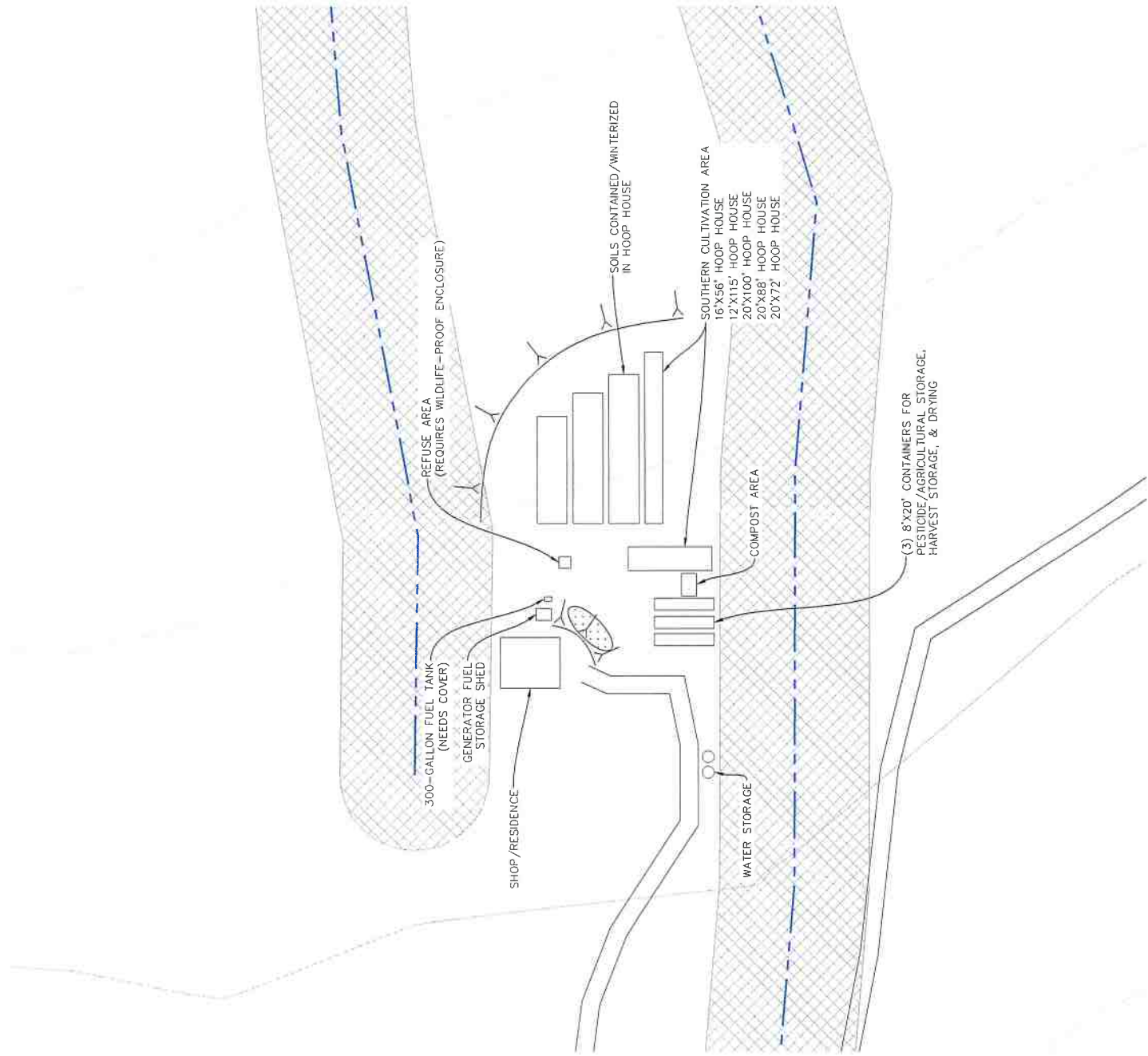


**PLOT PLAN**  
 22x34 SHEET: 1"=80'  
 11x17 SHEET: 1"=160'  
 0 40 80 160



# BPTC DETAIL AREA 2

LEGEND	
	OUTSLOPE
	WATER COURSE
	INBOARD DITCH
	USGS CONTOUR
	ROLLING DIP
	WATERBAR
	CUT/FILL SLOPE
	STREAM CROSSING
	DITCH RELIEF CULVERT
	ROCK ROAD
	FIBER ROLLS
	STRAW/MULCH
	CHECKDAM
	OUTLET PROTECTION
	SILT FENCE



DATE	REVISIONS	DRAWN BY

**NORTHPOINT**  
 CONSULTING GROUP, INC.  
 317 3rd Street, Ste. 15 Eureka, CA 95501

DUSTIN SILVA  
 APN: 216-143-007, 216-143-008, 215-144-004, 216-143-012  
 BPTC DETAIL AREA 2

PROJ. NO.: LN  
 DRAWN BY: DJS  
 DATE: 02/12/2018  
 SCALE: AS NOTED  
 SHEET  
**SMP3**  
 12-139

## BPTC IMPLEMENTATION & MAINTENANCE SCHEDULE

		Measures											
Type		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
EROSION PREVENTION	Runoff Management	Diversions - Perimeter Dikes, Swale, Check Dams, Water Bars, Rolling Dips Conveyance - Lined Waterway, Grade Stabilization Structures											
	Physical	Non-Vegetative Soil Cover - Mulching, Soil Tackifiers, Slope Protection, Riprap, Fiber Rolls and other Rolled Erosion Control Products (RECP), Plastic Cover, Surface Roughening											
	Structural	Retaining Wall, Sediment Basins/Traps, Silt Fences; Armoring and Velocity Dissipators; Inlet, Outlet, and Streambank Protection/Stabilization											
	Runoff Management	Diversion/Conveyance - Grassed Waterway											
SEDIMENT CONTROL	Biological	Temporary/Permanent Seeding, Hydroseeding, Topsoiling, Live Mulching, Vegetation Preservation/Replacement											
	Soil Stabilization	Biotechnical - Wattling, Brush Layering, Branch Packing, Live Cribwalls, Live Fascines, Live Plantings, Vegetated Streambank Protection, Vegetated Gabions											
	Biotechnical												
	Runoff Management	Sediment Conveyance - Lined Drainageways											
INTERIM EROSION & SEDIMENT CONTROL MEASURES	Physical	Retaining Wall, Sediment Basins/Traps - Pipe Outlet Traps, Embankment and Debris Basins, Settling Ponds, Rock Dams Straw Bale Dikes, Drain Inlet Filters, Gravel Bag Berms, Fiber Rolls, Silt Fences, Turbidity Curtain											
	Mud and Dust Control	Construction Entrance and Road Stabilization, Dust Control, Waterway Crossing											
	Soil Stabilization	Hydroseeding, Vegetated Outfalls											
	MEASURES	Installed and Maintained as Needed											





November 21, 2019

RE: Operation of Law Letter Clarifications

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To Whom It May Concern:

Enclosed is the Operation of Law letter from the Department of Fish and Wildlife (CDFW). Operation of Law letters are issued if CDFW was not able to respond within allotted timeframes. The Operation of Law letter allows Dustin Silva to continue “as notified” in the April 8<sup>th</sup>, 2019 Notification Revision submitted by NorthPoint Consulting to CDFW for seven crossings, five points of diversion, and maintenance of a livestock pond outlet.

This letter is to clarify paragraph 4 on pg. 2 of the Operation of Law letter. In paragraph four, it states that additional features were disclosed but are not covered as projects, including “a pond..., eight additional stream crossings, and a rainwater catchment pond...” To clarify, there are only seven (7) stream crossings on the property under Dustin Silva’s jurisdiction, all which were discussed in detail in the notification. Two of those seven required stream crossing upgrades and were submitted as projects to CDFW. A rainwater catchment pond was historically proposed in the center of the parcel, but is now no longer part of the proposed application, as the applicant is proposing to move forward with tank storage.

Please feel free to reach out with further questions regarding the Operation of Law letter or the Streambed Alteration Notification. I can be reached at (707) 798-6438 or [lia@northpointeureka.com](mailto:lia@northpointeureka.com).

Thank you,

Lia Nelson





October 30, 2019

Dustin Silva  
P.O. Box 292  
Redway, CA 95560  
[sildust@gmail.com](mailto:sildust@gmail.com)

**Subject: Notification of Lake or Streambed Alteration No. 1600-2019-0114-R1  
Silva Water Diversion, Pond and Stream Crossings  
Humboldt County Assessor's Parcel Numbers 216-143-007; 216-143-006;  
216-143-008; 215-144-004; 216-143-012**

Dear Dustin Silva:

On February 21, 2019 the California Department of Fish and Wildlife (CDFW) received your Notification of Lake or Streambed Alteration (Notification). On April 8, 2019 CDFW received a revised notification in response to an Incomplete Letter dated March 22, 2019. On May 8, 2019, your Notification was deemed complete due to the passage of 30 days with no action taken by CDFW to incomplete your Notification.

The Department is required to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you within 60 calendar days from the date the Notification is complete. Therefore, the Department had until **July 7, 2019** to issue you a draft Agreement or inform you that an Agreement is not required. Due to current staffing limitations, the Department did not meet that date. As a result, by law, you may now complete the **project described in your notification** without an Agreement.

Your notification includes the following information: The only projects notified for and authorized by this letter are 7 crossings, 5 points of diversion, and maintenance of a pond outlet. Stream Crossing 1 (40,150980°, -123.701328) is an existing rocked crossing. No work other than maintenance was proposed or permitted. Stream Crossing 2 (40,150077°, -123,700609) has an 18-inch diameter culvert and no work is proposed or authorized. Stream Crossing 3 (40,147895°, -123.700136) is rocked crossing and no work is proposed or authorized. Stream Crossing 4 (40.146187°, -123.701861) is a 16-inch diameter culvert which will be replaced with a minimum 24-inch diameter culvert and armored. Stream Crossing 5 (40,145922°, -123.702229) is an 18-inch diameter culvert and no work is proposed or authorized. Stream Crossing 6 (40.145846°, -123.702322) is an 18-inch diameter culvert and no work is proposed or authorized. Stream Crossing 7 (40.139113°, -123.703156) is an undersized and structurally compromised 12-inch diameter culvert that will be replaced with a minimum 18-inch diameter culvert. Stream Pond Spillway (40.149917°, -123.700842) flows to Stream Crossing 2 and shall be reinforced as necessary with rock to control erosion.

*Conserving California's Wildlife Since 1870*

POD 1 (40.130552, -123.700915) is a water diversion from a spring with a diversion rate not to exceed 3 gallons per minute. The purpose of this diversion is cannabis irrigation and diversion is only authorized from November 1st to March 31st. POD 2 (40.131639, -123.702950) is a water diversion from Steelhead Creek with a diversion rate not to exceed 3 gallons per minute. The purpose of this diversion is cannabis irrigation and fire suppression. Diversion is only authorized from November 1st to March 31st. POD 3 (40.152165°, -123.704662) is a water diversion via a spring with a diversion rate not to exceed 3 gallons per minute. The purpose of this diversion is cannabis irrigation and diversion is authorized from November 1st to March 31st. POD 4 (40.153228, -123.703731) is a water diversion from an unnamed tributary to Steelhead Creek with a diversion rate not to exceed 3 gallons per minute. The purpose of this diversion is cannabis irrigation and diversion is only authorized from November 1st to March 31st. POD 5 (40.149719, -123.701482) is a water diversion via a spring with a diversion rate not to exceed 3 gallons per minute. The purpose of this diversion is cannabis irrigation and diversion is only authorized from November 1st to March 31st.

The following features were disclosed but are not covered as projects. A pond located at 40.14728, -123.69842, eight additional stream crossings (no lat/lon were given), and the intention to construct a rain catchment pond at an unspecified location. This letter does not authorize or retroactively permit any maintenance, construction, reconstruction or replacement of these ponds or these crossings. These features may not be in compliance with Fish and Game Code and are not covered by this letter.

Please note that pursuant to Fish and Game Code (FGC) section 1602, subdivision (a)(4)(D), if you proceed with this project, **it must be the same as described and conducted in the same manner as specified in the notification and any modifications to that Notification received by CDFW in writing prior to the date of this letter. Please refer to the April 8, 2019 revised notification for all proposed work.** This includes completing the project within the proposed term and seasonal work period and implementing all avoidance and mitigation measures to protect fish and wildlife resources specified in the notification. If the term proposed in your notification has expired, you will need to re-notify CDFW before you may begin your project. Beginning or completing a project that differs in any way from the one described in the notification may constitute a violation of FGC section 1602.

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These include FGC sections 5650 and 5652 which make it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials. A person who violates FGC sections 1602, 5650, and 5652 in conjunction with the cultivation or production of cannabis is subject to



Dustin Silva  
October 30, 2019  
Page 3 of 3

significant penalties or fines. Specifically, CDFW may impose civil penalties administratively against any person found by CDFW to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

Other statutes in the FGC that might apply to your activity, include, but not limited to the following sections: 2080 et seq. (species listed as threatened or endangered, or a candidate for listing under the California Endangered Species Act); 1908 (rare native plants); 3511, 4700, 5050, and 5515 (fully protected species); 3503 (bird nests and eggs); 3503.5 (birds of prey); 5901 (fish passage); 5937 (sufficient water for fish); and 5948 (obstruction of stream), and the requirements set forth in the Forest Practice Act (Pub. Resources Code, § 4511 et seq.) for projects on private timberlands.

Finally, if you decide to proceed with your project without an Agreement, you must have a copy of this letter and your notification with all attachments available at all times at the work site. As indicated in your Notification, the Applicant 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 Notification, provided CDFW: a) provides advance notice; and b) allows the Applicant or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel. Please note this letter is only valid until **July 7, 2024**, which is 5 years from the date the Department was required to provide a Draft Agreement.

If you have any questions regarding this letter, please contact Andrew Orahoske, Environmental Scientist at [andrew.orahoske@Wildlife.ca.gov](mailto:andrew.orahoske@Wildlife.ca.gov).

Sincerely,



Cheri Sanville  
Senior Environmental Scientist Supervisor

ec: Northpoint Consulting, [greyson@northpointeureka.com](mailto:greyson@northpointeureka.com)



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT



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

Applicant Name: Dustin Silva APN: 216-143-012

Planning & Building Department Case/File No.: 13266

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

From Road (Cross street): Dyerville Loop Road

To Road (Cross street): Private Road

Length of road segment: Approx. 1.5 miles Date Inspected 01/14/19

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

Check one of the following:

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

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

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

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

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

Signature

Date 04/02/2019

Name Printed Lia Nelson



April 2, 2019

Humboldt County Department of Public Works  
1106 Second Street  
Eureka, CA 95501

Subject: Dustin Silva – Humboldt County APN: 216-143-012, 216-144-004 - Apps no.: 13266

Road Evaluation Report photos

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The approximately 1.5-mile road network on the property is relatively flat and in good condition. Parts of the road network are used to access adjacent properties, and other parts are private and are only utilized to access cannabis cultivation areas. The roads used to access cannabis cultivation areas proposed in the application are generally between 15-24 feet wide, with some pinch points. The entire road is located near a ridge top and has excellent visibility. Portions of the road less than 20' wide are easily visible to oncoming traffic from both directions and there are no narrow blind corners that could cause a traffic incident. Additionally, there are numerous turn-out areas along the road network, providing adequate access for cars to pass one another.



Figure 1: RP-1 on private drive. Road is utilized by applicant for access to the southern portion of the property and by adjacent landowners for private property access.





Figure 2: RP-2 on private drive. Road is utilized by applicant for access to the southern portion of the property and by adjacent landowners for private property access.



Figure 3: RP-3 on private drive. Road is utilized by applicant for access to the southern portion of the property and by adjacent landowners for private property access.







Figure 4: RP-4 on private drive. Road is utilized by applicant for access to the southern portion of the property and by adjacent landowners for private property access.



Figure 5: RP-5 on private drive. Road is utilized by applicant for access to the northern portion of the property and by adjacent landowners for private property access.







Figure 6: RP-6 on private drive. Road is utilized by applicant for access to the northern portion of the property and by adjacent landowners for private property access.



Figure 7: RP-7 on private drive. Road is utilized by applicant for access to the northern portion of the property and by adjacent landowners for private property access.





Figure 8: RP-8 on private drive. Road is utilized by applicant for access to the northern portion of the property and by adjacent landowners for private property access.



Figure 9: RP-9 on private drive. Road is utilized by applicant for access to the northern portion of the property and by adjacent landowners for private property access.







Figure 10: RP-10 on private drive. Road is utilized by applicant for access to the northern portion of the property and by adjacent landowners for private property access.



Figure 11: RP-11 on private drive. Road is utilized by applicant for access to the northern portion of the property and by adjacent landowners for private property access.





Figure 12: RP-12 on private drive. Road is utilized by applicant for access to the northern portion of the property and by adjacent landowners for private property access.



Figure 13: RP-13 on private drive. Road is utilized by applicant for access to the northern portion of the property and by adjacent landowners for private property access.







Figure 14: RP-14 on private drive. Road is utilized by applicant for access to the northern portion of the property and by adjacent landowners for private property access.



Figure 15: RP-15 on private drive. Road is utilized by applicant for access to the northern portion of the property and by adjacent landowners for private property access.





Figure 16: RP-16 on private drive. Road is utilized by applicant for access to the northern portion of the property and by adjacent landowners for private property access.



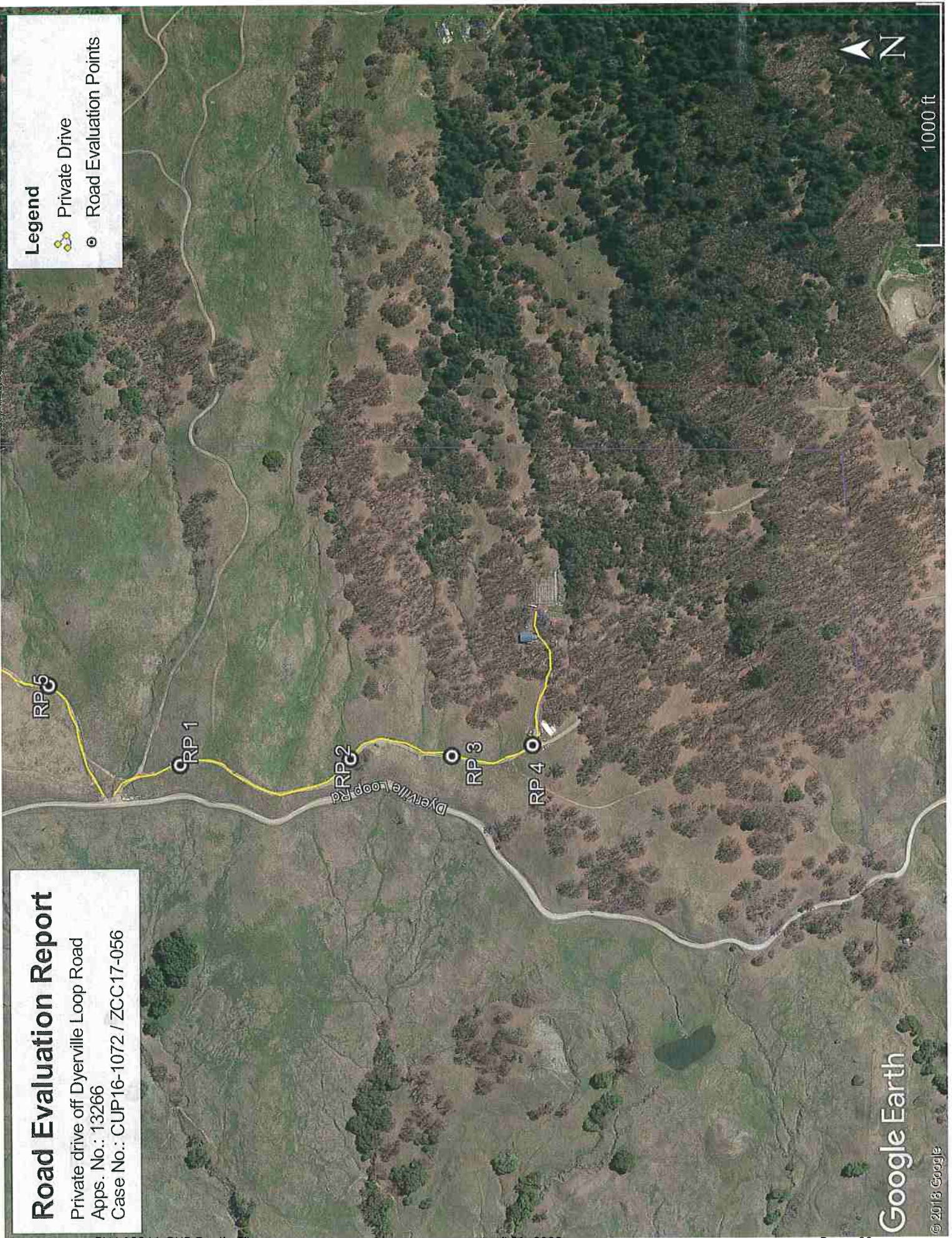


# Road Evaluation Report

Private drive off Dyerville Loop Road  
Apps. No.: 13266  
Case No.: CUP16-1072 / ZCC17-056

## Legend

- Private Drive
- Road Evaluation Points



Google Earth

© 2018 Google

1000 ft



# Road Evaluation Report

Private drive off Dyerville Loop Road  
Apps. No.: 13266  
Case No.: CUP16-1072 / ZCC17-056

## Legend

- Private Drive
- Road Evaluation Points







November 21, 2019

**TO:** Humboldt County Planning Division  
3015 H Street  
Eureka, CA 95501  
C/O Keenan Hilton and Max Hilken, “VendorLaco2”, Cannabis Services Division

**RE:** Permit Application NO. 13266  
APNs: 216-143-012 and 216-144-004  
Case No: CUP-16-1072; ZCC17-056

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Dear Keenan Hilton and Max Hilken,

Enclosed are revised application materials for Dustin Silva’s application to cultivate commercial cannabis on APNs 216-143-012 and 216-144-004 (Apps #13266). All relevant materials requested in an August 24<sup>th</sup>, 2018 letter are enclosed, along with additional useful materials. For ease of intake, a response to each item in the letter is outlined below.

Items requested in the August 24<sup>th</sup>, 2018 Letter:

1. A check for \$30.00 payable to the Bear River Band THPO for each site has been submitted to the County Planning Dept., front desk as of today (11/21/2019).
2. Applicable to Apps #13264 only
3. Please find attached a route map from the publicly maintained road to the operation area.
4. Please find attached a copy of the current deed.
5. Please find attached the NOA for Dustin’s enrollment with the State Water Resources Control Board, “General Order” See line item 7, below.
6. Well Permits – Not applicable – No wells exist onsite.
7. Please find attached the Site Management Plan (Current WRPP) submitted to the NCRWQCB.
8. Please find the road evaluation report, attached.
9. The revised application for pre-existing cultivation is 15,850 sq. ft. of outdoor cultivation (as verified in the CAV). The applicant would like to amend the application to continue with outdoor cultivation only (mixed light is no longer part of the application). See the enclosed Operations Plan for details.
10. Please find attached the Operations Plan.
11. Please find the updated Site Plan.

North Point Consulting Group, Inc. – 1117 Samoa Boulevard, Arcata, CA 95521– (707) 798-6438

Additional Submitted Materials:

- a. Small Irrigation Use Registration Certificate
- b. Operation of Law Letter from California Department of Fish and Wildlife
- c. Determination of Status
- d. Certificates of Compliance

Please feel free to reach out with questions or clarifications. I can be reached at our office at 707-798-6438 (ext. 705) or at [lia@northpointeureka.com](mailto:lia@northpointeureka.com). Thank you for your time.

Sincerely,

Lia Nelson  
Environmental Planner



# Route Map for 216-143-007

Private drive off Dyerville Loop Road  
Apps. No.: 13266  
Case No.: UP16-1072/ZCC17-056

## Legend

-  Left Access Road (4,251 ft)
-  Right Access Road (2,333 ft)

Left Access Road (4,251 ft)

Access from Dyerville Loop Rd: 40.143980°, -123.704161°

Right Access Road (2,333 ft)

APN: 216-143-012



3000 ft

Google Earth

© 2018 Google



## 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.

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division		No response	
Division Environmental Health	✓	Conditional Approval	On file
Public Works, Land Use Division	✓	Conditional Approval	<b>Attached</b>
CalFire	✓	Note	On file
California Department of Fish & Wildlife		No response	
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
Humboldt County Sheriff			
Ag Commissioner		No response	
Williamson Act		No response	
Southern Humboldt Joint Unified		No response	
District Attorney		No response	
North Coast Regional Water Quality Control Board		No response	
North Coast Unified Air Quality Management District		No response	
State Water Resources Control Board- Division of Water Resources	✓	Note	<b>Attached</b>
State Water Resources Control Board – Division of Water Rights		No response	
Intertribal Sinkyone Wilderness Council		No Response	
County Counsel		No Response	
Garberville Fire PDAA		No Response	



STATE OF CALIFORNIA  
 CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
 STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H505001

CERTIFICATE H100408

Right Holder: *Dustin Silva*  
*PO Box 292*  
*Redway, CA 95560*

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 12/12/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small irrigation use appropriation. (Wat. Code, § 1228 et seq.)

Right holder is hereby granted a right to divert and use water as follows:

1. Location of point(s) of diversion (**Coordinates in WGS 84**)

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Primary POD (POD-1)	Unnamed Spring	Unnamed Stream	Steelhead Creek	40.139336	-123.694303	Humboldt	216-143-010
POD-2	Steelhead Creek	Steelhead Creek	Eel River	40.130522	-123.701118	Humboldt	216-142-014
POD-3	Unnamed Spring	Unnamed Stream	Steelhead Creek	40.137059	-123.682417	Humboldt	216-143-007
POD-4	Unnamed Spring	Unnamed Stream	Steelhead Creek	40.153626	-123.703363	Humboldt	216-143-007
POD-5	Unnamed Spring	Unnamed Stream	Steelhead Creek	40.153200	-123.703660	Humboldt	216-144-004
POD-6	Unnamed Spring	Unnamed Stream	Steelhead Creek	40.131639	-123.70295	Humboldt	216-144-004

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Fire Protection	Humboldt	216-143-010	0.086
Irrigation, Fire Protection	Humboldt	216-142-006	0.188
Irrigation, Fire Protection	Humboldt	216-143-007	0.36

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 01/07/2019.

The place of use is shown on the map filed on 01/07/2019 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **0.989 acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.99 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

5. No water shall be diverted or used under this right unless the water right holder is in compliance with all applicable conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, except as follows:

Right holders enrolled under Regional Water Quality Control Board Order R1-2015-0023 or Order R5-2015-0113 shall comply at all times with requirements related to flow, diversion, storage, and similar requirements of Attachment A of the Cannabis Policy identified by the Division of Water Rights below in this condition. This condition remains in effect until July 1, 2019, or when the right holder enrolls under the statewide Cannabis General Order, whichever comes first, at which time right holders shall comply with all applicable conditions and requirements of Attachment A of the Cannabis Policy.

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 78, 82 – 94, 96, and 98 – 103.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:  
[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/docs/policy.pdf](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf).

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.

7. Diversion works shall be constructed and water applied to beneficial use with due diligence.

8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)

9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.

10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.

11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing.

13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:

- a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
- b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
- c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment



- d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.
15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.
16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
20. This right is subject to the submittal of an annual report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current annual renewal fees. (Wat. Code, § 1228.5.)
21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)
23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

This certificate was issued automatically as a result of the registrant self-certifying submittal of a water right registration filing in substantial compliance with Water Code §1228.3.

Dated: 01/07/2019 13:34:38