



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: November 18, 2021
To: Humboldt County Planning Commission
From: John H. Ford, Director of Planning and Building Department
Subject: **Cannabis Permitting Discussion**

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Please contact Cliff Johnson, Supervising Planner, at 707-268-3721 or by email at cjohnson@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

Cannabis Permitting Overview and Current Application Information

A total of 2,231 applications for commercial cannabis activities were submitted under the Commercial Cannabis Land Use Ordinance (CMMLUO), otherwise known as Ordinance 1.0. Of these, 662 were withdrawn or cancelled. Of those remaining, 846 of the 1.0 applications have been approved or denied (21 applications have been denied) as of the date of this staff report, leaving 723 of those original 1.0 applications remaining in progress.

The department has placed an emphasis on processing applications that have been issued Interim Permits to continue to operate. As of the date of this staff report, a total of 363 applications remain with Interim Permits and those applications are the number one priority for the Department in terms of cannabis processing.

Review Process

The County review process is a very robust and thorough. This includes coordination with other county departments and partner agencies. One of the very first steps in the application process is for the county to refer the project to a substantial number of agencies including but not limited to: County Public Works, County Department of Environmental Health, County Counsel, County Sheriff, California Department of Fish and Wildlife, California Department of Forestry and Fire Protection, Regional Water Quality Control Board, Local Native American Tribes, California Department of Transportation (Cal-Trans), Local Community Services Districts, Local Fire Districts, Humboldt Bay Municipal Water District, State Parks, US Forest Service, Bureau of Land Management, and any Cities within 1 mile of the project site. We routinely receive comments and work to address issues raised by these agencies prior to completing the review of the application and presenting the project to the Planning Commission or Zoning Administrator. All projects are thoroughly reviewed for consistency with the appropriate zoning ordinance(s) and the Humboldt County General Plan, and thoroughly reviewed for CEQA compliance.

Environmental Review

As part of the development of the County's Cannabis Ordinances (1.0 and 2.0), programmatic environmental review was completed which identified the existing environmental baseline and specific mitigation measures to reduce potential environmental impacts to a less than significant level. The county conducts a site-specific environmental assessment for each cannabis application for review for consistency with the programmatic CEQA documents. If the impacts associated with the cannabis application were fully disclosed and mitigated for in the programmatic CEQA document adopted for the applicable ordinance, the County prepares a CEQA addendum describing how the application is consistent with the CEQA analysis.

Most applications that come in front of the Planning Commission are for cannabis cultivation that was in existence before the adoption of the ordinance and associated environmental review, and the cannabis cultivation was considered as part of the CEQA baseline for the environmental review. Accordingly, when reviewing existing applications the county must consider the potential environmental impacts associated with permitting the site. Existing improvements and activities that are established as the environmental baseline may not be considered significant under CEQA as they are already in existence. The environmental impact of a water diversion or generator use occurring prior to 2016 for instance is considered part of the environmental baseline, and the CEQA determination must be based on the impacts of any proposed changes rather than the impact of the existing condition. In this manner, most applications for existing cultivation are found to result in a reduction of environmental impacts below the existing environmental baseline. An understanding of the environmental baseline is critically important when considering the impacts of a project on the environment, particularly regarding the use of water, generators, and roads. When baseline impacts are reduced, the net result on the environment from approval of the project is positive.

Both the Mitigated Negative Declaration for the first ordinance and the Environmental Impact Report for the second ordinance contemplated new cultivation occurring on sites with strict limitations intended to completely mitigate environmental impacts and therefore many of these new proposed cultivation operations may be found consistent with the programmatic environmental review, in which case an addendum would be prepared. For example, attached to this staff report is the complete list of mitigation measures established with the EIR for the CCLUO. An addendum identifying that a project is consistent with the EIR prepared for the CCLUO is only appropriate if the project is meeting all these mitigation measures. If there are potential additional impacts or activities that were not disclosed in the CEQA document, a subsequent Initial Study and CEQA determination such as a Mitigated Negative Declaration or an Environmental Impact Report is prepared. Some projects that have come before the Planning Commission, such as the Arcata Land Company and Rolling Meadow applications have had substantial Initial Studies associated with the applications and have involved mitigation measures far beyond those that exist in the programmatic CEQA documents.

Watershed Protection

Many public comments at the Planning Commission recently have expressed concern about the capacity of the various watersheds to support cannabis cultivation and associated water use. This is not a new concern however and is considered in the review of cannabis applications. As part of the consideration of the CCLUO (Ordinance 2.0) the Board of Supervisors adopted a cap on the number of permits and acreage of cannabis cultivation that could be allowed in each of the County's major planning watersheds. This limit was adopted as Humboldt County Board of Supervisors Resolution No. 18-43 (attached). The table below shows the adopted cap on permits and acreage from this Resolution, and the current number of approved permits and acreage for each watershed. The county is well below the established caps.

Resolution 18-43 Planning Watersheds Cannabis Cultivation Cap Distribution				
Watershed	Permits Allowed	Acres Allowed	Permits Approved	Acres Approved
Cape Mendocino	650	223	194	68.3
Eureka Plain	89	31	16	9.0
Lower Eel	336	116	65	29.2
Lower Klamath	161	56	8	2.6
Lower Trinity	169	58	51	24.9
Mad River	334	115	54	21.3
Middle Main Eel	360	125	73	36.8
Redwood Creek	141	49	10	2.8
South Fork Eel	730	251	268	75.1
South Fork Trinity	86	29	15	6.5
Trinidad	19	6	5	0.9
Van Duzen	425	146	105	36.3
TOTAL	3,500	1,205	864	313.7

Figure 1. Watershed Cap and current permit data

Currently all staff reports presented to the Planning Commission and the Zoning Administrator identify the applicable watershed, the allowable cap and the current total of approved permits and acreage within that watershed to demonstrate that approval would be consistent with this resolution.

Water Resources

There has been a lot of discussion at Planning Commission meetings regarding hydrologic connectivity of wells to adjacent surface water features. The term "hydrologic connectivity" does not exist in either the CMMLUO or the CCLUO. Rather, these ordinances focus on the distinction between a diversionary source of irrigation and a non-diversionary source of irrigation. Of note is that the State Water Resources Control Board defines diversionary very narrowly, meaning that most of the wells that the planning Commission see for cannabis permitting are not required to obtain a state water right. Nonetheless, the County has consistently provided an analysis of the applicable well information to identify likely hydrologic connectivity to surface water. This has included an examination of the well log including the geology of the well and screening intervals, the depth to first water and static water pressure, total drawdown of the well, anticipated yield and analysis of the topography relative to adjacent mapped surface water features. This is far more detailed analysis than is typically provided on non-cannabis projects utilizing wells and is a much more substantive analysis that the state Water Board uses in determinations of water rights for wells.

The public has consistently expressed concern regarding the county's approach to well permitting and accused the Planning Department of willfully ignoring these concerns. However, the Planning Department has proactively been working with a local hydrogeologist since late spring of this year to identify a more solid programmatic approach to the analysis of wells. This effort is on-going, and we currently anticipate that a framework may be in place by January 1, 2022. We anticipate the county's contract hydrogeologist to be available at the meeting of November 18, 2021, to provide an update on this effort as well as to address questions regarding well hydrology.

Habitat Protection

Both the CMMLUO and the CCLUO provide specific policies for habitat protections. Because the CMMLUO (Ordinance 1.0) was focused primarily on permitting pre-existing cannabis cultivation this is primarily by reducing the existing baseline impacts from cannabis cultivation by bringing existing operations into compliance with county and state environmental regulations. In the CMMLUO this is primarily through the requirements to prevent harassment of Northern Spotted Owls and Marbled Murrelet, to reduce reliance on surface water diversions, to improve water quality and to provide for enhanced setbacks from public lands that are managed for open space and wildlife.

Under the CCLUO (Ordinance 2.0) there are specific requirements for the protection of the county's special status animal and plants species and sensitive habitat areas. The EIR for the CCLUO identified 45 special-status wildlife species and provided mitigation in the form of the requirements for biological and botanical surveys with site-specific recommendations prior to obtaining approval of cannabis permits. Attached to this staff report are all the mitigation measures applicable to the CCLUO, which include 19 mitigation measures specifically for biological resources.

Planning Commissioners have raised the issue of habitat and wildlife corridors as important avenues to providing habitat and species protections. County staff currently utilizes GIS data to review applications for consideration of impacts on established wildlife corridors. In particular, the California Essential Habitat Connectivity Project (2010) which was a statewide effort by multiple state agencies including the California Department of Fish and Wildlife, California Department of Parks and Recreation and the U.S. Fish and Wildlife Service to map large natural habitat blocks that support native biodiversity and the areas that are essential for the ecological connectivity between them. The North Coast section of this statewide map showing essential habitat corridors is shown below. Most of these essential habitat areas are on public lands or in large timber company land holdings. This data is incorporated into the County's GIS system and is utilized by the county, primarily when making recommendations relative to setbacks to public lands.



Figure 2. North Coast Map of California Essential Habitat Connectivity Project (February 2010)

Electricity/Power

The CMMLUO (Ordinance 1.0) does not restrict the use of generators for existing or new outdoor and mixed-light cannabis cultivation. Over the last few years, the Planning Commission has routinely applied conditions of approval requiring a phase out of generator use, typically to occur no later than January 1, 2026. This continues to be a typical recommended condition of approval for projects that are presented to the Planning Commission, except in instances where applicants have expressed significant opposition to such a requirement.

The CCLUO (Ordinance 2.0) requires all new, as well as existing projects in TPZ, to be entirely on renewable energy. As a result, nearly all applications under 2.0 are sourcing electricity from either PG&E or solar power.

Roads

There are no specific road requirements in the CMMLUO (Ordinance 1.0). Nonetheless, in order to approve a permit, the Humboldt County Code (H.C.C.) requires that the decision-maker find that the project "is in conformance with the County General Plan" and that the project "will not be detrimental to the public health, safety, or welfare" [H.C.C. 312-17.1 Required Findings for all Permits]. These two findings give the county a wide degree of discretion in considering the impact of a project on the safety of the existing road network and the adequacy of the road to serve the project.

For review purposes, the Humboldt County Public Works Department has developed a list of county-maintained roads that they have determined are safe and functionally adequate for all potential traffic associated with cannabis operations (Attached). This is often referred to as the "green list". When projects take access off a private road, the County has utilized a Roadway Evaluation form that allows applicants to self-certify that the roadway is the equivalent of a Road Category 4, meaning that it has a travelled surface of approximately 20 feet. In instances where it is apparent that the road is not meeting this standard, a roadway evaluation prepared by a licensed engineer is required. If a licensed engineer can document that the roadway is safe for the existing and proposed traffic, this can be considered substantial evidence on the record that the project will not be detrimental to the public safety or welfare.

The CCLUO (Ordinance 2.0) specifically includes roadway standards. These standards include the requirement that a roadway meet or exceed a Category 4 road standard or to seek approval of a Special Permit. The road standards of the CCLUO are attached for your reference.

Code Enforcement

In addition to the on-going permitting effort, the County has an active cannabis code enforcement effort that has had substantial success in reducing unpermitted cannabis operations and associated environmental impacts. Between August 2017 and October 2021, a total of 1,243 properties were noticed by the Code Enforcement Unit. Of these, over 50% have been closed and abated by the property owners, with an additional 23% currently in a compliance agreement and working towards abatement.

ATTACHMENT 1

Resolution 18-43

Resolution Establishing a Cap on the Number Permits and Acres Which May Be Approved for Commercial Cannabis Cultivation

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on May 8, 2018

RESOLUTION NO. 18-43

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT ESTABLISHING A LIMIT (CAP) ON THE NUMBER OF PERMITS AND ACRES WHICH MAY BE APPROVED FOR COMMERCIAL CANNABIS CULTIVATION WITHIN UNINCORPORATED AREAS OF THE COUNTY OF HUMBOLDT.

WHEREAS, California Government Code Section 65850, et seq. authorizes counties to regulate land use, and to adopt and amend zoning ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

WHEREAS, the Board of Supervisors has adopted a series of comprehensive amendments to the Humboldt County Zoning Regulations, governing commercial activities involving the Cultivation, Processing, Manufacturing, and Distribution of Cannabis within the unincorporated areas of the County of Humboldt, known as the Commercial Cannabis Land Use Ordinance (CCLUO); and

WHEREAS, pursuant to the California Environmental Quality Act, a Programmatic Environmental Impact Report was prepared for the Commercial Cannabis Land Use Ordinance, which evaluated, mitigated, and disclosed potentially significant environmental impacts from the proposed ordinance amendments (CCLUO); and

WHEREAS, during adoption of the Commercial Cannabis Land Use Ordinance the Board of Supervisors certified that the Final Environmental Impact Report (FEIR) prepared for the CCLUO had been completed in compliance with CEQA, making the findings required by Public Resources Code Section 21081(a) and CEQA Guidelines Sections 15091 and 15092, including adoption of a Statement of Overriding Considerations pursuant to Public Resources Code Section 21081 (b) and CEQA Guidelines Section 15093; and

WHEREAS, the Commercial Cannabis Land Use Ordinance includes provisions for the Board of Supervisors to establish by separate resolution a limit (cap) on the number of permits and acres which may be approved for Open Air Cultivation Activities (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation within each of the twelve (12) discrete planning watersheds of Humboldt County; and

WHEREAS, by approving this Resolution, the Board of Supervisors establishes a limit on the number of permits and acres permits which may be approved for Open Air Cultivation Activities (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation to ensure that further permitting beyond that limit will not proceed until the County has performed further analysis of the condition of these planning watersheds, including review of water flow data and applicable studies or information prepared by the following state and local agencies: California Department of Fish & Wildlife, North Coast Regional Water Quality Control Board, State Water Resources Control Board, and the Department of Forestry and Fire Protection.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on May 8, 2018

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors, that the Board finds as follows based on the administrative record:

1. An Environmental Impact Report (EIR) (SCH# 2017042022) was prepared and certified for the Commercial Cannabis Land Use Ordinance, which evaluated and addressed the potential environmental impacts from the ongoing regulation of commercial cannabis activities, including a limit on the number of permits and acres of cultivation. No additional review is required under section 15162 of the CEQA Guidelines because establishing a limit on the number of permits and acres of cultivation consistent with the EIR will not cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No substantial changes in the circumstances under which the resolution is being adopted will require any revisions of the certified Environmental Impact Report (EIR). There is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time that the EIR was certified that shows this resolution setting a limit on the number of permits and acres of cultivation consistent with the EIR will have any significant effects not discussed in the EIR, or that the significant effects examined in the EIR will be substantially more severe.
2. It is appropriate to limit the total number of Open Air Cultivation (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation permits granted as well as the total permitted acreage of cultivation as shown in the following table.

Cap Distribution		
Watershed	Permits	Acres
Cape Mendocino	650	223
Eureka Plain	89	31
Lower Eel	336	116
Lower Klamath	161	56
Lower Trinity	169	58
Mad River	334	115
Middle Main Eel	360	125
Redwood Creek	141	49
South Fork Eel	730	251
South Fork Trinity	86	29
Trinidad	19	6
Van Duzen	425	146
TOTAL	3,500	1,205

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

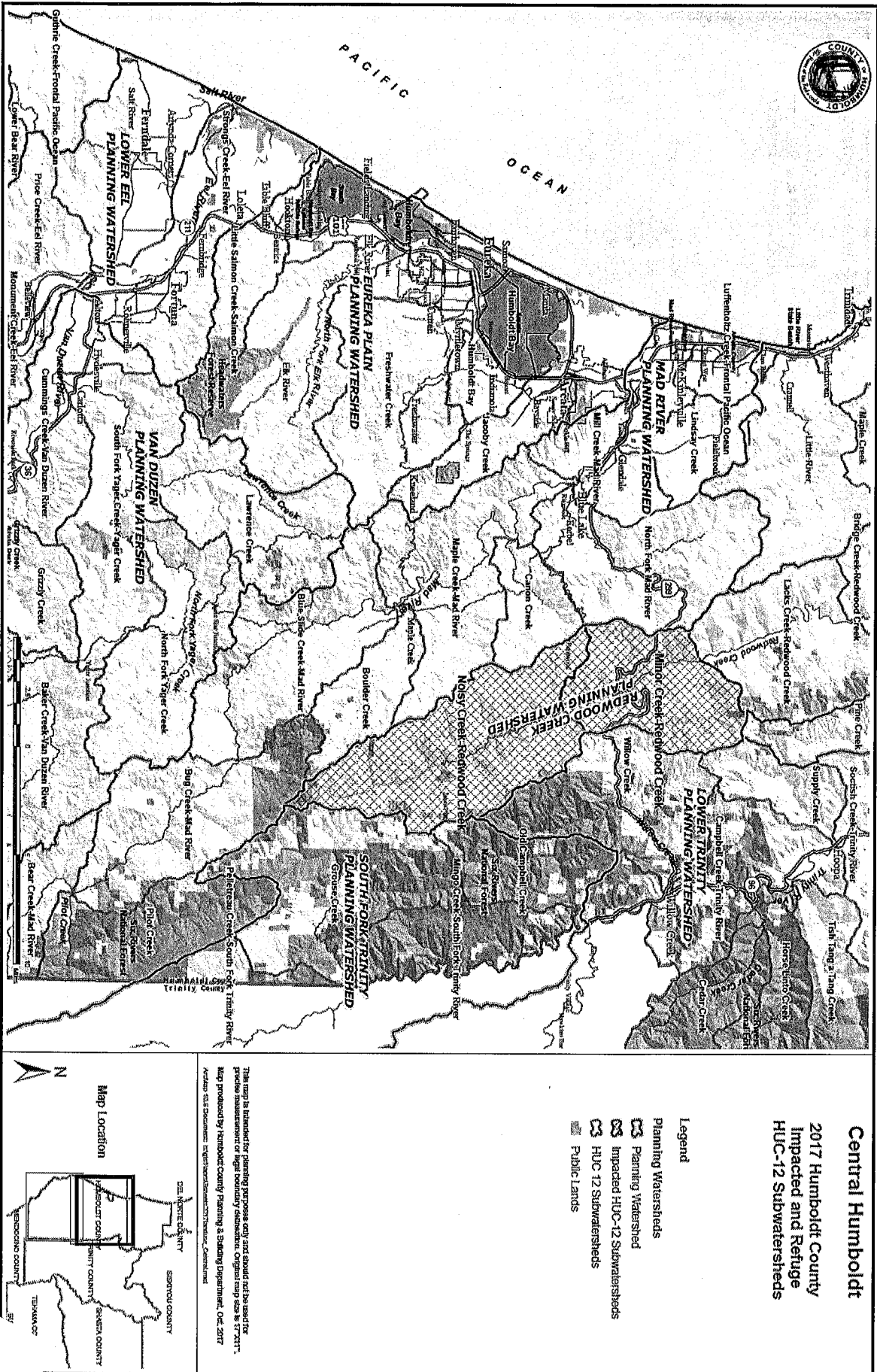
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3. Certain subwatersheds are hereby declared to be impacted by low streamflows due to high concentrations of current cannabis cultivation activities. Additionally, certain other subwatersheds are hereby declared to be refuges critical to the recovery strategy for key populations of California Coho Salmon, as well as a number of other aquatic species currently listed pursuant to the federal Endangered Species Act. These subwatersheds are identified by their USGS HUC-12 (Hydrological Unit Code) names and grouped by planning watershed in the following table and mapping. Permits for new Open Air Cultivation Activities (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation Activities or expansion of lawful pre-existing sites shall be temporarily prohibited within these subwatersheds, until all known pre-existing cultivation sites (established or in operation prior to January 1, 2016) have either been suspended, permitted, or are under a compliance agreement to remediate pursuant to the Retirement, Remediation, and Relocation provisions of the Commercial Cannabis Land Use Ordinance, found in section 314-55.4 of Division 1, Title III of Humboldt County Code.

Impacted & Refuge HUC-12 Subwatersheds by Planning Watershed
PLANNING WATERSHED #1 CAPE MENDOCINO
<i>* Headwaters Mattole River</i>
Middle Mattole River
Upper Mattole River
PLANNING WATERSHED #8 REDWOOD CREEK
Noisy Creek-Redwood Creek
Minor Creek-Redwood Creek
PLANNING WATERSHED #9 SOUTH FORK EEL RIVER
Redwood Creek
Salmon Creek
<i>* Sprowel Creek</i>
PLANNING WATERSHED #12 VAN DUZEN RIVER
Hoagland Creek-Van Duzen River
Butte Creek
Little Van Duzen River
<i>* Refuge watersheds</i>

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BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA


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4. Following the establishment of a countywide cap on the total number of permits and acreage of cultivation that may be approved, beginning in May of 2019, the Board of Supervisors agrees to conduct an annual review of the limits and prescribed distribution of permitting and acreage allowances found in the above table. Review shall occur at a noticed public hearing held during a meeting of the Board of Supervisors, during which the Board shall receive and consider a report providing an update on local permitting efforts. The report shall provide information detailing the number and status of all applications received, permits approved, compliance agreements that have been executed, and code enforcement actions undertaken by the Department. Law enforcement and other relevant officials from local and state agencies shall be contacted and invited to provide and present input and information to be considered by the Board during annual review. After holding a public hearing and considering all information and testimony received, the Board may choose to establish new caps on acreage and permits as well as change their distribution within watersheds.

Adopted May 8, 2018

Adopted on motion by Supervisor Fennell, seconded by Supervisor Bass, and the following vote:

AYES: Supervisors: Bass, Fennell, Sundberg, Bohn
NAYS: Supervisors: Wilson
ABSENT: Supervisors: --
ABSTAIN: Supervisors: --



RYAN SUNDBERG, CHAIRMAN,
HUMBOLDT COUNTY BOARD OF SUPERVISORS

(SEAL)

ATTEST:

Kathy Hayes, Clerk of the Board of Supervisors
of the County of Humboldt, State of California

By: 

Ryan Sharp, Deputy Clerk

Date: May 8, 2018

ATTACHMENT 2
CCLUO Road Standards

maintained and supplied by the County. All Technical Reports and Plans are subject to final review and approval by the County.

55.4.12 PERFORMANCE STANDARDS

55.4.12.1 Performance Standards for All Commercial Cannabis Activities

Permittees and operators shall conduct all commercial cannabis activities in compliance with the following performance standards. Failure to comply shall be grounds for permit revocation and administrative penalties.

- 55.4.12.1.1 Maintain compliance with all applicable state laws and County ordinances.
- 55.4.12.1.2 Maintain valid license(s) issued by the appropriate state licensing authority or authorities for the type of activity being conducted, as soon as such licenses become available.
- 55.4.12.1.3 Where subject to state licensure, participate in local and state programs for “Track and Trace” once available.
- 55.4.12.1.4 Maintain a current, valid business license at all times.
- 55.4.12.1.5 Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
- 55.4.12.1.6 Pay all applicable application and annual inspection fees.
- 55.4.12.1.7 Comply with any special conditions applicable to the permit or Premises which may be imposed.

55.4.12.1.8 Performance Standard–Road Systems

Roads providing access to any parcel(s) or premises on which commercial cannabis activities occur must comply with the following standards, as applicable:

a) Standard 1 – Dead End Road Length

Projects shall not be located more than 2-miles (measured in driving distance) from the nearest intersection with a Category 4 road or secondary access for emergency vehicles and personnel, including wildland fire equipment.

Where access to a site exceeds the Dead-End Road Length standard, the application may request an exception to the standard with a Special Permit. The exception request shall include a report prepared by a licensed engineer evaluating the design, condition, and performance of all related road segments for simultaneous emergency access and evacuation. The report shall include recommendations for road system enhancements (widening, turnouts, secondary access routes) to help mitigate the dead-end road condition. To approve the exception, it must be found current conditions or proposed improvements provide sufficient access for emergency vehicles and personnel while allowing for simultaneous evacuation.

b) Standard 2 - Functional Capacity

Unless otherwise specified, roads providing access to the parcel(s) or premises must meet or exceed the Category 4 road standard (or same practical effect). The application package must demonstrate compliance with this requirement in one of the following ways:

- 1) parcel(s) served exclusively by roads which are paved publicly maintained or private roads where all portions of the paved road system feature a center-line stripe and two ten foot wide travel lanes require no further analysis only a notation on the plans that the access to the site meets this requirement, or
- 2) parcel(s) served by roads without a centerline stripe must submit a written assessment of the functional capacity of the road segments. If the assessment reveals that all road systems meet or exceed the Category 4 standard (or same practical effect), then no additional review is necessary. Documentation of self-certification shall be produced to the satisfaction of the County; including use of appropriate forms where provided. The County reserves the right to independently verify general compliance with this standard.
- 3) Where access to a site is provided by roads not meeting the Category 4 standard, the application shall require a Special Permit and include a report prepared by a licensed engineer evaluating whether the design, condition, and performance of all necessary road segments are currently capable of supporting increases in traffic volume created by the project, in addition to the existing traffic using the road(s). In the event that the roads cannot accommodate the traffic volume anticipated the engineer shall recommend improvements to bring the road up to an adequate functional capacity.
- 4) Where accessed via a driveway or private road intersecting a state highway, applications shall provide an evaluation of the performance and design of the road or driveway encroachment. The evaluation will identify the required improvements necessary to ensure proper function of the access based on anticipated traffic volumes. Improvements may include paving or widening of the throat of the driveway or private road, provision of adequate sight distances, and other improvements determined necessary to comply with Caltrans standards. A copy of an approved state encroachment permit (if required) will be provided to the County. All required improvements shall be completed prior to the initiation of any new commercial cannabis use(s).

c) Standard 3 – Private Road Systems - Protections for Water Quality and Biological Resources

- 1) Private road systems and driveways providing access to parcel(s) or premises shall be designed, maintained, or retrofitted in accordance with the latest edition of the document titled, “A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds”, which was adopted by the Humboldt County Board of Supervisors on July 6, 2010, and is also known as the Five Counties Salmonid Conservation Roads Maintenance Manual. This includes measures to protect water quality using best management practices so that:

- i. Impacts from point source and non-point source pollution are prevented or minimized, including discharges of sediment or other pollutants that constitute a threat to water quality. Road segments shall be designed and maintained in ways which minimize the potential for discharge of sediment through measures to reduce velocity of runoff, capture and detain stormwater from road systems to enable settling of transported sediments, and minimize direct delivery to nearby watercourses, to the greatest extent feasible.
 - ii. Design and construction of culverts, stream crossings, and related drainage features shall remove barriers to passage and use by adult and juvenile fish, amphibians, reptiles, and aquatic invertebrates.
 - 2) Where access to a site is provided in part by private roads systems, any application to permit a Commercial Cannabis Activity shall include a report evaluating the design, condition, and performance of all private road segments within the defined Roadshed.
 - i. The report shall be prepared by a licensed engineer or similarly licensed professional.
 - ii. The report shall be prepared to the satisfaction of the County and shall include or be accompanied by exhibits and stationing information of sufficient detail to enable the location, attributes, and condition of all road drainage features to be itemized and documented. The narrative portion of the report must evaluate the current design, functionality and performance of discrete drainage systems and segments and develop conclusions concerning compliance and conformance with best management practices within the defined Roadshed. The County reserves the right to ask for additional information or choose to independently investigate and verify any and all conclusions within the report.
 - iii. Where an evaluation has determined, to the satisfaction of the County, that all private road segments comply with relevant best management practices, as defined herein, no further work is needed.
 - iv. Where an evaluation has determined that improvements within the projects' Roadshed are required, the report shall identify the location and nature of each discrete improvement. Improvements shall be tied to all provisional permit approval(s) within the defined Roadshed and identified within the Conditions of Approval of all discretionary permit applications.
- d) Road Maintenance Associations and Cost Sharing
 - 1) Where three or more permit applications have been filed for Commercial Cannabis Activities on parcels served by the same shared private road system, the owner of each property must consent to join or establish the appropriate Road Maintenance Association (RMA) prior to operation or provisional permit approval. This requirement shall also apply to existing permittees seeking to renew their permit. Evidence shall be provided to the satisfaction of the County, and may include minutes from a meeting, written correspondence and confirmation from the RMA Secretary, or similar information.

- 2) When one or more applicants in a defined roadshed have prepared and submitted a Professional Private Road Evaluation called for by this section, all contemporaneous applicants served by the same roadshed shall be required to contribute to the cost of preparation of the report. The cost allocation shall be determined by any Road Maintenance Association(s) within the roadshed that includes the road segments providing access to the cultivation site of each applicant. In determining the cost allocation, the Road Maintenance Association shall consider the recommendation or formula for cost sharing included in the report.
- 3) With each annual inspection, all applicants for Commercial Cannabis Activities within any RMA shall provide evidence they are current on all applicable dues or other payments required by the RMA.

e) Special Noticing Requirements

Wherever an exception to the Functional Capacity road standard is being sought, in addition to noticing property owners and occupants within 300 feet of the boundaries of the Parcel(s) or Premises, notice of the project will also be sent to all owners and occupants of property accessed through common Shared Use Private Road Systems.

55.4.12.1.9 The burning of plant material associated with the cultivation and processing of commercial cannabis is prohibited.

55.4.12.1.10 Performance Standard – Biological Resource Protections

Projects proposing new development activities shall provide the necessary information to implement the following mitigation measures from the Final Environmental Impact Report:

Mitigation Measure #	Description of Mitigation
3.4-1a	Biological reconnaissance surveys
3.4-1b	Special-status amphibian surveys and relocation/buffers
3.4-1c	Western pond turtle surveys and relocation/buffers
3.4-1d	Nesting raptor surveys and relocation/buffers
3.4-1e	Northern Spotted owl surveys
3.4-1f	Special-status nesting bird surveys/buffers
3.4-1g	Marbled murrelet habitat suitability surveys/buffers
3.4-1i	American badger surveys and buffers
3.4-1j	Fisher and Humboldt marten surveys and den site preservation/buffers
3.4-1k	Bat survey and Buffers
3.4-1l	Vole survey and relocation/buffers
3.4-3a	Special-status plants surveys
3.4-4	Protection of sensitive natural communities, riparian habitat, wetland vegetation
3.4-5	Waters of the United States
3.4-6b	Retention of Fisher and Humboldt marten habitat features

ATTACHMENT 3

CCLUO Mitigation Measures

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on May 8, 2018

Table 4-1 Mitigation Monitoring and Reporting Program – Proposed Amendments to Humboldt County Code Regulating Commercial Cannabis Activities				
Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
<p>3.3 Air Quality/Greenhouse Gas Emissions</p> <p>Impact 3.3-4: Exposure of people to objectionable odors.</p>	<p>Mitigation Measure 3.3-4: Prohibit burning of cannabis and other vegetative material</p> <p>The County shall amend the proposed ordinance to reflect the following requirements:</p> <ul style="list-style-type: none"> ▶ The burning of excess plant material associated with the cultivation and processing of commercial cannabis is prohibited. 	Humboldt County	<p>This mitigation measure will be incorporated into the ordinance and will be applied to commercial cannabis operations that receive permits.</p>	
<p>3.3 Biological Resources</p> <p>Impact 3.4-1: Disturbance to or loss of special-status wildlife species and habitat.</p>	<p>Mitigation Measure 3.4-1a: Pre-approval biological reconnaissance surveys.</p> <p>The following shall be included as performance standards in the proposed ordinance for the protection of special-status wildlife species and habitat from new development related to cannabis activities:</p> <ul style="list-style-type: none"> ▶ Prior to approval of any application for commercial cannabis operations, a biological reconnaissance survey shall be conducted within the proposed development area by a qualified biologist. The qualified biologist shall assess the habitat suitability of the proposed development area for all 35 special-status wildlife species identified as having potential to occur in the County consistent with General Requirement and Prohibition 10 of the Attachment A of the State Water Board Policy. ▶ The biologist shall provide a letter report to the project applicant and the County with evidence to support a conclusion as to whether special-status species and sensitive habitats are present or are likely to occur within the proposed development area. If special-status species or sensitive habitats are present, the appropriate mitigation measures from this EIR shall be identified. The County shall require implementation of the mitigation measures as part of the application approval. <p>Mitigation Measure 3.4-1b: Special-status amphibian preconstruction surveys.</p> <p>The following shall be included as performance standards in the proposed ordinance for the protection of special-status amphibian species from new development related to</p>	Humboldt County	<p>These mitigation measures will be incorporated into the performance standards and application requirements of the proposed ordinance.</p>	

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	<p>cannabis activities.</p> <ul style="list-style-type: none"> ▶ If special-status amphibians are detected during the initial biological reconnaissance survey (see Mitigation 3.4-1a), preconstruction surveys, or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether additional measures, such as project design modifications, relocation of the site, relocation of individual animals, or installation of exclusionary fencing, will be necessary and appropriate. ▶ Regardless of detection during the initial biological reconnaissance survey, if suitable habitat for special-status amphibians is present within the proposed development area, a qualified biologist familiar with the life cycle of foothill yellow-legged frog, northern red-legged frog, Pacific tailed-frog, red-bellied newt, and southern torrent salamander shall conduct preconstruction surveys of proposed new development activities 48 hours prior to such development activities. Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and a 400-foot buffer around the proposed development area. Surveys shall consist of “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for newts and salamanders, and visual searches for frogs. Preconstruction surveys shall be conducted within the appropriate season to maximize potential for observation for each species, and appropriate surveys will be conducted for the applicable life stages (i.e., eggs, larvae, adults). ▶ If special-status amphibians are not detected during the preconstruction survey, then further mitigation is not required. <p>Mitigation Measure 3.4-1c: Western pond turtle preconstruction surveys and relocation.</p> <p>The following shall be included as a performance standard in the proposed ordinance for the protection of western pond turtle from new development related to cannabis activities.</p> <ul style="list-style-type: none"> ▶ If pond turtles are detected during the initial biological reconnaissance survey (see Mitigation 3.4-1a), preconstruction surveys, or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual animals, or installation of exclusionary fencing, will be necessary 			

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	<p>and appropriate.</p> <ul style="list-style-type: none"> ▶ Regardless of detection during the initial biological reconnaissance survey, if suitable aquatic habitat for western pond turtle is present within the proposed development area, a qualified biologist familiar with the life history of western pond turtle shall conduct preconstruction surveys of proposed new development activities within 200 feet of any SMA or Other Wet Area 24 hours prior to new development activities. ▶ If pond turtles are not detected during the preconstruction survey, then further mitigation is not required. <p>Mitigation Measure 3.4-1d: Nesting raptor preconstruction survey and establishment of protective buffers.</p> <p>The following shall be included as performance standards in the proposed ordinance for the protection of nesting raptors from new development related to cannabis activities.</p> <ul style="list-style-type: none"> ▶ To minimize the potential for loss of nesting raptors, tree removal activities shall only occur during the nonbreeding season (September 1-January 31. ▶ Prior to removal of any trees, or ground-disturbing activities between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for nesting raptors, and shall identify active nests within 500 feet of the proposed development area. The surveys shall be conducted between February 1 and August 31. ▶ Impacts to nesting raptors, including direct impacts and indirect impacts (e.g., noise, presence of construction crews) shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. The buffer areas shall be protected with construction fencing, and no activity shall occur within the buffer areas until a qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. CDFW guidelines recommend implementation of a 500-foot buffer for raptors, but the size of the buffer may be adjusted if a qualified biologist and the applicant, in consultation with CDFW, determine that such an 			

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	<p>adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest.</p> <ul style="list-style-type: none"> ▶ Removal of bald and golden eagle nests are prohibited regardless of the occupancy status under the federal Bald and Golden Eagle Protection Act. If bald or golden eagle nests are found during pre-construction surveys, then the nest tree shall not be removed. ▶ Trees shall not be removed during the breeding season for nesting raptors unless a survey by a qualified biologist verifies that there is not an active nest in the tree. <p>Mitigation Measure 3.4-1e: Northern spotted owl preconstruction habitat suitability surveys and determination of presence or absence. The following shall be included as performance standards in the proposed ordinance for the protection of northern spotted owl from permitted cannabis activities.</p> <ul style="list-style-type: none"> ▶ To avoid the potential for loss of northern spotted owl and their nests, or loss or fragmentation of occupied or suitable habitat for northern spotted owl, removal of old growth habitat shall be prohibited, as outlined in Mitigation Measure 3.4-3. Sensitive natural communities, riparian habitat, old growth habitat, and wetland vegetation. ▶ If the area of proposed new development activities is within suitable habitat for northern spotted owl (e.g., coniferous forest), and is within 1.3 miles (average species home range) of a known occurrence of northern spotted owl, as determined by a qualified biologist, the following measures shall be followed. ▶ Prior to removal of any trees, or ground-disturbing activities adjacent or within suitable nesting, roosting, or foraging habitat (e.g. forest clearings) for spotted owl, a qualified biologist, familiar with the life history of the northern spotted owl, shall conduct preconstruction surveys for nests within a 1.3-mile buffer around the site as described in <i>Protocol for Surveying Proposed Management Activities that May Impact Northern Spotted Owls</i> (USFWS 2012). Surveys shall take place between March 1 and August 31. Three complete surveys spaced at least 7 days apart must be completed by June 30. Six complete surveys over the course of 2 years must be completed to determine presence or absence of northern spotted owl. 			

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	<ul style="list-style-type: none"> ▶ If northern spotted owls are determined to be absent 1.3 miles from the site, then further mitigation is not required. ▶ If northern spotted owls are determined to be present within 1.3 miles of the site, then it is presumed that habitat removal could cause harm to northern spotted owl populations in the area, and could result in direct take of northern spotted owls. If northern spotted owls are determined to be present within 1.3 miles of the site, proposed cultivation activities will not be permitted consistent with the General Requirement and Prohibition 4 of the Attachment A of the State Water Board Policy. ▶ For pre-existing cultivation sites that submitted for permitting prior to December 31, 2019 within 0.7 miles of a known northern spotted owl activity center, a qualified biologist, familiar with the life history of the northern spotted owl, shall conduct a disturbance and habitat modification assessment to determine the presence of the species and whether the cultivation site can operate or have its operation modified to avoid take of the species. If it is determined that take of the species could occur, the cultivation site will be required to participate in the Retirement, Remediation, and Relocation provisions of the proposed ordinance to relocate the cannabis cultivation to outside of the northern spotted owl activity area. Pre-existing cultivation sites that submit for permitting after December 31, 2019 will be subject to the new development provisions of this mitigation measure. <p>Mitigation Measure 3.4-1f: Special-status nesting bird surveys and establishment of protective buffers.</p> <p>The following shall be included as performance standards in the proposed ordinance for the protection of bank swallow, little willow flycatcher, tricolored blackbird, and western yellow-billed cuckoo from new development related to cannabis activities. This will apply to any commercial cannabis activity that would result in the disturbance or loss of riparian, riverine, mudflat, or grassland habitats.</p> <ul style="list-style-type: none"> ▶ To minimize the potential for disturbance or loss of bank swallow, little willow flycatcher, tricolored blackbird, western snowy plover, western yellow-billed cuckoo, or other bird nests, vegetation removal activities shall only occur during the nonbreeding season (September 1-January 31). Alteration of or disturbance to suitable river bank habitat (i.e., for bank swallow nests) and mudflat habitat (i.e., for western snowy plover) is prohibited because of limited habitat 			

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	<p>availability for this species.</p> <ul style="list-style-type: none"> ▶ Prior to removal of any vegetation or any ground disturbance between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for nests on any structure or vegetation slated for removal, as well as for potential tricolored blackbird nesting habitat. The surveys shall be conducted no more than 14 days before construction commences. If no active nests or bank swallow colonies are found during focused surveys, no further action under this measure will be required. If active nests are located during the preconstruction surveys, the biologist shall notify the Planning Director and CDFW. If deemed necessary by the Planning Director in consultation with CDFW, modifications to the project design to avoid removal of occupied habitat while still achieving project objectives may be required. If the Planning Director determines in consultation with CDFW that avoidance is not feasible or conflicts with project objectives, construction shall be prohibited within a minimum of 100 feet of the nest to avoid disturbance until the nest or colony is no longer active. <p>Mitigation Measure 3.4-1g: Marbled murrelet preconstruction habitat suitability surveys and establishment of protective buffers.</p> <p>The following shall be included as performance standards in the proposed ordinance for the protection of marbled murrelet from new development related to cannabis activities.</p> <ul style="list-style-type: none"> ▶ To avoid the potential for loss of or disturbance to marbled murrelet nests and habitat, removal of old growth habitat shall be prohibited, as outlined in Mitigation Measure 3.4-3, Sensitive natural communities, riparian habitat, old growth habitat, and wetland vegetation. ▶ Prior to removal of any trees, or ground-disturbing activities adjacent or within suitable habitat for marbled murrelet between April 15 and August 5, a qualified biologist, familiar with the life history of the marbled murrelet, shall conduct preconstruction surveys for nests within a 0.25-mile buffer around the site as described in <i>Methods for Surveying Marbled Murrelets in Forests: A Revised Protocol for Land Management and Research</i> (Evans Mack et. al 2003). ▶ If marbled murrelets are determined to be absent from the site, then no further mitigation is required. ▶ If marbled murrelets are determined to be present within the site, a 0.25-mile buffer will be established around occupied nest sites. No project activity may 			

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	<p>occur within the 0.25-mile buffer areas until the end of marbled murrelet breeding season (August 6).</p> <p>Mitigation Measure 3.4-1i: Noise reduction.</p> <p>The ordinance requires generators and other cannabis operations not to increase existing ambient noise levels at the property line of the site beyond 3 dB. In addition, the noise standards shall include the following standards to protect wildlife (USFWS 2006).</p> <ul style="list-style-type: none"> ▶ Project-generated sound must not exceed ambient nesting conditions by 20-25 decibels. ▶ Project-generated sound, when added to existing ambient conditions, must not exceed 90 decibels. ▶ Time of day adjustment: Marbled murrelet and northern spotted owl are most active during dawn and dusk. Within approximately 2 hours of sunrise and sunset, ambient sound levels are lower than during the middle of the day (by approximately 5-10 decibels). This will be accounted for when determining impacts of project-generated sound. <p>Mitigation Measure 3.4-1j: American badger preconstruction survey and establishment of protective buffers.</p> <p>The following shall be included as performance standards in the proposed ordinance for the protection of the American badger from new development related to cannabis activities.</p> <ul style="list-style-type: none"> ▶ Prior to the commencement of construction activities, a qualified wildlife biologist shall conduct surveys of the suitable grassland or agricultural habitats slated for conversion within the site to identify any American badger burrows/dens. These surveys shall be conducted not more than 30 days prior to the start of construction. If occupied burrows are not found, further mitigation shall not be required. If occupied burrows are found, impacts to active badger dens shall be avoided by establishing exclusion zones around all active badger dens, within which construction related activities shall be prohibited until denning activities are complete or the den is abandoned. A qualified biologist shall monitor each den once per week to track the status of the den and to determine when a den area has been cleared for construction. 			
	<p>Mitigation Measure 3.4-1j: Fisher and Humboldt marten</p>			

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<p>preconstruction survey and preservation of active den sites. The following shall be included as performance standards in the proposed ordinance for the protection of the fisher and Humboldt marten from new development related to cannabis activities:</p>	<ul style="list-style-type: none"> ▶ To minimize the potential for loss of or disturbance to fisher and Humboldt marten habitat and dens, removal of old growth habitat shall be prohibited, as outlined in Mitigation Measure 3.4-3. Sensitive natural communities, riparian habitat, old growth habitat, and wetland vegetation. ▶ Prior to commencement of from new development related to cannabis activities occurring within the fisher and Humboldt marten denning season (March 1 to July 31), including tree removal (non-old growth), a qualified wildlife biologist will conduct preconstruction surveys of all suitable habitat within the site, and will identify sightings of individual fishers or martens, as well as potential dens. ▶ If individuals or potential or occupied dens are not found, further mitigation will not be required. ▶ If fisher or Humboldt marten are identified or if potential dens of these species are located, an appropriate method shall be used by a qualified wildlife biologist to confirm whether a fisher or marten is occupying the den. This may involve use of remote field cameras, track plates, or hair snares. Other devices such as fiber optic scope may be utilized to determine occupancy. If no fisher or marten occupies the potential den, the entrance will be temporarily blocked so that no other animals occupy the area during the construction period but only after it has been fully inspected. The blockage will be removed once construction activities have been completed. ▶ If a den is found to be occupied by a fisher or marten, a no-disturbance buffer will be placed around the occupied den location. The no-disturbance buffer will include the den tree (or other structure) plus a suitable buffer as determined by the biologist in coordination with USFWS and CDFW. Construction activities in the no-disturbance buffer will be avoided until the nest is unoccupied as determined by a qualified wildlife biologist in coordination with USFWS and CDFW. 			
	<p>Mitigation Measure 3.4-1k: Preconstruction bat survey and exclusion. The following shall be included as performance standards in the proposed ordinance for the protection of the pallid bat and Townsend's big-eared bat from new development</p>			

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	<p>related to cannabis activities.</p> <ul style="list-style-type: none"> ▶ Before commencing any new development related to cannabis activities, a qualified biologist shall conduct surveys for roosting bats. If evidence of bat use is observed, the species and number of bats using the roost shall be determined. Bat detectors may be used to supplement survey efforts. If no evidence of bat roosts is found, then no further study will be required. ▶ If pallid bats or Townsend's big-eared bats are found in the surveys, a mitigation program addressing mitigation for the specific occurrence shall be submitted to the Planning Director and CDFW by a qualified biologist subject to the review and approval of the Planning Director in consultation with CDFW. Implementation of the mitigation plan shall be a condition of project approval. At a minimum, the mitigation plan shall establish a 400-foot buffer area around the nest during hibernation or while females in maternity colonies are nursing young. <p>Mitigation Measure 3.4-11: Preconstruction vole survey and relocation.</p> <p>The following shall be included as performance standards in the proposed ordinance for the protection of the Sonoma tree vole and white-footed vole from new development related to cannabis activities:</p> <ul style="list-style-type: none"> ▶ To minimize the potential for loss of or disturbance to vole habitat and nests, removal of old growth habitat shall be prohibited, as outlined in Mitigation Measure 3.4-3 Sensitive natural communities, riparian habitat, old growth habitat, and wetland vegetation. ▶ Before commencing any tree or other vegetation removal activities, or ground-disturbance, a qualified biologist shall conduct surveys for vole nests (e.g., nest searching within trees on the site, and confirming that nests belong to voles rather than squirrels or birds). If no evidence of vole nests is found, then no further study shall be required. A report summarizing the results of the surveys shall be prepared and submitted to the Planning Director and shall be subject to his review and approval in consultation with CDFW. ▶ If occupied trees or nests are identified within 100 feet of the site, the biologist shall determine whether project development activities will adversely affect the voles, based on factors such as noise level of development activities, or line of sight between the tree and the disturbance source. If it is determined that 			

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	<p>development activities would not affect the voles, then development can proceed without protective measures.</p> <p>▶ If the biologist determines that development activities would likely disturb voles, the proposed area of disturbance shall be relocated a minimum of 200 feet from the nest.</p>			
Impact 3.4-2: Disturbance to or loss of special-status fisheries.	Mitigation Measure 3.4-2: Implement Mitigation Measure 3.8-5.	See Impact 3.8-5	See Impact 3.8-5	
Impact 3.4-3: Disturbance to or loss of special-status plant species and habitat.	<p>Mitigation Measure 3.4-3a: Special-status plants. The following shall be included as performance standards in the proposed ordinance for the protection of special-status plant species from new development related to cannabis activities:</p> <ul style="list-style-type: none"> ▶ Prior to commencement of new development related to cannabis activities and during the blooming period for the special-status plant species with potential to occur in the site, a qualified botanist will conduct protocol-level surveys for special-status plants in all proposed disturbance areas following survey methods from CDFW's <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities</i> (CDFW 2009). ▶ If special-status plants are not found, the botanist will document the findings in a letter report to USFWS, CDFW, and the applicant and no further mitigation will be required. ▶ If special-status plant species are found, a qualified biologist shall consult with CDFW to designate a no-disturbance buffer that will be reflected in the application to the County consistent with General Requirement and Prohibition 10 of the Attachment A of the State Water Board Policy. If the special-status plant species cannot be avoided, the application will be denied. <p>Mitigation 3.4-3b: Invasive plant species. The following shall be included as performance standards in the proposed ordinance to avoid the introduction or spread of plants classified as invasive plant species by the California Invasive Plant Council.</p> <ul style="list-style-type: none"> ▶ The application will include identification of invasive plant species that occur on 	Humboldt County	These mitigation measures will be incorporated into the performance standards and application requirements of the proposed ordinance.	

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	<p>the site and where they are located. The application will identify specific measures to be employed for the removal of invasive species and on-site management practices. As part of the County's annual inspection areas where invasive plant species were removed will be checked to verify removal. Corrective actions may be required as part of the annual permit renewal if invasive species remain or have returned.</p> <p>▶ All invasive plant species shall be removed from the site using measures appropriate to the species. For example, species that cannot easily re-root, re-sprout, or disperse seeds may be left on site in a debris pile. Species that re-sprout readily (e.g., English ivy) or disperse seeds (e.g., Pampas grass) should be hauled off-site and disposed of appropriately at a landfill site.</p> <p>Heavy equipment and other machinery shall be inspected for the presence of invasive species prior to on-site use, and shall be cleaned prior to entering the site, to reduce the risk of introducing invasive plant species.</p>			

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<p>Impact 3.4-4: Disturbance to or loss of riparian habitat, old growth habitat, or other sensitive natural communities.</p>	<p>Mitigation 3.4-4: Sensitive natural communities, riparian habitat, and wetland vegetation.</p> <p>The following shall be included as performance standards in the proposed ordinance for the protection of sensitive natural communities and riparian habitat.</p> <ul style="list-style-type: none"> ▶ For projects that could disturb sensitive natural communities or riparian habitat, the application shall include a report prepared by a qualified biologist that surveys the site for these sensitive resources, including riparian habitat associated with aquatic features; old growth Sitka spruce, Douglas fir, and redwood forests; coastal oak woodlands; special-status fish stream habitats; marsh habitats; and northern foredune grassland near Humboldt Bay and the Mattole River; coastal terrace prairie within Table Bluff Ecological Reserve; and any designated environmentally sensitive habitat area (ESHA). ▶ The report shall include requirements that before development activities commence, all sensitive areas identified above shall be flagged or fenced with brightly visible construction flagging and/or fencing under the direction of the qualified biologist to require that grading, excavation, other ground-disturbing activities, and vegetation removal will not occur within these areas. Foot traffic by construction personnel shall also be limited in these areas to prevent the introduction of invasive or weedy species. Periodic inspections during construction shall be conducted by the monitoring biologist to maintain the integrity of exclusion fencing/flagging throughout the period of construction involving ground disturbance. ▶ If the report documents that site development would affect the bed, bank, channel, or associated riparian habitat subject to CDFW jurisdiction under Fish and Game Code Section 1602, a Streambed Alteration Notification shall be submitted to CDFW, pursuant to Section 1600 et seq. of the California Fish and Game Code. If proposed activities are determined to be subject to CDFW jurisdiction, the project proponent shall abide by the conditions of any executed agreement prior to the issuance of a grading permit by Humboldt County. ▶ Subject to the review and approval of the Planning Director in consultation with CDFW applicants shall compensate for permanent loss of riparian habitat at a minimum of a 2:1 ratio through contributions to a CDFW approved wetland mitigation bank or through the development and implementation of a Compensatory Stream and Riparian Mitigation and Monitoring Plan for creating 	<p>Humboldt County</p>	<p>This mitigation measure will be incorporated into the performance standards and application requirements of the proposed ordinance.</p>	

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	<p>or restoring in-kind habitat in the surrounding area (such as the proposed ordinance site reconfiguration criteria for existing cultivation sites). If mitigation credits are not available, stream and riparian habitat compensation shall include establishment of riparian vegetation on currently unvegetated bank portions of streams affected by the project and enhancement of existing riparian habitat through removal of nonnative species, where appropriate, and planting additional native riparian plants to increase cover, continuity, and width of the existing riparian corridor along streams in the site and surrounding areas. Construction activities and compensatory mitigation shall be conducted in accordance with the terms of a streambed alteration agreement as required under Section 1602 of the Fish and Game Code as well as the State Water Board Cannabis Cultivation Policy.</p> <p>The Compensatory Stream and Riparian Mitigation and Monitoring Plan shall include the following:</p> <ul style="list-style-type: none"> ▶ identification of compensatory mitigation sites and criteria for selecting these mitigation sites; ▶ in kind reference habitats for comparison with compensatory riparian habitats (using performance and success criteria) to document success; ▶ monitoring protocol, including schedule and annual report requirements (Compensatory habitat will be monitored for a minimum of 5 years from completion of mitigation, or human intervention [including recontouring and grading], or until the success criteria identified in the approved mitigation plan have been met, whichever is longer.); ▶ ecological performance standards, based on the best available science and including specifications for native riparian plant densities, species composition, amount of dead woody vegetation gaps and bare ground, and survivorship; at a minimum, compensatory mitigation planting sites must achieve 80 percent survival of planted riparian trees and shrubs by the end of the five-year maintenance and monitoring period or dead and dying trees will be replaced and monitoring continued until 80 percent survivorship is achieved; ▶ corrective measures if performance standards are not met; ▶ responsible parties for monitoring and preparing reports; and ▶ responsible parties for receiving and reviewing reports and for verifying success 			

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<p>Impact 3.4-5: Disturbance to or loss of waters of the United States.</p>	<p>or prescribing implementation or corrective actions.</p> <p>Mitigation 3.4-5: Waters of the United States. The following shall be included as performance standards in the proposed ordinance for the protection of waters of the United States from new development related to cannabis activities:</p> <ul style="list-style-type: none"> ▶ The application shall include a report prepared by a qualified biologist that surveys the site for sensitive resources, including wetlands, streams, and rivers. Wetlands and other waters of the United States are of special concern to resource agencies and are afforded specific consideration, based on Section 404 of the Clean Water Act and other applicable regulations. ▶ If the report documents waters of the United States to be present, a delineation of waters of the United States, including wetlands that would be affected by the project, shall be prepared by a qualified biologist through the formal Section 404 wetland delineation process. The delineation shall be submitted to and verified by USACE. ▶ If, based on the verified delineation, it is determined that fill of waters of the United States would result from implementation of the project, authorization for such fill will be secured from USACE through the Section 404 permitting process. ▶ Any waters of the United States that would be affected by site development shall be replaced or restored on a "no-net-loss" basis in accordance with USACE mitigation guidelines (or the applicable USACE guidelines in place at the time of construction). In association with the Section 404 permit (if applicable) and prior to the issuance of any grading permit, Section 404 Water Quality Certification from the RWQCB will be obtained. ▶ USACE may not issue a Section 404 permit for activities associated with cannabis cultivation. If a Section 404 permit cannot be obtained, then the applicant shall modify the proposed project to avoid any wetlands or other waters of the United States by providing a buffer of at least 50 feet around these features. 	Humboldt County	<p>This mitigation measure will be incorporated into the performance standards and application requirements of the proposed ordinance.</p>	
<p>Impact 3.4-6: Interference with resident or migratory wildlife corridors or native</p>	<p>Mitigation 3.4-6a: Implement Mitigation Measure 3.4-5: Waters of the United States.</p> <p>Mitigation 3.4-6b: Retention of fisher and Humboldt marten habitat</p>	Humboldt County	<p>This mitigation measure will be incorporated into the performance standards and</p>	

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wildlife nursery sites.	<p>features</p> <p>The following shall be included as performance standards in the proposed ordinance for the protection of the habitat for fisher and Humboldt marten.</p> <ul style="list-style-type: none"> ▶ To minimize the potential for loss of or disturbance to fisher and Humboldt marten habitat, removal of old growth habitat shall be prohibited, as outlined in Mitigation Measure 3.4-3, Sensitive natural communities, riparian habitat, and wetland vegetation. ▶ Habitat features within non-old growth habitat, such as large trees, large snags, coarse woody debris, and understory vegetation (e.g., shrubs) shall be retained within the site to the extent feasible, to maintain connectivity of fisher and marten habitat. 		application requirements of the proposed ordinance.	
3.5 Cultural Resources				
Impact 3.5-1: Change in the significance of a historic resource.	<p>Mitigation 3.5-1: Protection of historic resources.</p> <p>The following shall be included as performance standards in the proposed ordinance for the protection of historic resources:</p> <ul style="list-style-type: none"> ▶ Applicants shall identify and evaluate all historic-age (over 45-years in age) buildings and structures that are proposed to be removed and modified as part of cannabis operations. This will include preparation of an historic structure report and evaluation of resources to determine their eligibility for recognition under State, federal, or County Local Official Register of Historic Resources criteria. The evaluation shall be prepared by an architectural historian, or historical architect meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The evaluation shall comply with CEQA Guidelines Section 15064.5(b), and, if federal funding or permits are required, with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. § 470 et seq.). ▶ If resources eligible for inclusion in the NRHP, CRHR, or Local Official Register of Historic Resources are identified, an assessment of impacts on these resources shall be included in the report, as well as detailed measures to avoid impacts. If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts, or plans for alteration or adaptive re-use of a 	Humboldt County	This mitigation measure will be incorporated into the performance standards and application requirements of the proposed ordinance.	

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Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
Impact 3.5-2: Disturb unique archaeological resources.	<p>historical resource that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings.</p>	Humboldt County	This mitigation measure will be incorporated into the performance standards and application requirements of the proposed ordinance.	
	<p>Mitigation 3.5-2: Avoid potential effects on unique archaeological resources.</p> <p>The following shall be included as performance standards in the proposed ordinance for the protection of archaeological resources.</p> <ul style="list-style-type: none"> ▶ Applicants for projects that include any ground disturbance shall retain a qualified archaeologist to conduct archaeological surveys of the site. The applicant shall follow recommendations identified in the survey, which may include activities such as subsurface testing, designing, and implementing a Worker Environmental Awareness Program, construction monitoring by a qualified archaeologist, avoidance of sites, or preservation in place. ▶ All projects shall include the following requirements as a condition of approval: If evidence of any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction-related earth-moving activities (e.g., ceramic shard, trash scatters, lithic scatters), all ground-disturbing activity in the area of the discovery shall be halted and the County shall be notified immediately. A qualified archaeologist shall be retained to assess the significance of the find. If the find is a prehistoric archaeological site, the appropriate Native American group shall be notified. If the archaeologist determines that the find does not meet NHP or CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, a data recovery plan shall be prepared. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the project applicant to avoid disturbance to the resources, and if complete avoidance is not feasible in light of project design, economics, logistics, and other factors, follow accepted professional standards in recording any find including submittal of the standard DPR Primary Record forms (Form DPR 523) and location information to NOIC. 			

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Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
<p>3.6 Geology and Soils</p> <p>Impact 3.6-5: Damage to or destruction of undiscovered paleontological resources.</p>	<p>Mitigation Measure 3.6-5 Protection of discovered paleontological resources.</p> <p>The following shall be included as performance standards in the proposed ordinance for the protection of paleontological resources.</p> <ul style="list-style-type: none"> ▶ If a paleontological discovery is made during construction, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery and shall immediately contact the County. ▶ A qualified paleontologist shall be retained to observe all subsequent grading and excavation activities in the area of the find and shall salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered that require temporarily halting or redirecting of grading, the paleontologist shall report such findings to the County. The paleontologist shall determine appropriate actions, in cooperation with the applicant and the County, that ensure proper exploration and/or salvage. Excavated finds shall first be offered to a State-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds shall be offered to the County for purposes of public education and interpretive displays. The paleontologist shall submit a follow-up report to the County that shall include the period of inspection, an analysis of the fossils found, and the present repository of fossils. 	Humboldt County		<p>This mitigation measure will be incorporated into the performance standards and application requirements of the proposed ordinance.</p>
<p>3.7 Hazards and Hazardous Materials</p>				
<p>Impact 3.7-2: Create potential human hazards from exposure to on-site hazardous materials.</p>	<p>Mitigation Measure 3.7-2a: Prepare Environmental Site Assessments</p> <p>The following shall be included as performance standards in the proposed ordinance for proposed development of commercial cannabis facilities on existing commercial, business park, or industrial sites:</p> <ul style="list-style-type: none"> ▶ Applications for new cannabis activities in commercial, business park, or industrial sites shall include a site assessment for the presence of potential hazardous materials, including an updated review of environmental risk 	Humboldt County		<p>This mitigation measure will be incorporated into the performance standards and application requirements of the proposed ordinance.</p>

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	<p>databases. If this assessment indicates the presence or likely presence of contamination, the applicant shall prepare a Phase I ESA in accordance with the American Society for Testing and Materials' E-1527-05 standard. For work requiring any demolition, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done. All recommendations included in a Phase I ESA prepared for a site shall be implemented. If a Phase I ESA indicates the presence or likely presence of contamination, the applicant shall prepare a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented prior to ground disturbance, which will be made a condition of approval for the project.</p> <p>Mitigation Measure 3.7-2b: Prepare a Hazardous Materials Contingency Plan for Construction Activities</p> <p>The following shall be included as performance standards in the proposed ordinance for proposed development of commercial cannabis facilities on existing commercial, business park, or industrial sites:</p> <ul style="list-style-type: none"> ▶ Applications for new cannabis activities in commercial, business park, or industrial sites shall include a hazardous materials contingency plan for review and approval by Humboldt County Division of Environmental Health. The plan shall describe the necessary actions that would be taken if evidence of contaminated soil or groundwater is encountered during construction. The contingency plan shall identify conditions that could indicate potential hazardous materials contamination, including soil discoloration, petroleum or chemical odors, and presence of USTs or buried building material. The plan shall include the provision that, if at any time during constructing the project, evidence of soil and/or groundwater contamination with hazardous material is encountered, the project applicant shall immediately halt construction and contact Humboldt County Division of Environmental Health. Work shall not recommence until the discovery has been assessed/treated appropriately (through such mechanisms as soil or groundwater sampling and remediation if potentially hazardous materials are detected above threshold levels) to the satisfaction of Humboldt County Division of Environmental Health, RWQCB, and DTSC (as applicable). The plan, and obligations to abide by and implement the plan, shall be incorporated into the conditions of approval for the project. 			

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Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
3.8 Hydrology and Water Quality				
Impact 3.8-2: Operational water quality Impacts.	Mitigation Measure 3.8-2: Minimum Size of Commercial Cultivation Activities The County shall amend the proposed ordinance to demonstrate compliance with the requirements of the State Water Board <i>Cannabis Cultivation Policy – Guidelines for Cannabis Cultivation</i> for all new commercial cannabis cultivation operations and not limited by a minimum cultivation area size.	Humboldt County	This mitigation measure will be incorporated into the performance standards and application requirements of the proposed ordinance. Annual inspections as part of permit renewals will verify continued compliance with this mitigation measure.	
Impact 3.8-3: Groundwater supply Impacts.	Mitigation Measure 3.8-3: Annual groundwater monitoring and adaptive management. The following requirement will be included as an additional performance standard of the ordinance associated wells on small parcels: <ul style="list-style-type: none"> ▶ As part of the ordinance's annual inspection process, cultivation operators shall provide the County with groundwater monitoring data for on-site well facilities that documents well production and changes in groundwater levels during each month of the year. Should this monitoring data identify potential drawdown impacts to adjacent well(s) and indicate a connection to operation of the on-site wells, the cultivation operators, in conjunction with the County, shall develop adaptive management measures to allow for recovery of groundwater levels. Adaptive management measures may include forbearance (e.g., prohibition of groundwater extraction from the months of May to October), water conservation measures, reductions in on-site cannabis cultivation, alteration of the groundwater pumping schedule, or other measures determined appropriate. Adaptive management measures will remain in place until groundwater levels have recovered based on annual monitoring data provided to the County as part of subsequent annual inspections. 	Humboldt County	This mitigation measure will be incorporated into the performance standards and application requirements of the proposed ordinance. Annual inspections and review of water records as part of permit renewals will verify continued compliance with this mitigation measure.	

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Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
<p>Impact 3.8-4: Surface drainage impacts on on-site and offsite flooding.</p>	<p>Mitigation Measure 3.8-4: Provision of drainage facilities to attenuate increases in drainage flows. The County shall include the following drainage requirement in the proposed ordinance application requirements:</p> <ul style="list-style-type: none"> ▶ Applications will provide details of drainage facilities and stormwater management. This will include a drainage analysis of increases or alteration of on-site and off-site drainage flows from project facilities and identification of drainage swales, detention basins, or other facilities that will ensure that the project will retain pre-project drainage conditions. 	<p>Humboldt County</p>	<p>This mitigation measure will be incorporated into the performance standards and application requirements of the proposed ordinance.</p>	
<p>Impact 3.8-5: Effects of diversion of surface water.</p>	<p>Mitigation 3.8-5: Implement water diversion restrictions and monitoring and reporting requirements. The text of the proposed ordinance shall be modified to align with the State Water Resources Control Board Cannabis Cultivation Policy, which includes the following measures:</p> <ul style="list-style-type: none"> ▶ The period of forbearance shall extend from April 1 through October 31 of each year, and be subject to the following additional restrictions: <ul style="list-style-type: none"> ▶ From November 1 through December 14 of each year, the surface water diversion period shall not begin until after seven consecutive days in which the surface waterbody's real-time Numeric Flow Requirement are met (see Appendix E). ▶ From December 15 through March 31 of each surface water diversion period, surface water diversion may occur on any day in which the surface waterbody's real-time daily average flow is greater than the Numeric Flow Requirement (see Appendix E). ▶ The State Water Board will monitor instream flows during the dry season and evaluate whether the number or location of groundwater diversions to determine whether imposition of a groundwater forbearance period or other measures. The State Water Board will notify cannabis cultivators the possibility of a groundwater forbearance period or other measures may be imposed to address the low flow condition. ▶ Cannabis cultivators shall bypass a minimum of 50 percent of the surface water flow past their point of diversion, as estimated based on visually observing 	<p>Humboldt County</p>	<p>This mitigation measure will be incorporated into the performance standards and application requirements of the proposed ordinance. Annual inspections and review of water records as part of permit renewals will verify continued compliance with this mitigation measure. The County will also notify water users (surface and groundwater) of any diversion restrictions based on water conditions and compliance with the State Water Board.</p>	

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	<ul style="list-style-type: none"> ▶ surface water flow at least daily. ▶ Water diversion rates may be further restricted in a manner to provide minimum instream flow requirements needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability by the State Water Resources Control Board and/or California Department of Fish and Wildlife as part of state surface water diversion approvals in circumstances where multiple diversions existing along a single waterway. ▶ The cannabis cultivator shall not divert more than a maximum instantaneous diversion rate of 10 gallons per minute, unless authorized under an existing appropriative water right. ▶ Cannabis cultivators shall plug, block, cap, disconnect, or remove diversion intake structures associated with cannabis cultivation activities during the source water forbearance period, unless the diversion intake is used for other beneficial uses. ▶ Diverted water storage systems for cannabis cultivation shall be separated from storage systems used for other beneficial uses within a cultivation site. ▶ Cannabis cultivation shall inspect for leaks in mainlines, laterals, in-irrigation connections, sprinkler headers, and/or the ends of drop tape and feeder lines on a monthly basis. Any leaks discovered shall be immediately repaired upon detection. Worn, outdated, or inefficient irrigation system components and equipment shall be regulatory replaced to ensure a properly function, leak-free irrigation system at all times. Records of the date of inspections, repairs, and replacements shall be maintained. ▶ Cannabis cultivators shall retain irrigation, inspection, and repair records at the cannabis cultivation site and shall make all records available for review by the Water Boards, CDFW, and the County upon request for a period of 10 years. 			
3.10 Noise				
Impact 3.10-1: Short-term, construction-related noise.	Mitigation Measure 3.10-1: Implement construction-noise reduction measures. The County shall include the following construction noise requirement for new commercial cannabis operations and modifications to existing commercial cannabis operations in the ordinance:	Humboldt County	This mitigation measure will be incorporated into the performance standards and application requirements of the proposed ordinance.	

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	<ul style="list-style-type: none"> ▶ All outdoor construction activity and use of heavy equipment outdoors shall take place between 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturday and Sunday. 			
3.12 Transportation and Circulation				
<p>Impact 3.12-2: Long-term increase in traffic.</p>	<p>Mitigation Measure 3.12-2: Proper design of highway access points. The proposed ordinance's roadway design standards shall be modified to include the following requirement:</p> <ul style="list-style-type: none"> ▶ An evaluation of the existing or proposed new roadway access point to a state highway shall be provided. The evaluation will identify the required improvements to ensure proper function of the access based on anticipated traffic volumes. Improvements may include widening of the throat of the driveway to a minimum of 20 feet, provision of adequate sight distances, and other improvements determined necessary to comply with County and Caltrans standards. This improvement shall be in place prior to construction of the commercial cannabis operation. A copy of the approved Caltrans encroachment permit (if required) will be provided to the County. 	Humboldt County	This mitigation measure will be incorporated into the performance standards and application requirements of the proposed ordinance.	
3.13 Utilities and Service Systems				
<p>Impact 3.13-1: Exceed wastewater treatment requirements or wastewater treatment capacity and related infrastructure.</p>	<p>Mitigation Measure 3.13-1a: Prepare a treatment program for all new indoor cultivation and non-cultivation activities. Applicants for new commercial indoor cultivation and non-cultivation cannabis operations shall prepare a materials management program that will address each permit type sought within a site. The program shall include:</p> <ul style="list-style-type: none"> ▶ a detailed description of activities and processes occurring on site, including: <ul style="list-style-type: none"> ▶ equipment type and number; ▶ detailed standard operating procedures for processes; ▶ chemical requirements and reactions; ▶ cleaning procedures for equipment; and ▶ disposal methods for all materials (e.g., plant materials, solvents, empty containers), and ▶ type and quantity of items produced; 	Humboldt County	These mitigation measures will be incorporated into the performance standards and application requirements of the proposed ordinance.	

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	<p> <ul style="list-style-type: none"> ▶ Material Safety Data Sheets for all chemical substances occurring on site; ▶ manifests for each chemical describing quantities purchased, date used, and quantities disposed; ▶ facility site plan with storage map, showing where hazardous materials will be stored; ▶ an inventory of all emergency equipment with the location and description of items, including: <ul style="list-style-type: none"> • personal protective equipment; • fire extinguishing systems; • spill control equipment and decontamination equipment, and • communication and alarm systems. • an employee training plan that includes: <ul style="list-style-type: none"> • emergency response procedures and incident reporting, and • chemical handling procedures. <p>The materials management program shall be submitted to Humboldt County Division of Environmental Health and public agencies or private enterprises accepting waste materials, including CSDs and waste transfer stations. Commercial cannabis permits shall not be granted without approval of the materials management program relevant agencies.</p> <p>Mitigation Measure 3.13-1b. Verification of adequate wastewater service and necessary improvements for public wastewater systems.</p> <p>Applicants shall determine whether sufficient wastewater treatment capacity exists for a proposed project. These determinations must ensure that the proposed development can be served by its existing or planned treatment capacity and wastewater conveyance through approval of the relevant service provider. If adequate capacity does not exist, applicants shall coordinate with the relevant service provider to ensure that adequate improvements are made to accommodate the increased demand, and if not, infrastructure improvements for the appropriate public service or utility shall be identified. The relevant public service provider or utility shall be responsible for undertaking project-level review as necessary to provide CEQA clearance and implementation of adopted mitigation measures for new facilities.</p> </p>			