



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707) 445-7541 Fax: (707) 268-3792

Hearing Date: June 3, 2021

To: Humboldt County Zoning Administrator

From: Sarah Faraola, Planner (Contract)

Subject: **Saffy THC LLC Special Permit**
Record Number PLN-12491-SP
Assessor's Parcel Number (APN) 208-341-006
701 Cobb Road, Dinsmore area

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Please contact Sarah Faraola, Planner (Harris & Associates) at 831-346-7028 or by email at sarah.faraola@weareharris.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
June 3, 2021	Special Permit	Sarah Faraola

Project Description: Saffy THC seeks approval for a Special Permit (PLN-12491-SP) to permit an existing 10,000 square feet (SF) of medical cannabis cultivation. Existing cultivation is comprised of 6,520 SF of outdoor cultivation and 3,480 SF of mixed light cultivation, which occurs in five (5) greenhouses. Cultivation will be achieved in two harvest cycles annually. Propagation occurs in a 1,000 SF nursery.

Irrigation water is sourced from an onsite well (Permit No. 16/17-0386), which provides an estimated yield of 20 gallons per minute. The depth to first water is 54 feet below surface; therefore, the well is not likely connected to surface water. Estimated annual water usage is 135,900 gallons (13.6 gallons/SF). Existing water storage is 77,500 gallons, stored in HDPE hard tanks throughout the property as follows: eight (8) 250-gallon tanks, three (3) 2,500-gallon tanks, ten (10) 4,800-gallon tanks, and four (4) 5,000-gallon tanks.

Drying and post processing will take place onsite in an existing building (750 SF). The applicant will have no employees. Power is provided by two (2) gasoline generators, one Honda EU 7000 and one Honda EU 2000 that range between 6.3 kWh to 18.9 kWh daily.

Project Location: The project area (APN 208-341-006) is located at 701 Cobb Road in the unincorporated community of Dinsmore, located in eastern Humboldt County.

Present Plan Land Use Designations: Residential Agriculture (RA) with residential density 5 acres to 20 acres per dwelling unit. Slope Stability: Low Instability.

Present Zoning: Unclassified (U)

Record Number: PLN-12491-SP

Assessor's Parcel Number: 208-341-006

Applicant

Saffy THC LLC
Oliver Small
PO Box 5661
Eureka, CA 95502

Owner

Saffy THC LLC
Oliver Small
PO Box 5661
Eureka, CA 95502

Agents

Margo Advisors
C/O Suzanne Maese
2306 Albee St.
Eureka, CA 95501

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: No major issues/concerns were identified for this project.

Saffy THC

Record Number: PLN-12491-SP
Assessor's Parcel Number: 208-341-006

Recommended Zoning Administrator Action

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

Adopt the Resolution to:

1. Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO), as described by Section §15164 of the State CEQA Guidelines;
2. Make the required findings for approval of the Special Permit; and
3. Approve the Saffy THC LLC Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: Saffy THC seeks approval for a Special Permit to permit an existing 10,000 square feet (SF) of medical cannabis cultivation. Existing cultivation is comprised of 6,520 SF of outdoor cultivation and 3,480 SF of mixed light cultivation, which occurs in five (5) greenhouses (GH). Mixed light greenhouses include GH 1 (1,800 SF) and GH 3 (1,680 SF). Outdoor greenhouses include GH 2 (1,500 SF), GH 4 (2,490 SF), and GH 5 (2,490 SF). Propagation occurs in a 1,000-SF nursery. The medical cannabis permit application is 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), Zoning Clearance Certificate for Interim Permit (IP), and the Cultivation Area Verification (CAV) developed for the site.

The parcel measures approximately 4.81 acres, is zoned Unclassified (U) and is designated Residential Agriculture (RA) in the Humboldt County General Plan. Drying and post processing will take place onsite in an existing building (750 SF). The applicant will have no employees. Power is provided by two (2) gasoline generators, one (1) Honda EU 7000 and one (1) Honda EU 2000 that range between 6.3 kWh to 18.9 kWh. The primary use of generator power is not allowed to occur beyond December 31, 2025. To ensure that generator use is not extended beyond this date, the project has been conditioned to provide permanent power to the site prior to December 31, 2025 (**Condition 16**).

Water Resources

The project area is located within the Van Duzen River watershed, and there is one Class III watercourse within the parcel. Irrigation water is sourced from an onsite well (Permit No. 16/17-0386), which produces X gallons/minute. The depth to first water is 54 feet below surface; therefore, the well is not likely connected to surface water. Existing water storage is 77,500 gallons, stored in 25 HDPE hard tanks throughout the property as follows: eight (8) 250-gallon tanks, three (3) 2,500-gallon tanks, ten (10) 4,800-gallon tanks, and four (4) 5,000-gallon tanks. The estimated annual water usage is 135,900 gallons (13.6 gallons/SF), with a monthly breakdown shown in **Table 1**. The estimated water pumped to storage is 156,550 gallons, with a monthly breakdown shown in **Table 2**.

Table 1. Water Use by Month

Jan	Feb	Mar	Apr	May	June
0	0	7,000	11,000	11,000	27,000

July	Aug	Sept	Oct	Nov	Dec
27,000	27,000	18,000	1,200	6,700	0

Table 2. Water Pumped to Storage by Month

Jan	Feb	Mar	Apr	May	June
0	0	850	3,750	18,600	18,000

July	Aug	Sept	Oct	Nov	Dec
37,200	37,200	27,000	13,950	0	0

A Site Management Plan (SMP) was developed to establish the applicant's compliance with the State Water Resources Control Board (SWRCB) Order 2017-0023-DWQ, to protect the water resources within the project area. The SMP includes annual site inspection, monitoring, and reporting of Tier 2 discharges that will be submitted by March 31st of each year to the North Coast Regional Water Quality Control Board (NCRWQCB). The applicant shall follow the Best Management Practices (BMPs) listed in Attachment A of the SWRCB Order, to minimize any adverse effects to water quality caused by cannabis cultivation.

The Cultivation & Operations plan includes measures the applicant will take to protect water resources within the project area: 1) Moderate road shaping and ditch relief for drainage control; 2) Maintenance of out sloping to ensure efficient movement of seasonal flow and; 3) Installation of vegetative barriers along roadways and watercourses to provide sediment erosion control. These measures and correlating conditions are further detailed in the Road Evaluation Report, discussed below.

The project is within a defined Streamside Management Area of the Class III watercourse. The site plan and aerial imagery show two storage sheds (24 SF and 32 SF) that encroach into the SMA. The applicant is conditioned to relocate the two (2) sheds to outside the 50-foot SMA buffer required by the Humboldt County General Plan Policy for Streamside Management Areas, and to remediate all exposed soils with mulch and native seed mix (**Condition 10**).

A Lake and Streambed Alteration Agreement (LSAA) (No. 1600-2020-0278_R1) has been filed with the California Department of Fish and Wildlife (CDFW) to cover eleven (11) encroachments throughout the project area. Ten (10) encroachments are to upgrade failing and undersized culverts, and one (1) encroachment is to install a new road crossing. Construction activities anticipated for these maintenance projects include: excavation, removal of failing culverts, replacement with new and properly sized culverts, backfilling and compaction, and rock armoring to minimize erosion.

The LSAA establishes specific mitigation measures that the applicant must implement to offset potential impacts to waterways within the area. The mitigation measures are summarized as follows: 1) Document all activities that occur within waterways at the project site; 2) All work shall be confined to the dry weather period of June 15th through October 1st of each year; 3) Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life; 4) Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities; and 5) The completed project shall be inspected by Scott Bauer, CDFW Scientist Supervisor who visited the site on July 15, 2020, or other CDFW representative to ensure the stream crossings were installed as designed. A copy of the inspection report shall be submitted for review to CDFW within 90 days of project completion (**Condition 9**).

Biological Resources

A list of potential special status species was generated in March 2021, using the following information systems: California Natural Diversity Database (CDFW), Biogeographic Information and Observation system (BIOS), Northern Spotted Owl Viewer (CDFW), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). The following biological resources occur within the general vicinity of the project area: Northern Spotted Owl (NSO) habitat directly north of the project area and 1,000 meters south of the project area, and one NSO activity center (HUM0152) 2,260 meters southwest of the project area. Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed

activities. The applicant is conditioned to adhere to Dark Sky standards, in order to ensure that any lights or noise related to cultivation activities do not adversely affect any wildlife within the general vicinity of the project area (**Condition 8**). Therefore, impacts to biological resources with mitigation measures in place are considered low and unlikely.

Timber Conversion Evaluation

A Less Than Three-Acre Conversion Mitigation Plan was prepared by Stephan Hohman (RPF No. 2652), of Hohman & Associates Forestry Consultants. The property is within a Douglas fir/oak forest, with an overly abundant understory vegetation that is currently creating a high fuel load. Mr. Hohman recommends the applicant implement a fuel-reduction project to improve overall resilience to wildfires. The harvest history of the property included the removal of large diameter old growth trees by tractor skidding. Mr. Hohman identified three conversion sites that total 1.18 acres within the project area. All three conversion areas are below the 3-acre maximum Conversion Exemption allowed under CMMLUO.

Lucas Titus of CAL FIRE reviewed the recommended mitigation, and concluded that the mitigation is appropriate based on current conditions and information provided. All conversion occurred prior to January 1, 2016, which established the CEQA baseline for CMMLUO. Therefore, it can be assumed that all conversion was considered and mitigated identified in the environmental document prepared for CMMLUO.

The U.S. Department of Agriculture, Six Rivers National Forest Division, responded to the project referral with recommendations regarding the parcel's proximity to the Six Rivers National Forest. Michael Green, acting Forest Supervisor, stated that the Forest Service does not permit cannabis cultivation activities on National Forest Service (NFS) land. Mr. Green recommended a professional land surveyor assess the project area to ensure that no cannabis cultivation activities are trespassing or causing impacts to federal lands. The applicant is conditioned to create a fuel-reduction plan to address the large amount of vegetation within the property, and is recommended to hire a land surveyor to confirm that project activities would not infringe upon NFS land (**Condition 12**).

Roadway Evaluation

The project is located at 701 Cobb Road in the unincorporated community of Dinsmore, in eastern Humboldt County. A Road Evaluation Report was conducted on January 20, 2018, by David Nicoletti, P.E., of DNT Engineering. The existing roadway is located in a Streamside Management Area (SMA) with hilly terrain and high seismic instability. There are no historic landslides and no grades exceeding 15%. Mr. Nicoletti determined that Cobb Road is not in compliance as a category 4 roadway, but with road improvements can be upgraded to the category 4 standard.

Cobb Road has the following issues that need to be addressed: 1) Inadequate drainage causing erosion from graded flats above the road; 2) Vegetation has been cleared with improper slope stabilization; 3) Undersized culverts; 4) Clogged drainage ditches; and 5) Multiple ponding locations. The road is 18 feet wide (below the 20-foot standard width), with little to no shoulder, and not all curve locations have pull outs. Mr. Nicoletti provided a detailed analysis of recommended mitigation measures to address these issues (Road Evaluation Report, Summary & Recommendations, pages 8-10). The construction activities associated with the road improvement measures would require Humboldt County design review, permitting, site surveys, and a geotechnical evaluation. Communication with the applicant's agent on March 23, 2021, determined that the road improvement activities are planned to be completed during the summer of 2021. The applicant is conditioned to implement the above stated corrective measures within the next 6 months, and ensure that Humboldt County signs off on the design process (**Condition 13**).

The Humboldt County Department of Public Works (DPW) reviewed the project and determined that the entire road segment is located within the State Responsibility Area, and re-referred the project to Caltrans District 1, which did not have any comment on the project.

The project area is located near the Dinsmore Airport (2.1 miles), thus an Airport Approach Zone Building

Height Limitation survey is required. The project area was surveyed on July 17, 2019, by Karen McDonald of the Federal Aviation Administration (FAA) Obstruction Evaluation Group (Aeronautical Study No. 2019-AWP-7276-OE). The study concluded that the evaluated structure (Greenhouse 1) exceeds obstruction standards, but does not present a hazard to air navigation. The applicant is not required to implement marking or lights on the greenhouse.

Tribal Cultural Resource Coordination

A records search for known cultural resources was requested from the Northwest Information Center (NWIC), and no results were returned; therefore, an archaeological survey report was not prepared for this project. However, the NWIC recommended contacting local Native American Tribes to ensure project activities are outside of Tribal Territories. The Bear River Band was contacted and responded that the Inadvertent Discovery Protocol should be implemented, in case there is accidental discovery of previously unidentified historical artifacts or human remains (**Condition 14**).

Generator Use

The application is for outdoor cultivation, and the applicant uses generators as the primary power source. Consistent with past actions of the Planning Commission, a condition has been added that the power source of all cannabis related activities shall either be connected to a utility provider such as PG&E or converted to an alternative, renewable source of power by December 31, 2025 (**Condition 16**).

California Environmental Quality Act (CEQA)

Environmental review for this project was conducted in March 2021. Based on the results of that analysis, staff finds that all aspects of the project have been considered in the Mitigated Negative Declaration (MND) that was adopted for the CMMLUO, and thus has prepared an addendum to the MND for consideration by the Zoning Administrator (See **Attachment 2** for more information).

RECOMMENDATION:

Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda; survey the audience to see if any person would like to discuss the application; if no one requests discussion, make all the required findings based on the evidence in the record; and approve the application subject to the recommended conditions.

Alternatives

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

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number 21-X

Record Number: PLN-12491-SP

Assessor's Parcel Number: 208-341-006

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the owner, Saffy THC, Special Permit.

WHEREAS, Oliver Small ("Owner") submitted an application and evidence in support of approving the Special Permit (PLN-12491-SP) for the continued operation of 10,000 SF of existing medical cannabis outdoor cultivation, comprised of 6,520 SF of outdoor cultivation and 3,480 SF of mixed light cultivation in five (5) greenhouses (GH). Outdoor greenhouses includes GH 2 (1,500 SF), GH 4 (2,490 SF), and GH 5 (2,490 SF); mixed light cultivation includes GH 1 (1,800 SF) and GH 3 (1,680 SF). Propagation occurs in a 1,000 SF nursery.

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

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on **June 3, 2021**, and reviewed, considered, and discussed the application for the requested Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is for a Special Permit (PLN-12491-SP) for the continued operation of 10,000 SF of medical cannabis cultivation. Cultivation is comprised of 6,520 SF of outdoor cultivation and 3,480 SF of mixed light cultivation, which occurs in five (5) greenhouses (GH). Mixed light greenhouses include GH 1 (1,800 SF) and GH 3 (1,680 SF). Outdoor greenhouses include GH 2 (1,500 SF), GH 4 (2,490 SF), and GH 5 (2,490 SF). Propagation occurs in a 1,000-SF nursery. Power is provided by two (2) gasoline generators (a Honda EU 7000 and a Honda EU 2000). Irrigation water is sourced from a permitted onsite well.

EVIDENCE: Project File: PLN-12491-SP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act (CEQA) have been met. The Humboldt County Zoning Administrator has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for CMMLUO adopted by the Humboldt County Board of Supervisors on January 26, 2016.

- EVIDENCE:**
- a) Addendum to the MND prepared for the proposed project in compliance with CEQA.
 - 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 list of potential special status species was generated in March 2021, using the following information systems: California Natural Diversity Database (CDFW), Biogeographic Information and Observation system (BIOS), Northern Spotted Owl Viewer (CDFW), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). The following biological resources occur within the general vicinity of the project area: Northern Spotted Owl (NSO) habitat directly north of the project area and 1,000 meters south of the project area, and one NSO activity center (HUM0152) 2,260 meters southwest of the project area. Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. The applicant is conditioned to adhere to Dark Sky standards, in order to ensure that any lights or noise related to cultivation activities do not adversely affect any wildlife within the general vicinity of the project area (**Condition 8**). Therefore, impacts to biological resources with mitigation measures in place are considered low and unlikely.
 - d) A Site Management Plan (SMP) was prepared by Margo Advisors to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023 and protect the water quality of the Class III waterway within the project area.
 - e) A Cultural Resources Investigation was not conducted for this project, because a referral by the Northwest Information Center (NWIC) determined that there are no known cultural resources within the project area. The Bear River Band recommends the use of Inadvertent Discovery Protocol (PRC 15064.5 (f)) by a qualified professional archaeologist, if any previously unidentified cultural resources or human remains are encountered throughout project implementation (**Condition 14**).

FINDINGS FOR SPECIAL PERMIT

3. FINDING

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

- EVIDENCE**
- a) General agriculture is a use type permitted in the Residential

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

- b) The proposed project is within a Streamside Management Area (SMA) and therefore is required to be consistent with the Humboldt County General Plan Policy BR-P6, which requires development within a SMA to comply with Standards BR-S8 (Required Mitigation Measures) and BR-S9 (Erosion Control). The proposed project was designed with mitigation features, including: 1) Cultivation is sited to avoid activity within the stream channel; and 2) All cultivation areas will not be located on slopes. An assessment of the property determined that there are two (2) storage sheds within the 50-foot buffer of the Class III watercourse, on the eastern edge of the parcel. The applicant is conditioned to remove and relocate two (2) storage sheds to outside of the SMA 50-foot buffer, and remediate all exposed soil with mulch and native seed mix (**Condition 10**).

4. FINDING

The proposed development is consistent with the purposes of the existing Unclassified (U) zoning district.

EVIDENCE

- a) Unclassified (U) zoned parcels are intended to be combined with any principal zone, consistent with cultivation activities within the project area.
- b) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis and up to 10,000 square feet of existing mixed light cannabis on a parcel over one (1) acre, subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for a total of 10,000 SF of existing medical cannabis cultivation (6,520 SF outdoor and 3,480 SF mixed light), which occurs in five (5) greenhouses on a 4.81-acre parcel, is consistent with the Humboldt County Code 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 Unclassified (U) (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by a deed recorded before the establishment of county and state subdivision regulations that would have applied to

the creation of the parcel.

- c) The project will obtain water for irrigation from a permitted well (Permit No. 16/17-0386), with the California Department of Water Resources, as part of the State Licensing process.
- d) The slope of the land where cannabis will be cultivated is less than 15%.
- e) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

6. FINDING

The existing cultivation of 10,000 SF of cannabis and the conditions under which it may be operated and 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 accessed by a road that has been assessed by David Nicoletti, PE of DNT Engineering & Consulting, and is described in the Roadway Evaluation (1/20/2018). All roads on the property shall be maintained in compliance with the State Water Resources Control Board Order WQ 2019-0001-DWQ, which states that all access roads are hydrologically disconnected to receiving waters. Mr. Nicoletti determined that Cobb Road is not in compliance as a category 4 roadway, but with road improvements can be upgraded to the category 4 standard. Cobb Road has the following issues that need to be addressed: 1) Inadequate drainage causing erosion from graded flats above the road; 2) Vegetation has been cleared with improper slope stabilization; 3) Undersized culverts; 4) Clogged drainage ditches; and 5) Multiple ponding locations. The construction activities associated with the road improvement measures would require Humboldt County design review, permitting, site surveys and a geotechnical evaluation. Communication with the applicant's agent on March 23, 2021 determined that the road improvement activities are planned to be completed in the summer of 2021 (**Condition 13**).
- b) A Less than Three-Acre Conversion Mitigation Plan was prepared by registered forester Stephan Hohman (RPF No. 2652), who assessed the subject property and determined that the total timberland conversion is 1.18 acres. CAL FIRE reviewed the mitigation plan and approved the analysis of the property and measures set forth by Mr. Hohman to remediate the site. The U.S. Department of Agriculture, Six Rivers National Forest Division, identified that the project area is adjacent to National Forest Service (NSF) land. The applicant is conditioned to hire a land surveyor to confirm that project activities do not infringe upon NFS land, as well as create a fuel-reduction plan to address the large amount of understory vegetation within the property (**Condition 12**).

- c) The existing cannabis cultivation 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 sizes in the area.
- d) The location of the existing cannabis cultivation is more than 300 feet from the nearest offsite residence.
- e) Irrigation water will come from an onsite permitted groundwater well (Permit No. 16/17-0386). The depth to first water is 54 feet below surface; therefore, the well is not likely connected to surface water.
- f) Estimated annual water usage is 135,900 gallons (13.6 gallons/SF).
- g) Existing water storage is 77,500 gallons, stored in 25 HDPE hard tanks throughout the property as follows: eight (8) 250-gallon tanks, three (3) 2,500-gallon tanks, ten (10) 4,800-gallon tanks, and four (4) 5,000-gallon hard tanks.
- h) Provisions have been made in the applicant's Site Management Plan (SMP) to protect water quality through yearly site inspection, monitoring, and reporting to the North Coast Regional Water Quality Control Board (NCRWQCB). The SMP includes annual site inspection, monitoring, and reporting of Tier 2 discharges that will be submitted annually to the NCRWQCB. The applicant shall follow the Best Management Practices (BMPs) listed in Attachment A of the SWRCB Order, to minimize any adverse effects to water quality caused by cannabis cultivation. Annual reporting shall be submitted to the NCRWQCB by March 31 of each year. Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely affected.

7. FINDING

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

EVIDENCE

- a) The parcel currently contains one (1) existing residential unit. The approval of cannabis cultivation on this parcel will not conflict with the operation or use of the existing residential units on site.

DECISION

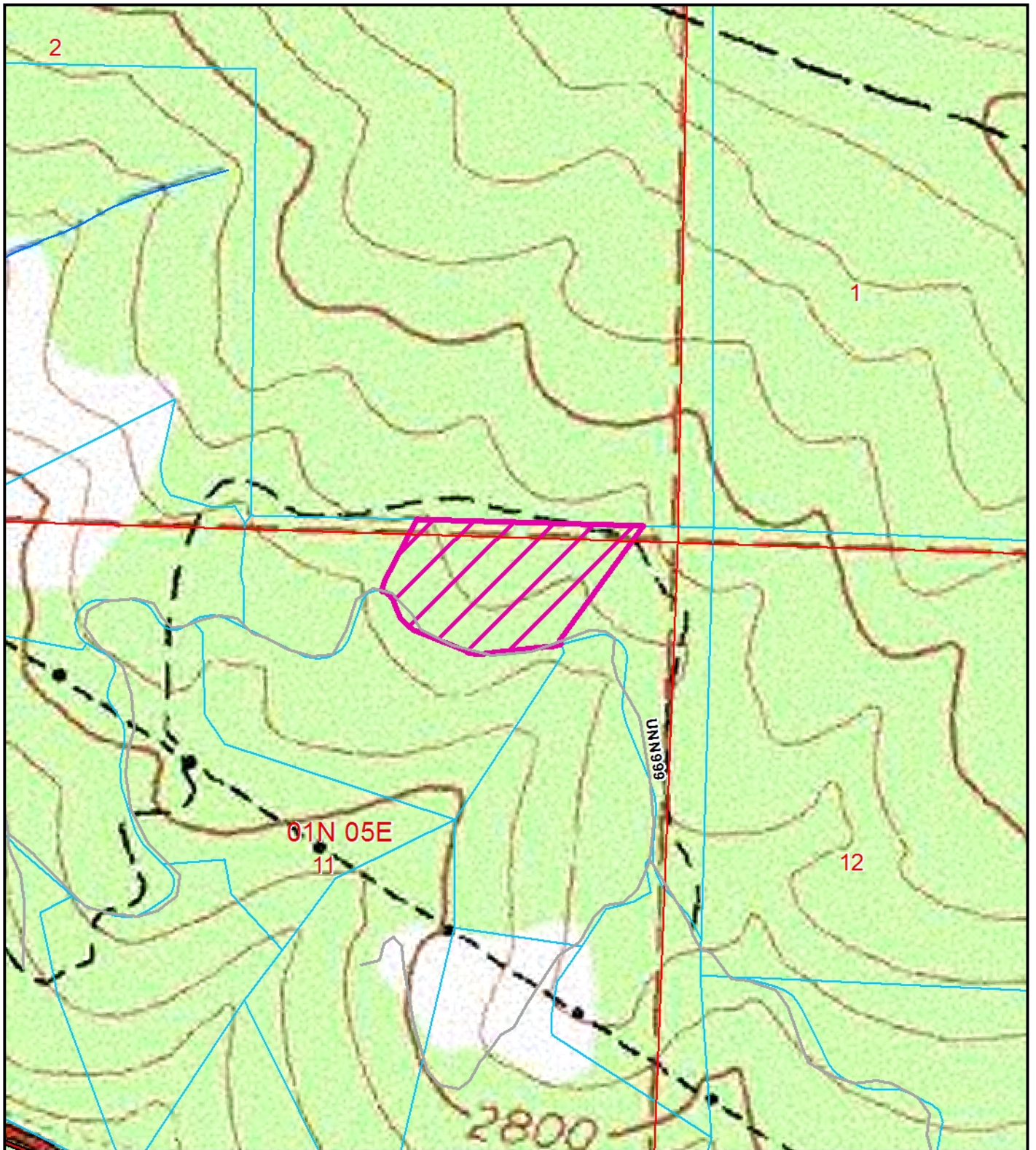
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approve the Special Permit (PLN-12491-SP) for Saffy THC, subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **June 3, 2021**.

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

John H. Ford, Director
Planning and Building Department



TOPO MAP

PROPOSED OLIVER SMALL
DINSMORE AREA
SP 16-548

APN: 208-341-006

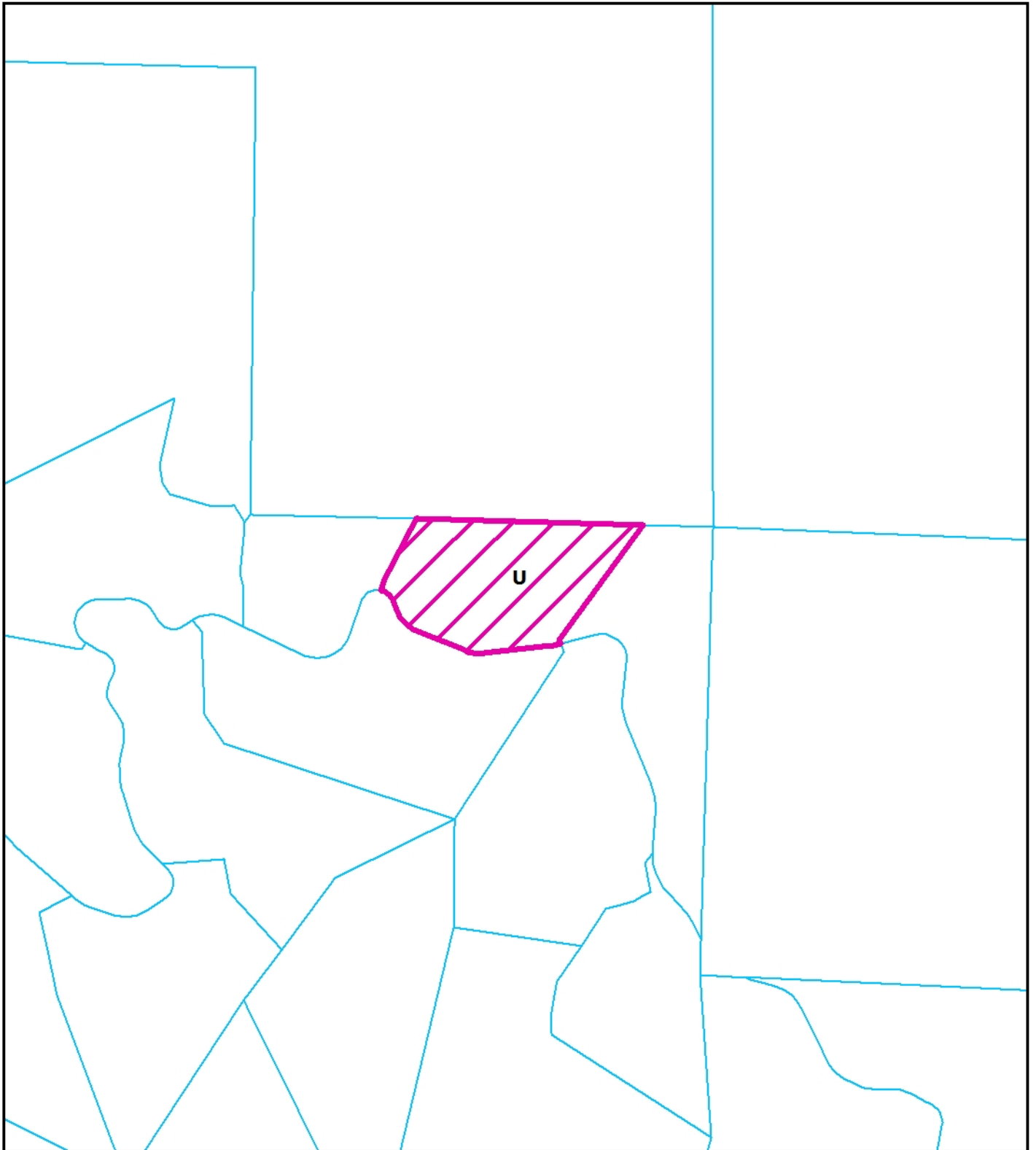
T01N R05E S11 HB&M (DINSMORE)

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.



0 235 470
Feet



ZONING MAP

**PROPOSED OLIVER SMALL
DINSMORE AREA
SP 16-548**

APN: 208-341-006

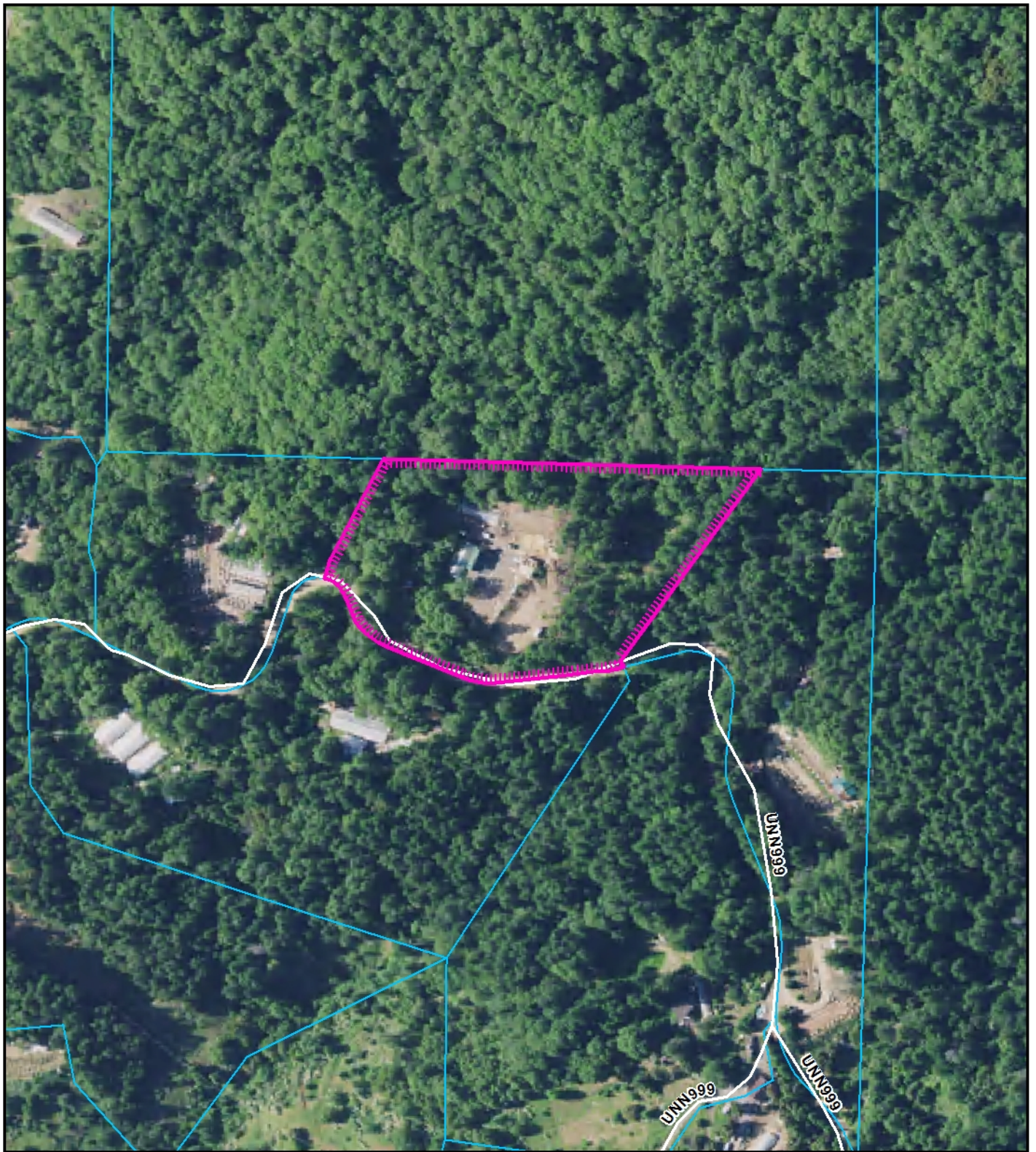
T01N R05E S11 HB&M (DINSMORE)

Project Area = 

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0 235 470
Feet



AERIAL MAP

**PROPOSED OLIVER SMALL
DINSMORE AREA
SP 16-548**

APN: 208-341-006

T01N R05E S11 HB&M (DINSMORE)

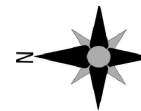
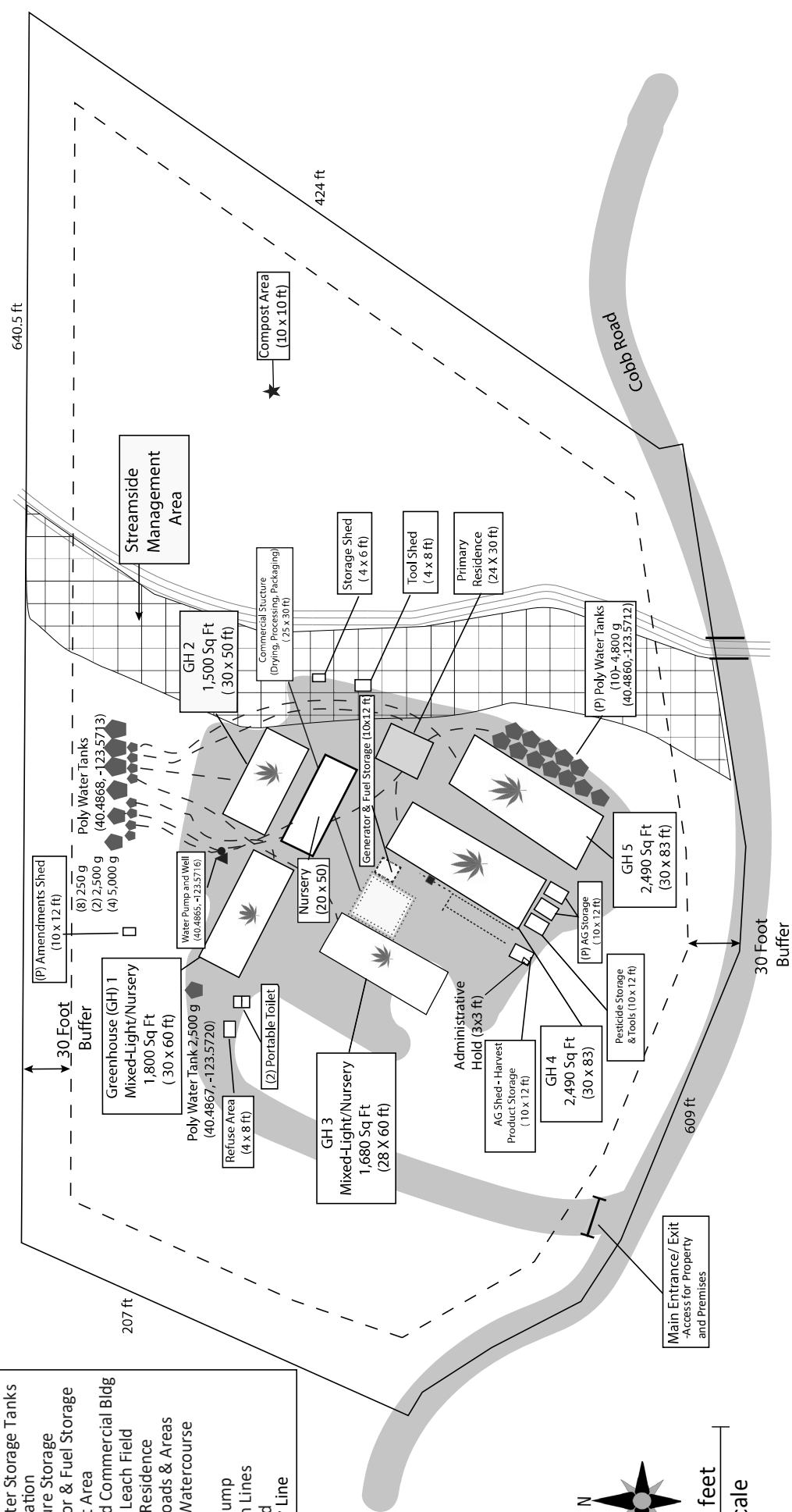
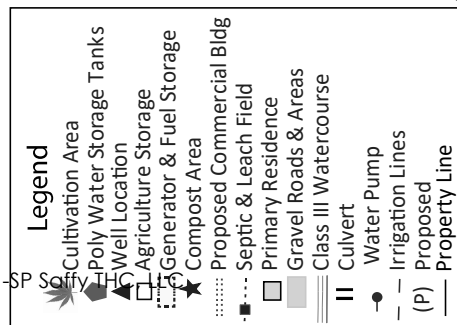
Project Area = 

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0 125 250
Feet

SaffyTHC
APN 208 341 006
Total Cultivation Area : 9,960 Sq Feet



80 feet
Scale

Note: Property and Premises boundary will be the same.

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE 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 the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the time of annual inspection. A conformance review deposit, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750), shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines, the Planning and Building Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall 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 #20. 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. Communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted and were approved by Building Inspection Department on August 27, 2020.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
8. The applicant shall submit a lighting plan for all mixed light cultivation/light deprivation cultivation areas, and adhere to Dark Sky standards in order to ensure that any lights or noise related to

cultivation activities do not adversely affect wildlife within the project area. The lighting plan shall be reviewed and approved by the Director of Planning and Building.

9. The applicant shall comply with all mitigation measures set forth in the Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW) and shall implement all corrective actions detailed/required within the LSAA. The proposed corrective actions include upgrading the failing and undersized culverts and installing a new road crossing, and the construction activities include: excavation, removal of the failing culverts, replacement with new and properly sized culverts, backfilling and compaction, and rock armoring to minimize erosion. Upon completion of the proposed construction activities that are to take place within the waterways of the project area, a letter or similar communication from CDFW verifying that all their requirements have been met will satisfy this condition.
10. The applicant shall comply with all policies set forth by the Humboldt County General Plan Policy BR-P6, to ensure that all Streamside Management Areas (SMA) within the project area are properly managed throughout cultivation related activities. The applicant shall remove and relocate all cultivation activities, including two (2) storage sheds that are currently within the SMA of a Class III watercourse, to at least 50 feet outside of the SMA. All exposed soils shall be remediated by re-seeding (with native seed mix) and mulching. The applicant shall complete the above measures within 6 months of permit approval.
11. Prior to renewal of the permit, the operator is required to submit to the Department of Environmental Health (DEH), receipts or copy of contract confirming sufficient use of portable toilets to serve staff for the duration of the first year, or provide written assessment from a qualified septic consultant confirming a Tier 0 status for the addition of an onsite wastewater treatment system serving the dwelling (Department of Environmental Services).
12. The applicant shall create a fuel-reduction plan within 3 months of permit approval to address the large amount of vegetation within the property. The applicant is recommended to hire a land surveyor to confirm that project activities would not infringe upon National Forest Service lands.
13. The applicant shall implement road improvement measure within 6 months of permit approval to bring Cobb Road up to the Category 4 standard. Improvements are detailed within the Road Evaluation Report and include addressing the following issues: 1) Inadequate drainage causing erosion from graded flats above the road; 2) Vegetation has been cleared with improper slope stabilization; 3) Undersized culverts; 4) Clogged drainage ditches; and 5) Multiple ponding locations. The road is 18 feet wide (below the 20-foot standard width), with little to no shoulder, and not all curve locations have pull outs.
14. The applicant shall implement the Inadvertent Discovery Protocol. In the event of an accidental discovery of historical artifacts or human remains, a qualified professional archaeologist shall be contacted immediately, in order to inspect and clear the site for all further activities.
15. Obtain a permit to operate the two (2) gasoline generators, one (1) Honda EU 7000 and one (1) Honda EU 2000 that range between 6.3 kWh to 18.9 kWh, from the North Coast Unified Air Quality Management District (NCUAQMD).
16. The use of generators as a primary power source for cannabis related activities shall cease by December 31, 2025. The applicant shall either connect to a utility or have an alternative source of power starting January 1, 2026.
17. The applicant shall contact the Bridgeville Volunteer Fire Department and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the

applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning and Building Department. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.

18. 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.
19. The applicant shall execute and file with the Planning and Building Department 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.
20. At such time the applicant increases cultivation to maximum aggregate allotment, allowed under the CMMLUO 1.0 and Cultivation Area Verification (CAV) allowances, the applicant/operator/owner shall submit a revised site plan showing placement of all cannabis cultivation, broken down by zone and growing version (outdoor and/or mixed light), at least 30 days prior to placement/development of the cultivation area(s). The site plan shall be reviewed and approved by the Director of Planning and Building.

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

1. The combined noise from background, generator, greenhouse fan, or other operational activities and equipment must not result in the harassment of Northern Spotted Owl species, as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed light greenhouses shall be limited to 6 watts per square foot, with no wattage limit in the ancillary propagation nursery. All artificial lighting shall be fully contained within structures such that no light escapes (i.e., through the use of 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 (refer to <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>). Standards include, but are not limited to: Light shall 1) be shielded and downward facing, 2) consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3,000 kelvins or less, and 3) be placed only where needed.
3. 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.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, the Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

5. All refuse shall be contained in wildlife proof storage containers at all times and disposed at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Any changes shall require modification of this permit, except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and the Medical Adult Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. The permittee shall have possession of a current, valid required license or licenses, issued by any agency of the State of California in accordance with the MAUCRSA and the regulations promulgated thereunder, as soon as such licenses become available.
13. The permittee shall be in compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. The permittee shall ensure confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
15. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

16. The permittee shall comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. The permittee shall 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 (CA: FIRE), if applicable.
18. The permittee shall consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. The permittee shall pay all applicable fees for application review to ensure conformance with conditions and annual inspection fees.
20. 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.
21. Fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be properly stored, handled, and used in accordance with applicable regulations.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. The permittee shall pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

24. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. 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).
26. 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.
27. 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.

28. 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; and
- i. Onsite housing, if any.

29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Activity 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.

30. 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 re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection 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.

31. 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.
32. 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.
33. 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.
34. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #B.11 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #B.29 and B.30 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

ATTACHMENT 2

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

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

**APN 208-341-006; 701 Cobb Road, Dinsmore, CA 9526
County of Humboldt**

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

March 2021

BACKGROUND

Purpose of Addendum

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.

Project History

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. The CMMLUO was considered a "project" under CEQA and thus required analysis for potential environmental impacts. Therefore, the CMMLUO regulations were developed and adopted in concert with the environmental analysis and MND that was adopted for the ordinance in 2016.

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 and 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. 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." As applications are filed for new or differing cultivation activities, the "modification" to the CMMLUO is evaluated for consistency and compliance with the CMMLUO MND.

Modified Project Description

Saffy THC seeks approval for a Special Permit (PLN-12491-SP) to permit an existing 10,000 SF of medical cannabis cultivation. Cultivation is comprised of 6,520 SF of outdoor cultivation and 3,480 SF of mixed light cultivation, which occurs in five (5) greenhouses. Mixed light greenhouses (GH) include GH 1 (1,800

SF) and GH 3 (1,680 SF). Outdoor greenhouses include GrH 2 (1,500 SF), GH 4 (2,490 SF), and GH 5 (2,490 SF). Propagation occurs in a 1,000-SF nursery.

Irrigation water is sourced from an onsite well (Permit No. 16/17-0386), which produces X gallons/minute. The depth to first water is 54 feet below surface; therefore, the well is not likely connected to surface water. Existing water storage is 77,500 gallons, stored in 25 high-density polyethylene (HDPE) hard tanks throughout the property as follows: eight (8) 250-gallon tanks, three (3) 2,500-gallon tanks, ten (10) 4,800-gallon tanks, and four (4) 5,000-gallon hard tanks. Estimated annual water usage is 135,900 gallons (13.6 gallons/SF).

A Site Management Plan (SMP) was developed to establish the applicant's compliance with the State Water Resources Control Board (SWRCB) Order 2017-0023-DWQ and protect the water resources within the project area. The SMP includes annual site inspection, monitoring, and reporting of Tier 2 discharges that will be submitted annually to the North Coast Regional Water Quality Control Board (NCRWQCB). The applicant shall follow the Best Management Practices (BMPs) listed in Attachment A of the SWRCB Order, to minimize any adverse effects to water quality caused by cannabis cultivation.

The project is within a defined Streamside Management Area (SMA) of the Class III watercourse. The site plan and aerial imagery show two storage sheds (24 SF and 32 SF) that encroach into the SMA. The applicant is conditioned to relocate the two (2) sheds to outside of the 50-foot SMA buffer required by the Humboldt County General Plan Policy Br-P6, and to remediate all exposed soils with mulch and native seed mix (**Condition 10**). A Lake and Streambed Alteration Agreement (LSAA - No. 1600-2020-0278_R1) has been filed with the California Department of Fish and Wildlife (CDFW) to cover eleven (11) encroachments throughout the project area, that are conditioned to follow various mitigation measures set forth in the LSAA (**Condition 9**).

A list of potential special status species was generated in March 2021, using the following information systems: California Natural Diversity Database (CDFW), Biogeographic Information and Observation system (BIOS), Northern Spotted Owl Viewer (CDFW), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). The following biological resources occur within the general vicinity of the project area: Northern Spotted Owl (NSO) habitat directly north of the project area and 1,000 meters south of the project area, and one NSO activity center (HUM0152) 2,260 meters southwest of the project area. Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. The applicant is conditioned to adhere to Dark Sky standards, in order to ensure that any lights or noise related to cultivation activities do not adversely affect any wildlife within the general vicinity of the project area (**Condition 8**). Therefore, impacts to biological resources with mitigation measures in place are considered low and unlikely.

A records search for known cultural resources was requested from the Northwest Information Center (NWIC), and no results were returned; therefore, an archaeological survey report was not prepared for this project. However, the NWIC recommended contacting local Native American Tribes to ensure project activities are outside of Tribal Territories. The Bear River Band was contacted and responded that the Inadvertent Discovery Protocol should be implemented, in case there is accidental discovery of previously unidentified historical artifacts or human remains (**Condition 14**).

A Three-Acre Conversion Mitigation Plan was prepared by Stephan Hohman (RPF No. 2652), Hohman & Associates Forestry Consultants. Mr. Hohman recommends the applicant implement a fuel-reduction project to improve overall resilience to wildfires. There were three conversion sites identified throughout the project area that total 1.18 acres. All three conversion areas are below the 3-acre maximum Conversion Exemption allowed under CMMLUO.

Lucas Titus of CAL FIRE reviewed the recommended mitigation, and concluded that the mitigation is appropriate based on current conditions and information provided. All conversion occurred prior to January 1, 2016, the established CEQA baseline for CMMLUO. Therefore, it can be assumed that all

conversion was considered and mitigated identified in the environmental document prepared for CMMLUO.

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigation measures. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 10,000 SF of outdoor cannabis cultivation is fully consistent with the impacts identified and adequately mitigated in the original MND. The project, as conditioned to implement responsible agency recommendations, results in no significant adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by Margro Advisors, 5/21/2020
- Cultivation and Operations Plan prepared by Margro Advisors, 6/11/2018
- Site Management Plan prepared by Margro Advisors, 6/11/2018
- Road Evaluation by DNT Engineering & Consulting, 3/12/2020
- NWIC records search conducted by Bryan Much, 7/3/2017
- Well Completion Report (Permit No. 9/20-070), drilled by Rich Well Drilling & Pump Service Inc. on 11/10/2016
- Lake and Streambed Alteration Agreement (No. 1600-2020-0278-R1) with the California Department of Fish and Wildlife Received 9/9/2020

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.

For every environmental topic analyzed in this review, the potential environmental impacts of the current project proposal, Saffy THC, would be the same or similar, with no substantial increase in severity, than the initial CMMLUO 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, Saffy THC. 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. **(On file)**
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. **(On file)**
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by Margro Advisors, 5/21/2020, **Attached Map 3**)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water source, storage, irrigation plan, conservation, and projected use; drainage, runoff and erosion control; watershed and habitat protection; and storage of fertilizers, pesticides, and other regulated products to be used on the parcel. A description of cultivation activities (outdoor, indoor, mixed light); the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable; and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Margro Advisors, 6/11/2018 – **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. **(Not applicable)**
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan - see item 4 above)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board (NCRWQCB) demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB 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 Margro Advisors, 6/11/2018 – **Attached**).
8. If any on-site or off-site component of the cultivation facility (including access roads, water supply, grading or terracing) impacts the bed or bank of any stream or other watercourse, a copy of the Lake and Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Lake and Streambed Alteration Agreement (No. 1600-2020-0278-R1) 9/9/2020 – **Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (Permit No. 9/20-070 – **On file**)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. **(On file)**
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. **(On file)**
12. For indoor cultivation facilities, identification of the source of electrical power, how it will meet the energy requirements in Section 55.4.8.2.3, and the plan for compliance with applicable building codes. **(Not applicable)**
13. Acknowledgment that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section, in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. **(On file)**
14. Acknowledgment 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)**

Cultivation Plan

Parcel # 208 341 006

The following plan describes the general operations for managing a 6,480 sq ft outdoor and 3,480 sq ft mixed-light cultivation site.

1. Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of use occurring during the summer months. Details of the grower's cultivation and water usage is outlined below.

All water used for cannabis cultivation is sourced onsite from the property's permitted well. A solar powered well pump fills onsite tanks during the off season; then gravity directs water from tanks to irrigation lines. The site has the capacity to store 77,500 gallons in onsite water tanks. All irrigation of cannabis is dispersed by a regular delivery cycle with a drip system to maximize water conservation.

During the beginning of the grow season, irrigation occurs once or twice a week. As the cultivation reaches peak demand watering increases to every other day.

The following provides an estimate of monthly irrigation use in gallons:

Water USE by month

Jan	Feb	Mar	Apr	May	June
0	0	7,000	11,000	11,000	27,000

July	Aug	Sept	Oct	Nov	Dec
27,000	27,000	18,000	1,200	6,700	0

2. Watershed Protection

To protect nearby watershed areas and nearby habitat the site is managed to meet standard conditions and follow best practices in accordance with guidelines provided by the North Coast Regional Water Quality Control Board (NCRWQCB). These practices address erosion control and drainage features, spoils management, water storage and use, irrigation runoff, fertilizers and pesticides, and stream and wetland buffers when applicable.

The most active steps for this site include:

- Moderate road shaping and ditch-relief used to optimize drainage to stable areas
- Out-sloping maintained to ensure proper capture and capacity of seasonal flow
- Vegetative barriers placed along property boundaries and watercourses to act as a pollutant filter and provide added sediment control

The parcel has one Class III watercourse running along it. The cannabis cultivation occurs at least 50 feet away as required in the NCRWQCB specifications.

The grower, designated as the “Discharger”, is enrolled in the NCRWQCB Waiver of Waste Discharge as a Tier II Discharger. The cultivation site includes a Water Resource Protection Plan (WRPP) for the property. A copy of the WRPP is kept onsite for ongoing site management and regulatory inspections.

3. Power Source

The site uses a Honda EU 7000 and a Honda EU 2000 gasoline generator for electricity, when needed. Usage varies between 6.3kWh-18.9kWh per day depending on the need for and duration of ventilation and use of farming equipment. These generators are rated by the manufacturer at maximum 60dB or lower, meeting perimeter noise restrictions required by environmental regulations.

4. Site Structures

There is an existing residential building onsite that will be used for processing (drying and trimming). As a result, that building will be converted to a commercial building, while an owner-build residence is under development. There are three sheds for tools, generator, fuel and amendments storage. During the season, the cultivation areas also include up to five temporary greenhouses.

5. Materials Storage

Currently there are primarily natural fertilizers utilized in the cultivation process and include:

- Planting soil mix (Bat Guano & Worm Castings)
- Chicken Manure
- AmHydro GroMagnon
- AmHydro Big, Bang, Bloom
- AmHydro Dark Energy
- AmHydro Epic Boost
- Trace minerals

The primary pesticide used to control mites and powdery mildew is:

- Trifecta

A dedicated locked and fully contained shed is used for the storage of all amendments. Materials are kept in their original containers with product labels in place and legible. Appropriate Material Safety Data Sheets (MSDS) are kept onsite as a component of the cultivator's WRPP.

Fuels are stored within an onsite shed with secondary containment along with a Spill Prevention, Countermeasures, and Cleanup (SPCC) kit. As a safety measure, kits provide a supply of clean-up materials in the event of accidents, and are kept within fuel storage areas.

6. Waste Management

Plant waste is placed in a stable area, then covered for recycling and reuse. Unusable plant waste is composted or burned. Other solid waste is stored in containers with covers and transported to the Humboldt Waste Management Authority in Eureka, on a weekly basis. Materials intended for reuse are stored in a clean and safe manner to be managed and reused as needed.

A 1,500 gallon septic system exists onsite to safely manage human waste and prevent threats to local wildlife and water sources.

7. Cultivation Activities

Jan-Feb	☐ Ensure all off-season water storage is complete ☐ Submit NCRWQCB enrollment report and fee ☐ Install and repair any infrastructure and systems necessary ☐ Perform initial site inspection ☐ Submit soil samples for testing ☐ Purchase amendments for soil preparation based on test results ☐ Conduct and record inventory of amendments and verify proper storage ☐ Begin tilling amendments to prepare soil ☐ Setup greenhouses and irrigation lines ☐ Start seed planting, mothering, and cloning
Mar-Apr	☐ Complete first vegetative growth stage ☐ Transplant clones to soil beds ☐ Move crop to outdoor greenhouses (April: Crop #1) ☐ Begin daily plant inspections ☐ Add nutrients as needed

	☐ Conduct regular site inspections and make repairs as needed ☐ Check water meters and record monthly usage
May-Jun	☐ Continue mothering and cloning ☐ Complete second vegetative growth stage ☐ Transplant clones to soil beds ☐ Move crop to outdoor greenhouses (May: Crop #2)
Jul-Aug	☐ Harvest (August: Crop #1) ☐ Dry onsite ☐ Complete trimming and curing ☐ Package and store ☐ Prune remaining crop
Sep-Oct	☐ Harvest (September: Crop #2) ☐ Dry onsite ☐ Complete trimming and curing ☐ Package and store ☐ Remove and recycle plant waste following harvest

8. Soil Management

Prior to the season, soil is sent for lab testing and analysis. Based on the test results, a prescription of amendments is created. Items are purchased, applied, stored and inventoried. Once tilling is completed and soil has been prepared, planting begins.

During the season, plants are fertilized in small doses as needed throughout the grow cycle. Following the harvest, reusable soil is properly contained and covered for tilling in the next season.

9. Cultivation Cycles

Annually, the site produces two crop cycles. In February, planting begins with an initial mothering and vegetative stage in the two greenhouse nurseries. Plants are then transplanted to soil beds and moved to outdoor greenhouses for sunlight management, contained irrigation, and environmental stability. Cultivation time is estimated at 4 months but will vary depending on environmental factors including weather, pests, and plant types. Harvests occur in August and September.

10. Plant Management

During the cultivation cycles plants are inspected daily. Irrigation is monitored carefully and adjusted based on impact of various factors, mainly heat and precipitation. Pruning begins

during the vegetative growth stage and continues up to early flowering to ease and improve growth.

11. Processing Practices

After being harvested, the cannabis is taken into the building where it will be dried, hand trimmed, then cured. All work surfaces and equipment are maintained in clean and safe conditions. Protocols are strictly followed to prevent the spread of mold and fungus. The final cannabis product is then packaged and stored in a secure location.

12. Staffing

The site is a family farm currently not hiring part-time or full-time employees. Harvesting and processing is done with the support of family members and those within the site's medical collective. Once conversion from a collective to a commercial operation is completed, temporary staffing will be considered.

13. Security Measures

A number of security measures have been established on the site. They include:

- Road access is restricted by locked gates. Gates are of heavy steel construction with a steel combination lock.
- There is 24/7 presence onsite throughout the cultivation season.
- A guard dog provides onsite protection against human intruders and invasive wildlife.

14. Site Adjustments

There is a Streamside Management Area that runs through the property along the onsite waterway. A prior grow area within it, of approximately 600 sq ft, is planned for relocation aside an existing grow, to provide proper setback. The whole site was scaled down, such that any prior grow areas beyond 10,000 square feet have been decommissioned.

15. Health and Safety

When employees are hired this site will be operated as an "agricultural employer" as defined by 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 comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers. At the first establishment of 20 or more employees, the firm will sign and enact a Labor Peace Agreement and allow upon written request, all bona fide labor organizations access at reasonable times to areas in which the farm's employees work, for the purpose of meeting with

employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment.

An Injury and Illness Prevention Program (IIPP) Plan will be posted. It includes safety protocols including emergency action plan and fire prevention plan, use of personal protective equipment, proper equipment and materials handling, heat illness prevention, employee accident reporting policies and logs, communication of hazards and Material Safety Data Sheets for amendments and chemicals used onsite, and employee training logs.

Posted and available documentation for employees (if applicable) will include:

- *Injury and Illness Prevention Program (IIPP) Plan* - T8 CCR Section 3203 of the General Industry Safety Orders
- *Agricultural Occupations Notice* - Industrial Welfare Commission Order No. 14-2001
- *Professional, Technical, Clerical, Mechanical, and Similar Occupations Notice* - Industrial Welfare Commission Order No. 4-2001
- *Safety and Health Protection on the Job* - Labor Code section 6328
- *California Minimum Wage* - MW-2017 General Minimum Wage Order
- *Healthy Workplaces/Healthy Families Act of 2014 Paid Sick Leave* - Division of Labor Standards
- *Payday Notice* - Labor Code section 207
- *Emergency Numbers* - Title 8 Section 1512 (e), California Code of Regulations
- *Access to Medical and Exposure Records and General Industry Safety Order 3204*
- *Injuries Caused by Work* - Title 8, California Code of Regulations, Division of Workers' Compensation section 9881
- *Whistleblower Protections* - Labor Code Section 1102.8(a)
- *No smoking signage* - Labor Code section 6404.5(c)(1)
- *Farm Labor Contractor Statement of Pay Rates* - California Labor Code Section 1695(7)
- *Insurance and Paid Leave Notice to Employees* - DE 1857A
- *Equal Employment Opportunity is the Law* - EEOC-P/E1 and Americans with Disabilities Act
- *Human Trafficking Public Notice* - Civil Code § 52.6

16. International Dark Sky Standards

Any greenhouse or propagation area with supplemental lighting will be properly maintained to avoid being visible from any neighboring property between sunset and sunrise. The site will comply with International Dark Sky Association standards for Lighting Zone 0, and prevent light spillage which may impact local wildlife. Any and all complaints received in writing regarding light spillage will be corrected within 10 business days from the date of receipt.

**Site Management Plan for:
WDID: 1B161377CHUM
APN: 208-341-006**

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

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

Date of Completion:
05/31/2019

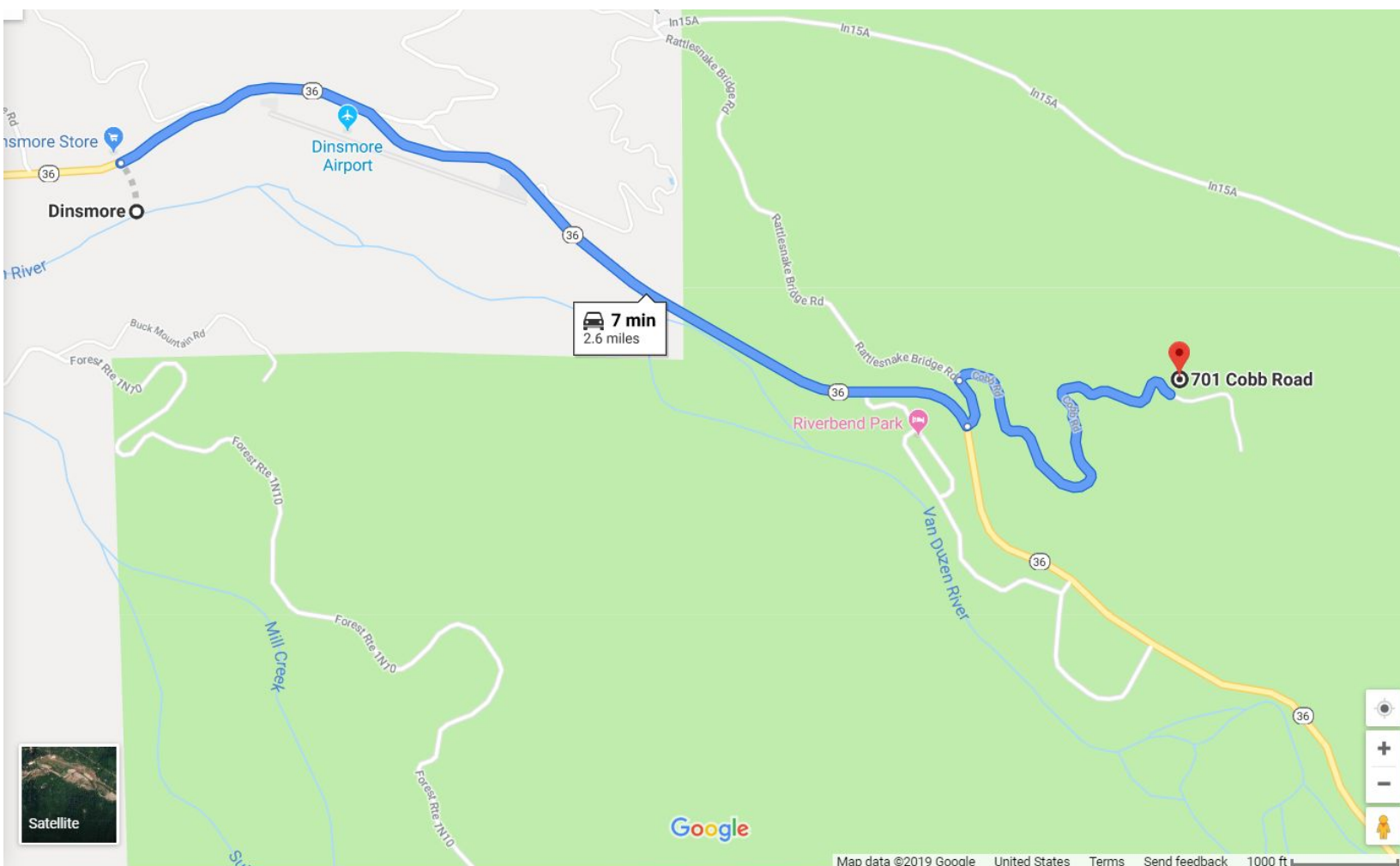
Introduction

This Site Management Plan (SMP) as required by the State's General Order¹, is for a Cannabis Cultivation site by SaffyTHC LLC located in the Dinsmore area, street address 701 Cobb Road, in Humboldt County. The site is located within the watershed HUC 12-180101050703. The purpose of this order is to provide a regulatory structure for cannabis cultivation that reduces contributions to existing water quality issues and prevents additional adverse impacts to water resources throughout California. The purpose of the SMP is to identify conditions present on a parcel that may pose a threat to water quality and resources and establish a plan to meet or surpass requirements set forth in the order, as well as to describe how the cultivator is implementing the best practical treatment or control (BPTC) measures listed in Attachment A of the Cannabis General Order. Refer to Attachment D of the General Order for further technical report guidance.

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

Attached is a map of directions to the site from Google Maps.

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



← from Dinsmore, California 95526
to 701 Cobb Rd, Dunsmuir, CA 96025

7 min (2.6 miles)
via CA-36 E and Cobb Rd
Fastest route

Dinsmore
California 95526

- ↑ Head northeast on CA-36 E toward Bear Creek Rd
1.7 mi
- ↶ Turn left onto Rattlesnake Bridge Rd
0.1 mi
- ↷ Turn right onto Cobb Rd
Destination will be on the left
0.8 mi

701 Cobb Rd
Dunsmuir, CA 96025

Site Characteristics

This project is associated with Humboldt County Permit #12491-SP, and has been granted an Interim Permit for 10,000 ft² with outdoor and mixed-light cultivation and a CDFA Temporary License #TAL18-0007144 for Mixed-Light Tier 1 Cultivation. A completed State Annual License application #LCA18-0002625 has been submitted and is pending approval.

Machine trimming is performed onsite and then hand trimming is performed offsite. The site uses two small gasoline generators for electricity and a solar-powered well pump as power source.

Elevation within this parcel ranges from 3,000 to 3,080 feet. Mean annual precipitation is 50 to 70 inches. Mean annual air temperature is 48 to 52 degrees Fahrenheit. The frost free period is 150 to 250 days.

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

Soil Description

Attached is a soil map of the parcel. The soils within the area are primarily Hecker Family (Map Unit 256, 60% of parcel) and Minor Components (Map Unit 256, 40% of parcel).

SaffyTHC (208-341-006) Soil Map

MAP LEGEND

Area of Interest (AOI)			Spoil Area
			Stony Spot
Soils			Very Stony Spot
	Soil Map Unit Polygons		Wet Spot
	Soil Map Unit Lines		Other
	Soil Map Unit Points		Special Line Features
Special Point Features		Water Features	
	Blowout		Streams and Canals
	Borrow Pit	Transportation	
	Clay Spot		Rails
	Closed Depression		Interstate Highways
	Gravel Pit		US Routes
	Gravelly Spot		Major Roads
	Landfill		Local Roads
	Lava Flow	Background	
	Marsh or swamp		Aerial Photography
	Mine or Quarry		
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Six Rivers National Forest Area, California
Survey Area Data: Version 12, Sep 13, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 18, 2015—Oct 24, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
256	Hecker family, deep, 35 to 70 percent slopes	8.6	100.0%
Totals for Area of Interest		8.6	100.0%

Map Unit 256

The parent rock of the Hecker Family unit is residuum weathered from metasedimentary rock. There is 60 to 64 inches of depth to paralithic bedrock. The natural drainage class is well drained. The runoff class is high. The capacity of the most limiting layer to transmit water (Ksat) is very low to moderately low (0.00 to 0.14 inches per hour). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is high (about 10.1 inches).

Minor Components contains rock outcrop (10% of the parcel), the SoulaJule Unit (10% of the parcel), the Oxalis Unit (10% of the parcel), and the Melbourne Unit (10% of the parcel).

Water Storage, Use, and Irrigation Runoff

Water source is a permitted gravity-fed groundwater well that is assumed to be not hydrologically connected to surface water. The property owner has submitted an LSA waiver and is awaiting review. A summary of estimated water (in gallons) pumped to storage by month is shown below in Table 1.

Jan	Feb	Mar	Apr	May	June
0	0	850	3,750	18,600	18,000

July	Aug	Sept	Oct	Nov	Dec
37,200	37,200	27,000	13,950	0	0

Table 1: Summary of estimated water (in gallons) pumped to storage by month.

Water storage on site is 77,500 gallons in on-site water tanks forming groupings in the north and south areas of the parcel. There are eight 250-gallon tanks, three 2,500-gallon tanks, and four 5,000-gallon tanks. In addition, the property owner has proposed another ten 4,800-gallon water tanks. A summary of water storage is shown below in Table 2.

Water Storage Type	Size (gallons)	Number	Total (gallons)
Tank	250	8	2,000
Tank	2,500	3	7,500
Tank	5,000	4	20,000
Tank	4,800	10	48,000
	Total		77,500

Table 2: Summary of water storage on the parcel.

All irrigation of cannabis is dispersed by a regular delivery cycle with a drip system to maximize water conservation. Irrigation water is used at agronomic rates to minimize overwatering cannabis plants and prevent irrigation runoff. During the beginning of the grow season, irrigation occurs once or twice a week. As the cultivation reaches peak demand, watering increases to every other day. A summary of estimated water use (in gallons) by month is shown below in Table 3.

Jan	Feb	Mar	Apr	May	June
0	0	7,000	11,000	11,000	27,000

July	Aug	Sept	Oct	Nov	Dec
27,000	27,000	18,000	1,200	6,700	0

Table 3: Summary of estimated water use (in gallons) by month.

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

Sediment Discharge

Access Roads

The main road, Cobb Rd, is a dirt and gravel surface which is maintained with proper drainage, requiring regular maintenance. The site's driveway has a bare ground surface currently in need of repair with evidence of erosion such as rutting and gullyng. There is very little vehicle traffic (on average, about 1 car goes in and out per day). Storm water is drained from the access road via use of moderate road-shaping and ditch-relief to optimize drainage to stable areas and out-sloping is maintained to ensure proper capture and capacity of seasonal flow. Access road stormwater drainage structures do not discharge onto unstable slopes, earthen fills, or directly to a waterbody. All required permits and approvals are obtained prior to the construction of any additional access roads.

Stream Crossings

There is one culvert, which is on Cobb Road on the property boundary. An overview of the stream crossing is shown below in Table 4.

Label	Size (inches)	Type	Watercourse Class	Condition
I I	24	Corrugated Metal Pipe	Class III	Good (may need rock armor)

Table 4: Overview of stream crossings on the property.

The culvert is believed to be capable of accommodating the estimated 100-year flood flow, including debris and sediment loads. The culvert is maintained and inspected for blockage with regular monitoring detailed in the Monitoring section of this plan. The culvert appears to have been installed parallel to the watercourse alignment to the extent possible, of sufficient length to extend beyond stabilized fill/sidecast material, and embedded or installed at the same level and gradient of the streambed in which it was placed to prevent erosion.

Sediment Erosion Prevention and Sediment Capture

Erosion Prevention

BPTC measures being implemented to prevent or limit erosion include topping exposed soil with straw mulch, grass seed, or cover crop. When exposed surfaces or bare slopes appear, topsoil is covered with straw for temporary erosion control to minimize sediment, and stabilize the surface in the event of heavy rainfall. Cultivation takes place in raised beds to prevent runoff. Runoff is further prevented by slash piles strategically placed by cultivation areas as needed. In addition, there is no driving or operating of vehicles or equipment within the riparian setbacks or within waters of the state unless authorized.

Sediment Control

BPTC measures being implemented to capture sediment that has been eroded include the placement of vegetative barriers along property boundaries and watercourses to act as a pollutant filter and provide added sediment control. Gravel, straw wattles, and silt screens are examples of additional mitigation measures the property owner may implement if deemed necessary.

Monitoring

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

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

Captured sediment will be excavated and stabilized on-site.

Fertilizer, Pesticide, Herbicide, Fungicide, and Rodenticide

An overview of estimated annual chemical product use is shown below in Table 5.

Product Name	Chemical Type	N-P-K or Active Ingredient	Annual Use (lb or gal)
Bat Guano	Fertilizer	9-3-1	90 lb
Stutzman's Chicken Manure	Fertilizer	3-2-2	300 lb
Worm Castings	Fertilizer	1-0-0	180 lb
TMA	Fertilizer	2-5-0	25 lb
Bone Meal	Fertilizer	2-11-0	50 lb
Trifecta	Pesticide	Thyme Oil, Clove Oil, Garlic Oil, Peppermint Oil, Corn Oil, Geraniol, Citric Acid, Rosemary Oil	As-needed (varies)

Table 5: Overview of estimated annual chemical product usage.

Products are delivered to the site as needed (typically at the beginning of the season). A dedicated locked and fully contained amendment shed is used for the storage of all amendments to prevent discharge. Hazardous materials are kept in secondary containment. Materials are kept in their original containers with product labels in place and legible. Appropriate Safety Data Sheets (SDS) are kept on-site as a component of the cultivator's Site Management Plan. Bulk fertilizers and chemical concentrates are stored, mixed, and applied per packaging instructions and/or at proper agronomic rates. Application rates will be tracked and reported with the end of the year monitoring. Empty containers are disposed of in secure trash storage before they are hauled off. There is a Spill Prevention, Countermeasures, and Clean-up (SPCC) kit in the fuel storage area. As a safety measure, kits provide a supply of clean-up materials in the event of accidents.

Petroleum Products

An overview of estimated annual petroleum usage is shown below in Table 6.

Product	Chemical Type	Stored (lb or gal)	Annual Use (lb or gal)
Gasoline	Petroleum	30 gal	600 gal

Table 6: Overview of estimated annual petroleum usage.

Petroleum products are delivered to the site as needed (typically at the beginning of the season). Petroleum products are kept in a designated fuel shed. Petroleum, petroleum products, and similar fluids are stored in a manner that provides chemical compatibility, provides secondary containment, and protection from accidental ignition, the sun, wind, and rain. Fuels, lubricants, and other petroleum products are stored, mixed, and applied per packaging instructions. Empty containers are disposed of in secure trash storage before they are hauled off. Vehicles or equipment are only refueled outside of riparian setbacks. Fuels are stored within an on-site shed with secondary containment along with a Spill Prevention, Countermeasures, and Clean-up (SPCC) kit. As a safety measure, kits provide a supply of clean-up materials in the event of accidents, and are kept within fuel storage areas.

Trash/Refuse and Domestic Wastewater

On an average day, there are about two employees, visitors, and/or residents at the site. Human waste, domestic wastewater, packaging, organic materials, plastic, paper, glass, clay, and spent growth media will be generated at this site. Trash is kept outside of riparian setbacks in containers with covers to prevent leaching or transport of foreign materials to groundwater. Trash is hauled to Humboldt Waste Management Authority in Eureka on a weekly basis. Recycling is hauled on a monthly basis, or more frequently as needed. Spent growth medium shall be covered with plastic sheeting or stored in water-tight dumpsters prior to proper disposal or re-use. Spent growth medium may include composting and placement into garden beds or spreading on a stable surface as an as soil amendment and revegetating the surface with native plants. Erosion control techniques will be used as needed, for any reused or stored spent growth medium to prevent polluted run-off.

The premises has an on-site septic system connected to a bathroom and kitchen. Wastewater is disposed of with a proper leach field and a 1,500-gallon septic tank. There is also a portable chemical toilet that is available for field sanitation. The portable chemical toilet is serviced by B&B Toilets weekly. The standards for portable waste facilities will be followed for toilets, wastewater, and chemical tanks. Toilet facilities shall be always operational, maintained in a clean and sanitary condition, and kept in good repair. Records of service and maintenance shall be retained for two years.

Winterization

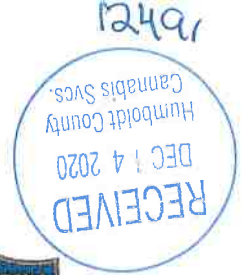
Drainage culverts/drainage trenches/settling ponds are maintained throughout winter to prevent debris and soil blockages from drainage and sediment capture features and ensure adequate capacity exists. Nobody operates heavy equipment of any kind at the cannabis cultivation site during the winter period unless authorized for emergency repairs contained in an enforcement order issued by the State Water Board, Regional Water Board, or other agency having jurisdiction. In addition, if there is construction, all construction entrances and exits are stabilized to control erosion and sediment discharges from land disturbance. All loose stockpiled construction materials (e.g. soil, spoils, aggregate, etc.) that are not scheduled for use within 48 hours are covered and bermed. Erosion repair and control measures to the bare ground (e.g. cultivation area, access paths, etc.) are applied to prevent discharge of sediment to waters of the state. Native vegetation will be planted on all bare, exposed soil prior to the beginning of the winter period. If any BPTC measure cannot be completed before the onset of the winter period, the property owner will contact the Regional Water Board to establish a compliance schedule.

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

RECEIVED

SEP 09 2020

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2020-0278-R1

Unnamed Tributaries to the Van Duzen River, Tributary to the Eel River
and the Pacific Ocean

Dashiell Miller
Cobb Road Association Stream Crossings Project
11 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on June 16, 2020, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Van Duzen River watershed, approximately 1.3 miles southeast of the town of Dinsmore, County of Humboldt, State of California. The project is located in Section 11, T1N, R5E, Humboldt Base and Meridian; in the Dinsmore U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 208-341-028, 208-341-011, 208-341-009, 208-341-008, 208-341-032, 208-341-034, 208-341-003, 208-341-004, 208-341-006, 208-341-015, 208-341-016, 208-341-005, 208-341-007; latitude 40.4861 N and longitude -123.5791 W at Crossing 3.

PROJECT DESCRIPTION

The project is limited to 11 encroachments. 10 encroachments are to upgrade failing and undersized culverts, and one encroachment is for a new crossing installation. Work for these encroachments will include excavation, removal of the failing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. A pre-project site visit was conducted by Senior Environmental Scientist Supervisor Scott Bauer on July 15, 2020.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Crossing #2	40.4859, -123.5788	Replace undersized 24" diameter culvert with minimum 36" diameter culvert
Crossing #3	40.4863, -123.5791	Replace undersized 30" diameter culvert with minimum 60" diameter culvert
Crossing #4	40.4865, -123.5788	Replace undersized 36" diameter culvert with minimum 60" diameter culvert
Crossing #5	40.4864, -123.5782	Replace undersized 24" diameter culvert with minimum 36" diameter culvert
Crossing #7	40.4850, -123.5770	Replace undersized 24" diameter culvert with minimum 30" diameter culvert
Crossing #8	40.4847, -123.5767	Install new 18" diameter culvert at new road/stream crossing
Crossing #11	40.4859, -123.5745	Replace undersized 18" diameter culvert with minimum 36" diameter culvert
Crossing #12	40.4862, -123.5726	Replace undersized 24" diameter culvert with minimum 36" diameter culvert
Crossing #14	40.4859, -123.5702	Replace undersized 18" diameter culvert with minimum 24" diameter culvert
Crossing #15	40.4858, -123.5701	Replace undersized 24" diameter culvert with minimum 48" diameter culvert
Crossing #16	40.4836, -123.5693	Replace undersized 30" diameter culvert with minimum 60" diameter culvert

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include summer Steelhead Trout (*O. mykiss*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey (*Entosphenus tridentata*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-legged Frog (*Rana boylei*), Western Pond Turtle (*Actinemys marmorata marmorata*) amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Impacts to water quality:
increased water temperature;
reduced instream flow;

temporary increase in fine sediment transport;

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

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

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

diversion of flow from activity site;
direct and/or incidental take;
indirect impacts;
impediment of up- or down-stream migration;
water quality degradation; and
damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.

- 1.5 **Notification of Conflicting Provisions.** The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 **Project Site Entry.** The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 **CDFW Notification of Work Initiation and Completion.** The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.

2. Avoidance and Minimization Measures

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

- 2.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on June 16, 2020, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Incidental Take.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

Project Timing

- 2.3 **Work Period.** All work, not including diversion of water, shall be confined to the period **June 15 through October 15** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease, and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.4 **Work Completion.** The proposed work at Crossings 3, 4, 15, 16 shall be completed by no later than **October 15, 2020**. Crossing 14 shall be completed by no later than **October 15, 2021**. Crossing 11 shall be completed by no later than **October 15, 2022**. All other crossings shall be completed by no later than **October 15, 2025**. A notice of completed work, including photographs of each site, shall be

submitted to CDFW within seven (7) days of project completion in each year work is required.

- 2.5 Extension of the Work Period. If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.
- 2.6 Avoidance of Nesting Birds. Vegetation maintenance/removal as necessary within the scope of the project shall be confined to the period commencing August 16 and ending February 28, of any year in which this Agreement is valid, provided the work area is outside of the actively flowing stream. Work may continue during precipitation events provided stream flows have not risen into work areas and sediment delivery will not result.

Vegetation Management

- 2.7 Minimum Vegetation Removal. No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.
- 2.8 Vegetation Management. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of stream crossing or diversion infrastructure placement/maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides.

Stream Crossings

- 2.9 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.10 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants, or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.

2.11 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.

2.12 Dewatering.

2.12.1 Stream Diversion. Only when work in a flowing stream is unavoidable (e.g., perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

2.12.2 Maintain Aquatic Life. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.

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

2.12.4 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, watertight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately.

2.12.5 Minimize Turbidity, Siltation, and Pollution. Permittee shall use only clean, non-erodible materials, such as rock or sandbags that do not contain soil or fine sediment, to construct any temporary stream flow bypass. Permittee shall divert stream flow around the work site in a manner that minimizes

turbidity, siltation, and pollution, and does not result in erosion or scour downstream of the diversion.

2.12.6 Remove any Materials upon Completion. Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.

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

2.13 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.

2.14 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.

2.15 Culvert Installation.

2.15.1 The project is located in a moderate to very high Fire Hazard Severity Zone as designated by CAL FIRE. Culvert materials shall consist of corrugated metal pipe (CMP). Use of High-Density Polyethylene (HDPE) pipe is not recommended.

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

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

2.15.4 Culvert bed shall be composed of either compacted rock-free soil or

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

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

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

2.16 Crossing Maintenance

2.16.1 The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow

2.16.2 No heavy equipment shall enter the wetted stream channel.

2.16.3 No fill material, other than clean rock, shall be placed in the stream channel.

2.16.4 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.

2.16.5 Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.

2.17 Road Approaches. The Permittee shall treat road approaches to new or re-constructed permanent crossings on *Class II watercourses* to minimize erosion and sediment delivery to the watercourse. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed. Road approaches shall be armored from the crossing for a minimum of 50 feet in both directions, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable rock, compacted grindings, pavement, or chip-seal.

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

Erosion Control and Pollution

- 2.19 **Erosion Control**. Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.
- 2.20 **Erosion Control**. Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.
- 2.21 **Seed and Mulch**. Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.
- 2.22 **Erosion and Sediment Barriers**. Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment and/or replacement of damaged sediment fencing, coir logs, coir rolls, and/or straw bale dikes. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.
- 2.23 **Prohibition on Use of Monofilament Netting**. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- 2.24 **Site Maintenance**. Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable.
- 2.25 **Cover Spoil Piles**. Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain

events to prevent loose soils from entering a stream, lake, or other Waters of the State.

- 2.26 **No Dumping.** Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

3. Reporting Measures

- 3.1 **Work Completion.** The proposed work at Crossings 3, 4, 15, 16 shall be completed by no later than **October 15, 2020**. Crossing 14 shall be completed by no later than **October 15, 2021**. Crossing 11 shall be completed by no later than **October 15, 2022**. All other crossings shall be completed by no later than **October 15, 2025**. A notice of completed work (condition 2.4), with supplemental photos, shall be submitted to CDFW **within seven (7) days** of project completion in each year work is required.

- 3.2 **Project Inspection.** The Permittee shall submit the **Project Inspection Report** (condition 2.18) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

CONTACT INFORMATION

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

To Permittee:

Dashiell Miller
Cobb Road Association
P.O. Box 216
Mad River, California 95526
510-365-5794

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2020-0278-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

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

(see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

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

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

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

FOR Dashiell Miller



Dashiell Miller

8/31/20

Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer
Senior Environmental Scientist Supervisor

9/9/2020

Date

Prepared by: Scott Bauer, Senior Environmental Scientist Supervisor, July 22, 2020

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following agencies for review and comment. The agencies that provided written comments are indicated with a check under Response.

Referral Agency	Response	Recommendation	Location
Humboldt County Building Inspection Division	✓	Approved (7/21/2017)	On File
Humboldt County Department of Health and Human Services	✓	Approved (6/19/2017)	On File
Humboldt County Public Works, Land Use Division	✓	Memo (7/10/2017)	On File
Caltrans District 1	✓	No Comments (3/26/2021)	On File
Humboldt County Council	✓	Memo (7/6/2017)	On File
CAL FIRE	✓	Email (1/22/2018) Approved	On File
Ruth Lake Community Service District (CSD) Fire Protection District	✓	Memo (7/20/2017) Approved	On File
Dinsmore Airport Director	✓	Approved (3/1/2021)	On File
Northwest Information Center (NWIC)	✓	Letter (7/3/2017)	On File
Bear River Tribal Band	✓	Email (6/5/2017)	On File
Southern Trinity Unified School District		Memo (6/28/2017) Approved with conditions	On File
US Department of Agriculture – Six Rivers National Forest Division		Memo (8/29/2018) Approved with recommendations	On File
California Division of Water Rights	✓	Letter (3/4/2020) Approved with conditions	On File
California Department of Fish and Wildlife	✓	Approved with conditions (8/7/2017)	On File