



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: January 20, 2022

To: Humboldt County Planning Commission

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

Subject: **Green Management Group of Humboldt, LLC, Conditional Use Permit and Special Permit**
Record Number: PLN-11713-CUP
Assessor's Parcel Number (APN): 223-032-001
Section 21 of Township 05 South, Range 04 East, H.B.&M., Garberville area

Table of Contents	Page
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	9
Maps	
Topo Map	16
Zoning Map	17
Aerial Map	18
Site Plan	19
Attachments	
Attachment 1: Recommended Conditions of Approval	21
Attachment 2: CEQA Addendum	32
Attachment 3: Applicant's Evidence in Support of the Required Findings	36
a: Water Rights Protection Plan	Separate
b: Lake and Streambed Alteration Agreement	Separate
Attachment 4: Referral Agency Comments and Recommendations	100

Please contact Megan Marruffo, Assigned Planner, at 707-443-5054 or by email at marruffom@lacoassociates.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date January 20, 2022	Subject Conditional Use Permit and Special Permit	Contact Megan Marruffo
---	---	----------------------------------

Project Description: A Conditional Use Permit for 17,740 square feet (SF) of existing mixed light cannabis cultivation that is cultivated within six (6) greenhouses. Ancillary propagation, totaling 3,210 SF, occurs within a 2,560 SF portion of Greenhouse #2 and a 650 SF nursery area within an existing 2,600 SF, two-story metal building. Irrigation water is sourced from a 150,000-gallon rainwater catchment pond and two (2) spring diversions. Existing available water storage is 222,825 gallons in the pond and a series of hard-sided tanks. Estimated annual water usage is 222,000 gallons. Drying and bucking occurs onsite in the existing metal building. All other processing will occur off-site at a licensed processing or manufacturing facility. A maximum of six (6) people may be onsite during peak operations. Power is currently provided by gasoline and diesel generators. An existing 25 kW diesel generator will be used for the dry barn and residence only. The applicant will discontinue use of the generators that support cultivation operations and switch to solar with batteries by December 31, 2025. The proposed project also includes a Special Permit for development within the Streamside Management Area for use and maintenance of the two (2) points of diversion (POD), decommissioning of two additional PODs, culvert replacement and maintenance, and decommissioning of four (4) existing stream crossings and associated restoration.

Project Location: The project is located in the Garberville area, on the east side of U.S. Highway 101, approximately 810 feet north from the intersection of Benbow Drive and Twin Trees Road to an Unnamed Road and approximately 4.87 miles east from the intersection of Benbow Drive and an Unnamed Road, on the property known to be in Section 21 of Township 05 South, Range 04 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Agricultural Grazing (AG) Density: 20-160 acres per dwelling unit, Slope Stability: Moderate Instability (2) and High instability (3).

Present Zoning: Agriculture Exclusive with 160-Acre Minimum Building Site Area [AE-B-5(160)] and Timberland Production Zone (TPZ)

Assessor’s Parcel Number: 223-032-001

Applicant	Owner	Agents
Green Management Group of Humboldt, LLC C/O Mario Kirilov Katrandjiyski 760 Redwood Drive #76 Garberville, CA 95542	Green Management Group of Humboldt, LLC and Chad Mussey 760 Redwood Drive #76 Garberville, CA 95542	SL Consulting Services, Inc. Steven Luu 973 Dower Drive Eureka, CA 95501

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

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

Major Issues: None.

Green Management Group of Humboldt, LLC

Record Number: PLN-11713-CUP

Assessor's Parcel Number: 223-032-001

Recommended Planning Commission Action:

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

Adopt the Resolution to 1) find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) pursuant to Section §15164 of the State CEQA Guidelines, 2) make all of the required findings for approval of the Conditional Use Permit and Special Permit, and 3) approve the Green Management Group of Humboldt, LLC, project as recommended by staff subject to the recommended conditions.

Executive Summary: Green Management Group of Humboldt, LLC, seeks a Conditional Use Permit to allow the continued cultivation of 17,740 square feet (SF) of mixed light cannabis in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Agricultural Grazing (AG) in the Humboldt County 2017 General Plan Update and zoned Agriculture Exclusive with 160-Acre Minimum Building Site Area [AE-B-5(160)] and Timberland Production Zone (TPZ); cultivation occurs in both zoning designations onsite. Cultivation takes place within the western, northern, central, and northeastern portions of the property within six (6) greenhouses. Ancillary propagation (3,210 SF total) occurs in a 2,560 SF portion of Greenhouse #2 and a 650 SF nursery area within an existing 2,600 SF, two-story metal building within the western portion of the site. Up to two (2) harvests are anticipated annually for a growing season that extends from March through November.

Drying and bucking occurs onsite in an existing 2,600 SF metal building. Up to six (6) employees may be utilized during peak operations. The operation is secured behind gated access points and utilizes security lighting and video surveillance. There are full time resident(s) onsite in the existing residence. Additionally, two (2) existing cabins (324 SF and 360 SF) are utilized for onsite housing for employees and can accommodate four (4) employees.

The proposed project also includes a Special Permit for development within the Streamside Management Area for use and maintenance of the two (2) points of diversion (POD), decommissioning of two additional PODs, culvert replacement and maintenance, and decommissioning of four (4) existing stream crossings and associated restoration.

This project was originally scheduled for the Planning Commission hearing of December 2, 2021. At the hearing on December 2, 2021, the Planning Commission contained the project to allow the applicant to work with Planning staff to determine if the applicant is willing to incorporate renewable energy sources (e.g. solar, wind or hydro) into the proposed project. The Planning Commission also had questions regarding the water sources. To respond the Planning Commission request, a section regarding power is included in the executive summary (see below) and the water resources section contains additional information regarding the use of a point of diversion and rainwater catchment pond to meet water demands. Lastly, the Department of Public Works provided additional comments regarding the road evaluation report stating the Road Evaluation Report incorrectly identified Howard Ranch Road as a private driveway. The revised Road Evaluation Report is included with this staff report. Revisions were made the resolutions and conditions of approval to reflect the additional information regarding power, water and access. The addition of this information does not change any recommendations or findings by the Planning staff.

Power

Power for the project is currently provided by gasoline and diesel generators. Per the Cultivation and Operations Plan and additional information provided by the applicant's agent in December 2021 (Attachment 3), each cultivation site uses several Honda 2200 EU generators to power the greenhouse lights, and the house and dry barn are powered by a 25 kW diesel generator. The gasoline and diesel generators were originally proposed to be replaced with propane generators. However, based on feedback and at the request of the Planning Commission during the December 2, 2021, hearing, Planning staff is recommending the use of all generators cease by or before December 31, 2025. The applicant is not in agreement with staff recommendation. The applicant is agreeable to cease use of all but one (1) generator (the 25 kW diesel generator) and proposes to switch to solar power with battery system by the end of 2025.

Use of the existing 25 kW diesel generator at the residence and dry barn is proposed to continue, but only during daylight hours. The applicant proposes to develop a battery storage system for the drying barn and residence to reduce the generator usage from 24 hours per day during drying operations to 12 hours per day.

Nursery Space

As noted above, ancillary propagation, totaling 3,210 SF, associated with the operation occurs in the western portion of the subject property, within a 2,560 SF portion of Greenhouse #2 and a 650 SF nursery area within an existing 2,600 SF, two-story metal building. This equates to approximately 18.1% of the total cultivation area. With the ancillary propagation included, there is a total of 20,950 SF of onsite cultivation; however, based on the County's cultivation area verification, only 21,600 SF was in existence prior to the CMMLUO environmental baseline date of January 1, 2016. Although the parcel is zoned AE and is over 5 acres in size, the cultivation and propagation areas have not been shown to be located on a graded flat where the slope is less than 15% and irrigation water is not sourced solely from a non-diversionary source. As a result, new cultivation could not be considered on the subject parcel, and therefore additional SF for propagation space is not supported by Planning staff.

A nursery space of 10% of the cultivation area is what planning division staff and the Planning Commission have found allowable in the past, which would be equivalent to a nursery space of 1,774 SF, in addition to the 17,740 SF of cultivation that would be authorized by this permit. As the current nursery space (4,010 SF) is larger than what is typically considered ancillary to an operation and allowed on cannabis cultivation sites in Humboldt County, a recommended condition of approval has been included to require the applicant to reduce the amount of nursery space onsite and revise both the Site Plan and Operations Plan to reflect a maximum of 10% of nursery space, or 1,774 SF. Combined, the total cultivation area and nursery space (19,514 SF) would be in conformance with the cultivation amount previously verified by the County.

Relocation, Reconfiguration, Replacement, and Remediation

Under the project, a total of 1,725 cubic yards (CY) of cut and fill for grading is proposed to allow for removal and relocation of greenhouse hoops, consolidating operations on engineered flats, and eliminating two (2) remote cultivation sites. Approximately 1,850 linear feet of roadway will also be decommissioned. As described in Section 4.12 (Cultivation Relocation Environmental Superiority) of the Cultivation and Operations Plan (Attachment 3), and as depicted on the Site Plan, there are seven (7) existing greenhouses (GH #3, GH #5, GH #6, GH #7, GH #8, GH #9, and GH #10) proposed for relocation, reconfiguration, replacement, and/or removal and remediation. Four (4) existing PVC hoop structures will be replaced with larger steel coldframe greenhouses (GH #3 and GH #8-10). GH #5, in addition to 800 linear feet of roadway, will be removed and allowed to revegetate in accordance with Forest Practice Rules. This area is difficult to access and the existing road is in poor condition. The roadway will still provide pedestrian access to review and monitor the restoration and stability of the flat. Additionally, GH #6-7 are currently located within a required Class III buffer and are planned for removal. The cultivation area will be allowed to naturally revegetate as a meadow, and, in addition, relocation of this cultivation area will allow for the removal of four (4) stream crossings and 1,050 linear feet of road.

Setbacks to Adjacent Properties

Based on review of aerial imagery and the Site Plan, GH #8 within the northeastern portion of the subject site appears to be located within the required 30-foot setback from the northern adjacent property (APN 223-033-003). As a result, the project is conditioned to require the applicant to relocate the existing greenhouse outside of the required setback to a previously disturbed area, provide evidence to demonstrate the greenhouse is currently located outside of the required setback, or obtain written authorization from the adjacent property owner of APN 223-033-003 to allow for the existing greenhouse to be remain within the 30-foot setback.

Timber Conversion

Review of aerial imagery dating back to 2004 indicates the cultivation areas primarily occur within previously cleared areas; however, it appears that an approximately 0.35-acre area was cleared between 2014 and 2016. No additional tree removal is proposed or authorized by this permit. The project is conditioned to require the property be evaluated by a Registered Professional Forester (RPF) to determine the amount of timber conversion that occurred prior to and after the CMMLUO baseline date of January 1, 2016, and obtain a Timber Conversion Report from a RPF and/or a Less Than Three Acre Conversion Exemption or Timber Conversion Permit from CalFire, as determined necessary by the RPF, to address previously unpermitted timber conversion. The applicant/owner will be responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for the CMMLUO. The applicant/owner shall be required to re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date at a rate of 3:1. Additionally, the project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a period of two (2) years, should any timber conversion be determined to have occurred after the CMMLUO baseline date. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met. The Report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection.

Water Resources

Estimated annual water usage is 222,000 gallons (12.51 gal/SF) with peak demand occurring in August and September at approximately 40,000 gallons, as shown in the table below.

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
---	1000	10000	18000	24000	30000	35000	40000	40000	24000	---	---

Water for irrigation is provided by an existing 150,000-gallon rainwater catchment pond and two (2) springs. Based on information provided by the applicant's agent in December 2021 (Attachment 3), water is diverted from the two (2) springs to fill tanks for the domestic and irrigation system. Irrigation water is diverted to fill tanks and the pond between November 1st and March 31st per the Streambed Alteration Agreement with the California Department of Fish and Wildlife (CDFW, discussed below). Gutters are proposed to be installed and plumbed from the residence and barn into the water system to further reduce diversion needs. In a normal water year, rainwater would fill the pond, however, during times of drought, the pond would fill approximately ½ of the capacity. In a normal water year, 67% of the annual water demand would be met by the pond. In a drought year, approximately 34% of the annual water demand. The balance of the water need is met by a point of diversion and is described in

further detail below. There is sufficient storage in the pond and hard-sided tanks to meet forbearance requirements.

A *Right to Divert and Use Water* (Registration ID H508261; Certificate No. H100579) has been issued for use of three (3) points of diversion (POD) for irrigation and fire protection (Attachment 3). As noted in the Cultivation and Operations Plan (Attachment 3), the two PODs associated with the springs (PODs #2 and 3) will be utilized under the project. The *Right to Divert and Use Water* allows for 0.57 acre-feet per year (or 185,735 gallons) of water to be diverted from the two (2) springs. The rate of diversion to storage is limited to 42,000 gallons per day. Storage capacity cannot exceed 0.69 acre-feet (or 224,837 gallons). Existing available water storage is 222,825 gallons in the 150,000-gallon rainwater catchment pond and sixteen (16) hard-sided tanks, ranging in size between 2,500 and 5,000 gallons and totaling 72,825 gallons. This volume of storage is allowable as described in the appropriative right. Conditions of approval require the applicant to monitor water use from the pond and spring diversions annually to demonstrate there is sufficient water available to meet operational needs.

The applicant also seeks a Special Permit for development within the Streamside Management Area for use and maintenance of the two (2) points of diversion (POD), decommissioning of two (2) additional PODs, culvert replacement and maintenance, and decommissioning of four (4) existing stream crossings and associated restoration. A Final Streambed Alteration Agreement (FSAA) with CDFW was issued (Notification No. 1600-2019-0731-R1) in November 2020 for thirteen (13) encroachments, including but not limited to continued use of the two (2) spring diversions and associated improvements (described above). By adhering to the terms and conditions of the Right to Use and Divert Water, which limits the amount of water that can be diverted and the FSAA, which limits when diversion and the associated improvements may occur, the diversion amount, and specifies the use of intake structures that will not impact aquatic species, Planning staff determined that impacts to the watershed are minimized allowing the use of the points of diversion and proposed POD decommissioning, culvert replacement and maintenance, stream crossing decommissioning, and associated restoration, pursuant to a Special Permit.

According to Humboldt County Web GIS and depicted on the Site Plan, there are two (2) unnamed streams that traverse the northern and southeastern portions of the subject parcel. Although respective Streamside Management Area (SMA) buffers are not currently depicted on the Site Plan, Humboldt County Web GIS indicates that the greenhouse depicted as GH #6 on the Site Plan is currently located within the required SMA buffer. However, as detailed above, GH #6 and the adjacent GH #7 are planned for removal and this area will be allowed to revegetate.

A Water Resource Protection Plan (WRPP) was prepared by Pacific Watershed Associates for the subject site in August 2019 (Attachment 3) in compliance with the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023. As noted in the WRPP, the Report describes and addresses the required elements and standard conditions established in the Order to protect water quality from cannabis cultivation and related activities. It is concluded in the WRPP that the site does not fully meet all twelve (12) of the standard conditions. Included in the WRPP is a prioritized list of the recommended treatments and actions to be implemented to meet the requirements of the Order. The project is conditioned to require the applicant to implement all recommendations contained in the WRPP. Additional conditions of approval require the applicant to comply with the State Water Resources Control Board Cannabis Cultivation Policy, which includes development and implementation of a Site Management Plan.

Biological Resources

Per review of CDFW's California Natural Diversity Database (CNDDDB) in July 2021, there are no mapped sensitive species onsite and the nearest NSO activity center is located approximately 1.05 miles from the nearest cultivation area, with the nearest NSO sighting located approximately 1.31 miles away. Power at the site is currently provided by generators. Per the Cultivation and Operations Plan and additional information provided by the applicant's agent in December 2021 (Attachment 3), each cultivation site uses several Honda2200 EU generators to power the greenhouse lights, and the house and dry barn are

powered by a 25 kW diesel generator, which is proposed to remain under the project. As noted above, based on feedback and at the request of the Planning Commission during the December 2, 2021, hearing, Planning staff is recommending the use of all generators cease by or before December 31, 2025. The applicant is not in agreement with staff recommendation. The applicant does not agree with Planning staff recommendation. The applicant is agreeable to cease use of all but one (1) generator (the 25 kW diesel generator) and proposes to switch to solar power with battery system by the end of 2025. Additionally, the applicant proposes to develop a battery storage system for the drying barn and residence to reduce the generator usage from 24 hours per day during drying operators to 12 hours per day.

CDFW provided comments on the project in July 2019 and requested additional information regarding water source(s), clarification on how water use estimates were derived, requested protocol level surveys if ground disturbing activities proposed, noted the project may have a potentially significant adverse effect on biological resources, specifically NSO, and recommended several conditions of approval. A written response to CDFW's comments was provided in August 2021. In response to CDFW comments, noise and light attenuation measures will be required. The project is conditioned to ensure the combination of background, greenhouse fan, or other operational equipment created noise, meets the noise level threshold of a maximum of 50 decibels at the property line. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service (USFWS). Additionally, based on the Planning Commission's request, Planning staff has included a recommended condition of approval to require the applicant cease use of all onsite generators by the end of 2025. Furthermore, the conditions of approval require the applicant to refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. In addition, due to the on-site pond, the applicant is required to prepare and implement a Bullfrog Management Plan. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

Access

Access to the site is via a driveway off Howard Ranch Road/Ranch Road from Benbow Drive. Benbow Drive, from Oakcrest Drive to State Highway 101, is a Category 4 County-maintained roadway. A Road Evaluation Report for an approximately 5-mile segment of Howard Ranch Road/Ranch Road from Benbow Drive to the property line of the subject property was prepared by the applicant's agent in December 2019 (revised in December 2021 to reflect the correct road name, confirmed by the Department of Public Works on December 14, 2021; Attachment 3), which indicates that the roadway meets a Category 4 road equivalent standard and is adequate for the proposed use. The submitted road evaluation included sufficient photographic evidence to verify the roadway condition as described, including roadway width and line of sight. Per comments received from the Department of Public Works, Land Use Division, the non-County maintained access road that connects to a County-maintained road shall be improved to current standards for a commercial driveways. The applicant is required to pave the access road (Howard Ranch Road/Ranch Road) for a minimum width of 20 feet and length of 50 feet where it intersects the County road (Benbow Drive).

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 269 permits and the total approved acres would be 75.5 acres of cultivation.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has

prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

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

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

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number: 22-
Record Number: PLN-11713-CUP
Assessor's Parcel Number: 223-032-001**

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

WHEREAS, Green Management Group of Humboldt, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 17,740 square foot (SF) mixed light cannabis cultivation that is cultivated within six (6) greenhouses with appurtenant propagation (1,774 SF) and drying activities. Annual water use is 222,000 gallons and there will be a total of 222,825 gallons of water storage on-site. Drying and bucking occurs onsite in the existing metal building. All other processing will occur off-site at a licensed processing or manufacturing facility. A maximum of six (6) people may be onsite during peak operations. Power is currently provided by gasoline and diesel generators. A 25 kW diesel generator will be used for the dry barn and residence only. The applicant will discontinue use of the generators that support cultivation operations and switch to solar with batteries by December 31, 2025. A Special Permit is also being requested for development within the Streamside Management Area for use and maintenance of the two (2) points of diversion (POD), decommissioning of two additional PODs, culvert replacement and maintenance, and decommissioning of four (4) existing stream crossings and associated restoration; and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on January 20, 2022, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit, and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit to allow an existing 17,740 square foot (SF) mixed light cannabis cultivation that is cultivated within six (6) greenhouses with appurtenant propagation (1,774 SF) and drying activities. Water for irrigation is provided by a 150,000-gallon rainwater catchment pond and two (2) spring diversions. Annual water use is 222,000 gallons and there will be 222,825 gallons of water storage on-site. Drying and bucking occurs onsite in the existing metal building. All other processing will occur off-site at a licensed processing or manufacturing facility. A maximum of six (6) people may be onsite during peak operations. Power is currently provided by gasoline and diesel generators. A 25 kW diesel generator will be used for the dry barn and residence only. The applicant will discontinue use of all generators that support cultivation operations and switch to solar with batteries by December 31, 2025. A Special Permit is also being requested for development within the Streamside Management Area for use and maintenance of the two (2) points of diversion (POD), decommissioning of two additional PODs, culvert

replacement and maintenance, and decommissioning of four (4) existing stream crossings and associated restoration.

EVIDENCE: a) Project File: PLN-11713-CUP

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE:

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Water Resource Protection Plan (WRPP) was prepared to show compliance with the North Coast Regional Water Quality Control Board's (NCRWCQB) Order No. 2015-0023. Additionally, a Notice of Applicability has been submitted to show compliance with the State Water Board Cannabis General Order for Waste Discharge. The project is conditioned to require the applicant to furnish a Site Management Plan prepared for the subject property.
- d) California Department of Fish and Wildlife Resource Maps indicate no Special Status species are known to occur within the project area. A review of the California Natural Diversity Database (CNDDDB) Spotted Owl Observation Database in July 2021 showed that Northern Spotted Owl habitat exists in the vicinity and the nearest activity center is approximately 1.05 miles from the nearest cultivation area, with the nearest positive sighting located approximately 1.31 miles away. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.
- e) The cultivation of cannabis will not result in the net conversion of timberland. Review of aerial imagery dating back to 2004 indicates the cultivation areas primarily occur within previously cleared areas; however, it appears that an approximately 0.35-acre area was cleared between 2014 and 2016. No additional tree removal is proposed or authorized by this permit. The project is conditioned to require the property be evaluated by a Registered Professional Forester (RPF) to determine the amount of timber conversion that occurred prior to and after the CMMLUO baseline date of January 1, 2016, and obtain a Timber Conversion Report from a RPF and/or a Less Than Three Acre Conversion Exemption or Timber Conversion Permit from CalFire, as determined necessary by the RPF, to address previously unpermitted timber conversion. The applicant/owner will be responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for the CMMLUO. The applicant/owner shall be required to restock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date at a rate of 3:1. Additionally, the project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a period of two (2) years, should any timber conversion be determined to have occurred

after the CMMLUO baseline date. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met. The Report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection.

- f) A Cultural Resources Investigation was prepared by Archaeological Research and Supply Company in November 2020 for the subject property. Although one prehistoric isolate was located and a historic homestead was previously recorded onsite, no significant resources were identified on the property. The Report concludes the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol, which has been included as an ongoing condition of approval.
- g) A Road Evaluation Report was prepared for an approximately 5-mile segment of Howard Ranch Road/Ranch Road from Benbow Drive to the property line of the subject property was prepared by the applicant's agent in December 2019 and revised December 2021, which identified that the roadway meets a Category 4 road equivalent standard and is suitable for safe access to and from the project site. Conditions of approval require the access road be improved to current standards for a commercial driveways, and pave the access road (Howard Ranch Road/Ranch Road) for a minimum width of 20 feet and length of 50 feet where it intersects the County road (Benbow Drive).

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT

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

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

4. FINDING The proposed development is consistent with the purposes of the existing AE and TPZ zones in which the site is located.

EVIDENCE a) The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare. The Timberland Production Zone or TPZ Zone is intended to be applied to areas of the County in which primary uses include the growing and harvesting of timber and timber production facilities, including portable processing equipment. Compatible uses other than the direct growing, harvesting, and portable processing of timber include grazing and other agricultural uses.

- b) All general agricultural uses are principally permitted in the AE and TPZ zones.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 17,740 square feet of cultivation with 1,774 SF of ancillary propagation on a 165.56-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
- d) While Humboldt County Web GIS indicates that the greenhouse depicted as GH #6 on the Site Plan is currently located within the required SMA buffer, GH #6 and the adjacent GH #7 are planned for removal and this area will be allowed to revegetate. Conditions of approval require the applicant to adhere to and implement the projects and recommendations contained in the Final SAA and provide evidence to the Planning Department that the projects included in the Final SAA are completed to the satisfaction of CDFW. Conditions of approval also require the applicant to adhere to the terms and conditions of the Right to Use and Divert Water issued by the State Water Resources Control Board (SWRCB). By implementing permit conditions from the SWRCB and CDFW, impacts to the SMA are minimized.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned AE and TPZ (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by Patent No. 1806, dated May 20, 186, before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
- c) Water for irrigation is provided by an existing 150,000-gallon rainwater catchment pond and two (2) spring diversions. A *Right to Divert and Use Water* (Registration ID H508261; Certificate No. H100579) has been issued for use of three (3) points of diversion (POD) for irrigation and fire protection. As noted in the Cultivation and Operations Plan, the two PODs associated with the springs (PODs #2 and 3) will be utilized under the project. The *Right to Divert and Use Water* allows for 0.57 acre-feet per year (or 185,735 gallons) of water to be diverted from the two (2) springs. The rate of diversion to storage is limited to 42,000 gallons per day. Storage capacity cannot exceed 0.69 acre-feet (or 224,837 gallons). Existing available water storage is 222,825 gallons in the 150,000-gallon rainwater catchment pond and sixteen (16) hard-sided tanks, ranging in size between 2,500 and 5,000 gallons and totaling 72,825 gallons. This volume of storage is allowable as described in the appropriate right. Conditions of approval require the applicant to monitor water use from the pond and spring diversions annually to demonstrate there is sufficient water available to meet operational needs.
- d) A Road Evaluation Report was prepared for an approximately 5-mile segment of Howard Ranch Road/Ranch Road from Benbow Drive to the property line of the subject property was prepared by the applicant's agent

in December 2019 and revised December 2021, which identified that the roadway is functionally appropriate for the expected traffic. Conditions of approval require the access road be improved to current standards for a commercial driveways, and pave the access road (Howard Ranch Road/Ranch Road) for a minimum width of 20 feet and length of 50 feet where it intersects the County road (Benbow Drive).

- e) The slope of the land where cannabis will be cultivated in areas with naturally occurring slopes measuring between 15% and 30%. Cultivation areas are typically graded to less than 5% slopes. Conditions of approval require the applicant to obtain grading permits from the Humboldt County Building Division for all grading conducted without the benefit of County review.
- f) The cultivation of cannabis will not result in the net conversion of timberland. Review of aerial imagery dating back to 2004 indicates the cultivation areas primarily occur within previously cleared areas; however, it appears that an approximately 0.35-acre area was cleared between 2014 and 2016. No additional tree removal is proposed or authorized by this permit. The project is conditioned to require the property be evaluated by a Registered Professional Forester (RPF) to determine the amount of timber conversion that occurred prior to and after the CMMLUO baseline date of January 1, 2016, and obtain a Timber Conversion Report from a RPF and/or a Less Than Three Acre Conversion Exemption or Timber Conversion Permit from CalFire, as determined necessary by the RPF, to address previously unpermitted timber conversion. The applicant/owner will be responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for the CMMLUO. The applicant/owner shall be required to restock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date at a rate of 3:1. Additionally, the project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a period of two (2) years, should any timber conversion be determined to have occurred after the CMMLUO baseline date. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met. The Report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 17,740 square feet of cannabis cultivation with 1,774 SF of ancillary propagation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed

cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.

- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from an existing 150,000-gallon rainwater catchment pond and two (2) spring diversions that have been registered with the State Water Resources Control Board and California Department of Fish and Wildlife.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.
- f) While Humboldt County Web GIS indicates that the greenhouse depicted as GH #6 on the Site Plan is currently located within the required SMA buffer, GH #6 and the adjacent GH #7 are planned for removal and this area will be allowed to revegetate. In addition, conditions of approval require the applicant to adhere to and implement the projects and recommendations contained in the Final SAA and provide evidence to the Planning Department that the projects included in the Final SAA are completed to the satisfaction of CDFW. Conditions of approval also require the applicant to adhere to the terms and conditions of the Right to Use and Divert Water issued by the State Water Resources Control Board (SWRCB). By implementing permit conditions from the SWRCB and CDFW, impacts to the SMA are minimized.

7. FINDING

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

EVIDENCE

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but is currently developed with an existing residence, in addition to cabins to be utilized for employee housing. The approval of cannabis cultivation on this parcel will not conflict with the ability for the existing residence to continue to be utilized on this parcel.

8. FINDING

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

EVIDENCE

- a) The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 269 permits and the total approved acres would be 75.5 acres of cultivation.

DECISION

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

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

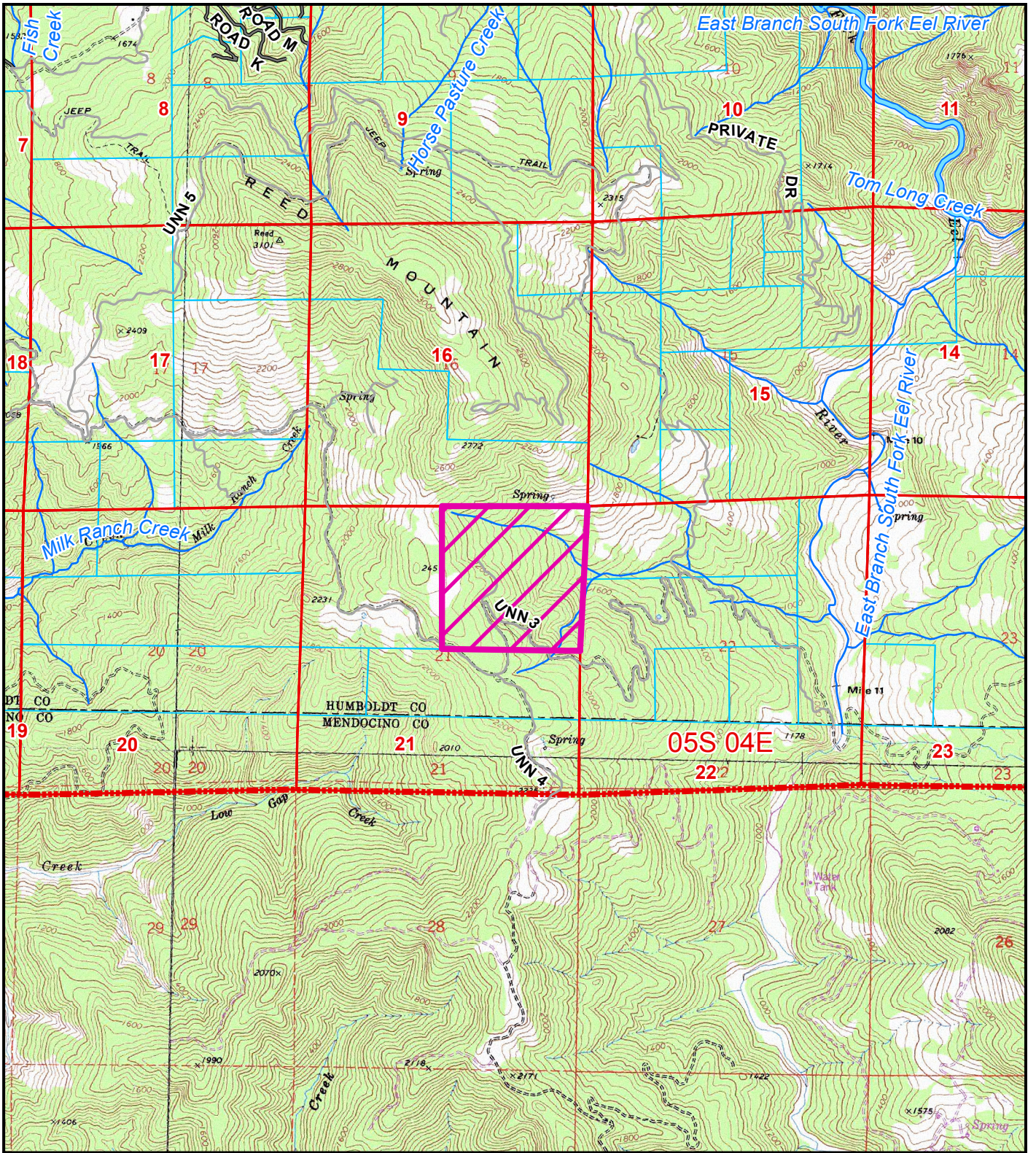
Adopted after review and consideration of all the evidence on January 20, 2022.

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

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

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

 John Ford, Director
 Planning and Building Department

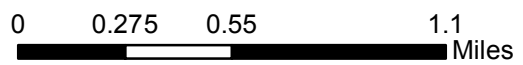


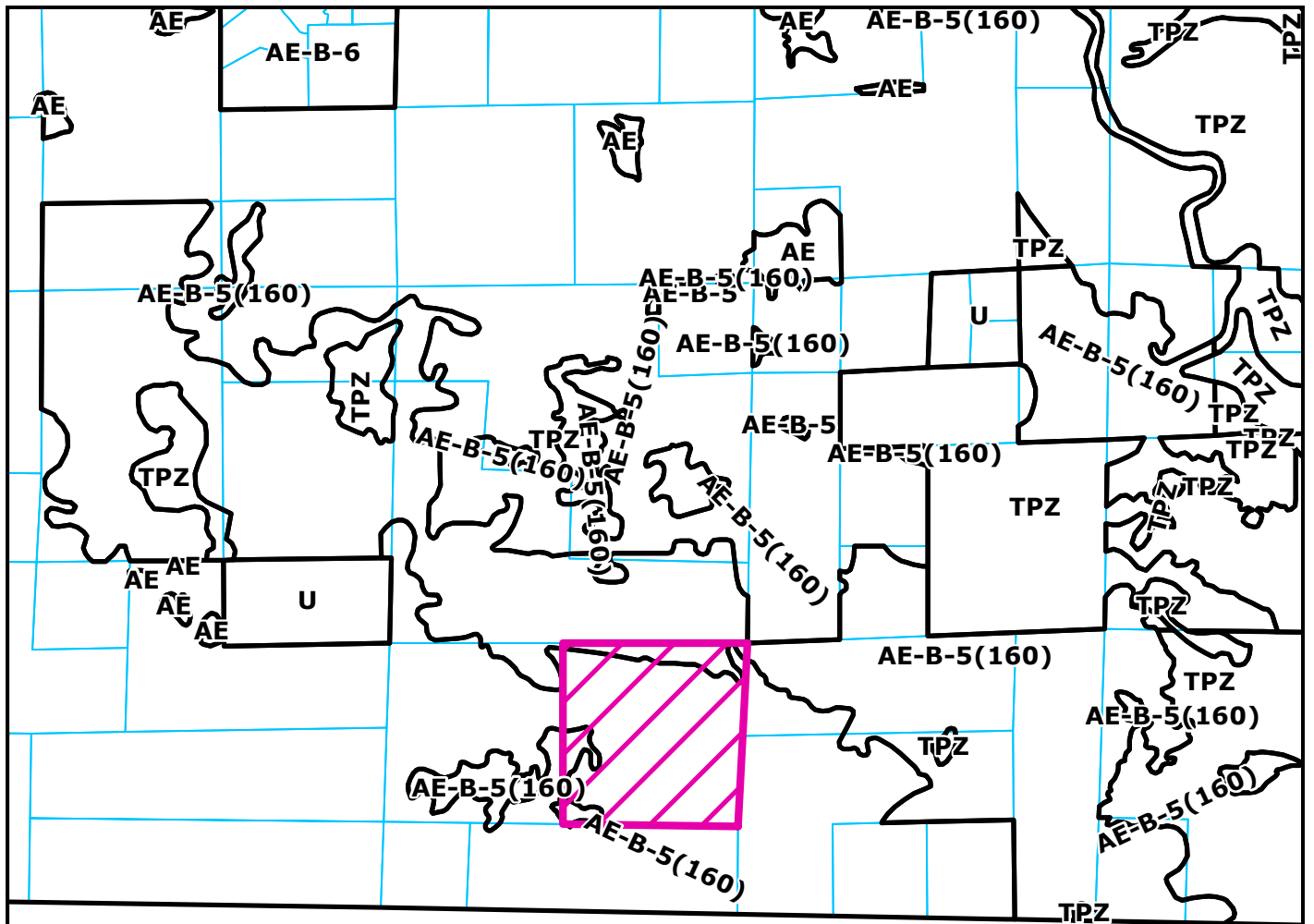
Project Area = 

TOPO MAP
PROPOSED EMERALD HOLDINGS, LLC
GARBERVILLE AREA
CUP-16-355
APN: 223-032-001
T05S R04E S21 HB&M (HARRIS)



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





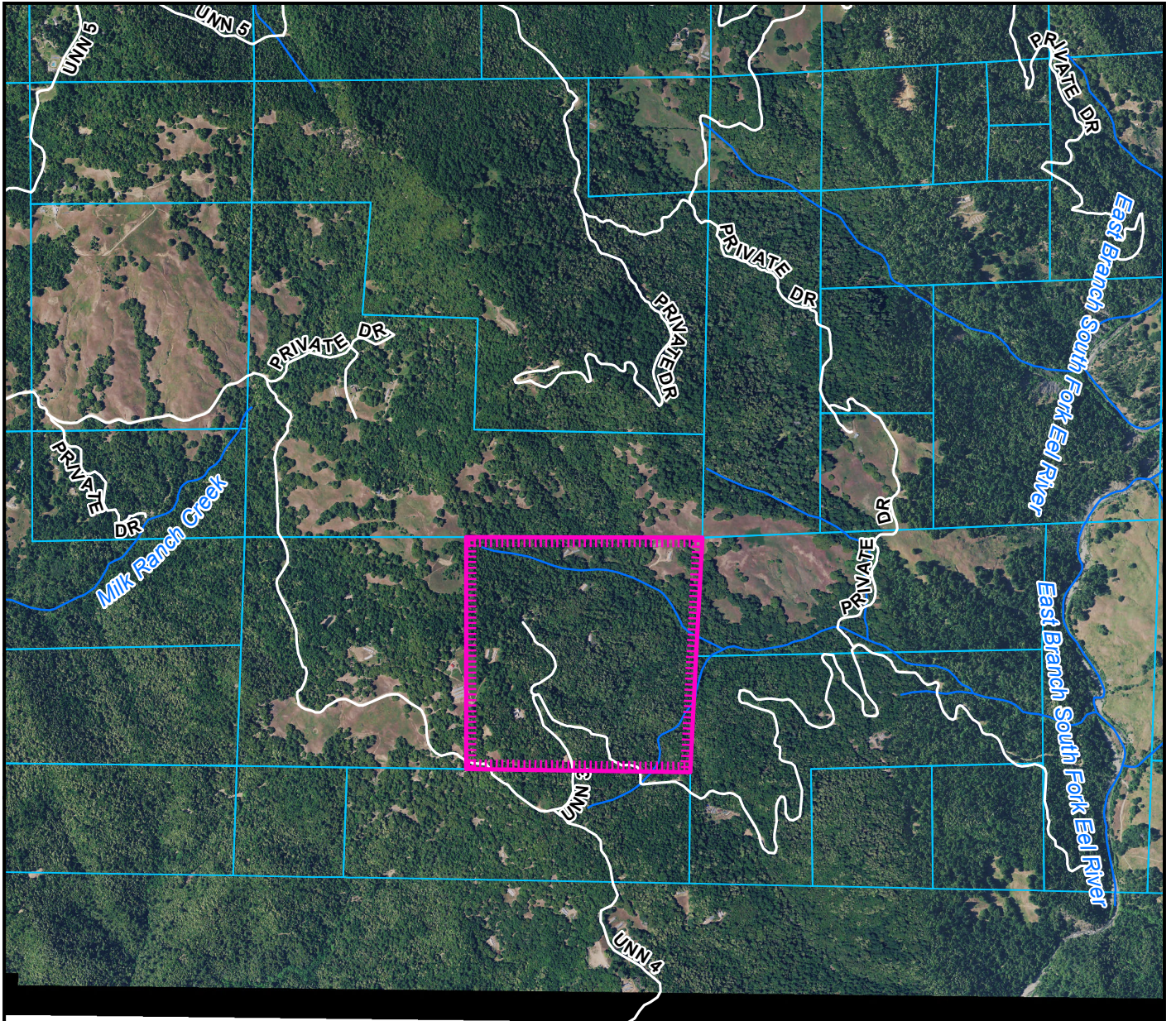
ZONING MAP
PROPOSED EMERALD HOLDINGS, LLC
GARBERVILLE AREA
CUP-16-355
APN: 223-032-001
T05S R04E S21 HB&M (HARRIS)

Project Area = 



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





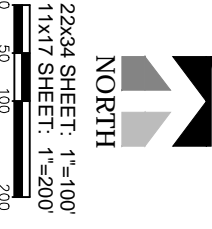
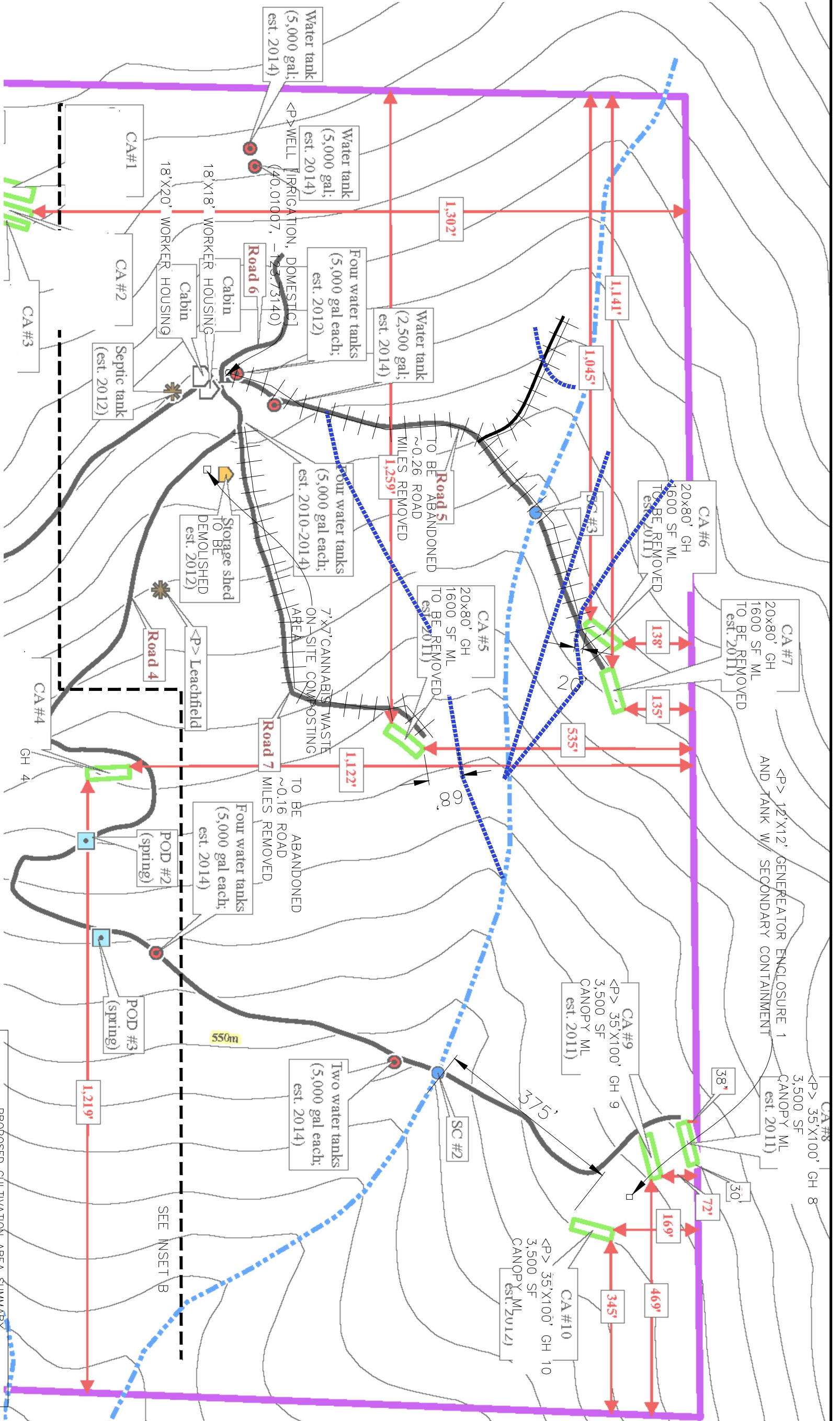
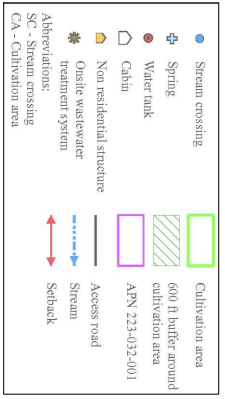
Project Area = 

AERIAL MAP
PROPOSED EMERALD HOLDINGS, LLC
GARBERVILLE AREA
CUP-16-355
APN: 223-032-001
T05S R04E S21 HB&M (HARRIS)



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





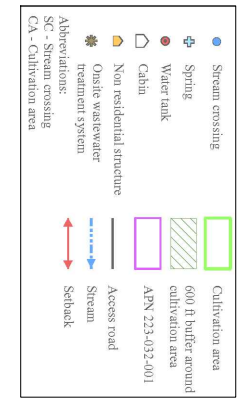
PROPOSED CULTIVATION AREA SUMMARY

CULT AREA #	CANOPY (SF)	NURSERY (SF)
1	3,150	0
2	590	2,560
3	REMOVED (0)	0
4	3,500	0
5	REMOVED (0)	0
6	REMOVED (0)	0
7	REMOVED (0)	0
8	3,500	0
9	3,500	0
10	0	650
TOTAL	17,740	3,210

GREEN MANAGEMENT GROUP OF HUMBOLDT LLC
 APN: 223-032-001
 PREMISE DIAGRAM - INSET A

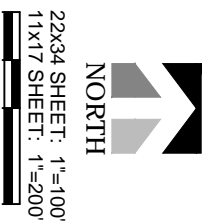
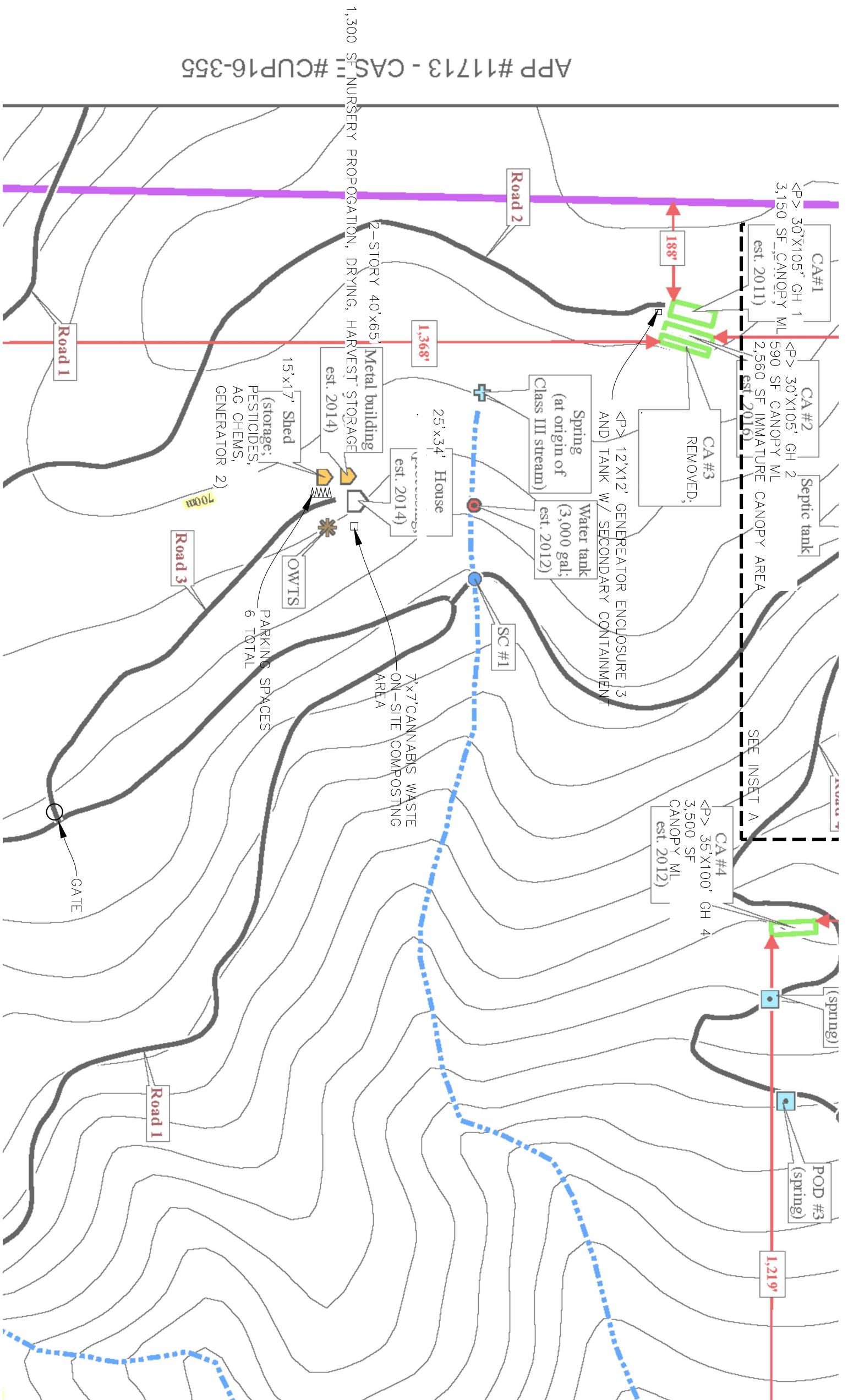
DATE	REVISIONS	DRAWN BY
11-4-21	BARN NURSERY AREA	

APP #11713 - CASE #CUP16-355



TIER 1 ML CANOPY 590 SF	IMMATURE PLANT AREA 2,560 SF	30'
19,67'	85,33'	

GH-2 CANOPY OVERVIEW
11x17 SHEET: 1"=40'



PROPOSED CULTIVATION AREA SUMMARY

CULT AREA #	CANOPY (SF)	NURSERY (SF)
1	3,150	0
2	590	2,560
3	REMOVED (0)	0
4	3,500	0
5	REMOVED (0)	0
6	REMOVED (0)	0
7	REMOVED (0)	0
8	3,500	0
9	3,500	0
10	0	650
BARN	0	0
TOTAL	17,740	3,210

GREEN MANAGEMENT GROUP OF HUMBOLDT LLC
 APN: 223-032-001
 PREMISE DIAGRAM 2

PROJECT NO: SL
 DRAWN BY: SL
 DATE: 1-21-21
 SCALE: AS SHOWN
 SHEET: 02

DATE	REVISIONS	DRAWN BY
11-2-21	ADDED BARN NURSERY AREA	
3-1-21	CORRECTED CA1/CA2 LABELING	

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval,, the applicant shall submit a revised plot plan showing the following, in addition to what is shown:
 - a. Appropriate setback buffers from the Streamside Management Areas per the County's Streamside Management Areas and Wetlands Ordinance, as enumerated in Section 314-61 of Humboldt County Code.
 - b. Updated location of GH #8, currently located within the northeastern portion of the subject within the required 30-foot setback from the northern adjacent property (APN 223-033-003), to be a minimum of 30 feet from the property line within a previously disturbed area.
 - c. Revise the square footage of the ancillary propagation areas to be a maximum of 1,774 square feet total, which equates to 10% of the cultivation area.
6. Within 60 days of the effective date of permit, the applicant shall submit a revised cultivation and operations plan detailing the following, in addition to what is currently described:
 - a. A maximum of 1,774 square feet of ancillary propagation area, which equates to 10% of the cultivation area.
 - b. Revise power source information to be consistent with the Planning staff recommendation that all generator use will cease by or before December 31, 2021. The applicant shall include an energy budget that shows how power needs will be met for the entire operation. Should solar with battery storage be unable to meet annual power demand, the applicant may

include other forms of nonrenewables (e.g. wind or hydro). Alternatively, the applicant may reduce the size of the mixed light area cultivated or change from mixed light to outdoor cultivation.

7. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #8 through #19. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
8. The applicant shall secure building permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, off-stream pond and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
9. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
10. The applicant shall either relocate Greenhouse #8 (GH #8), as denoted on the Site Plan, outside of the required setback to a previously disturbed area, provide evidence to demonstrate the greenhouse is currently located outside of the required setback. The applicant shall submit evidence (e.g., statement from qualified professional and/or photographs) to demonstrate compliance with this condition. Alternatively, the applicant may request a site inspection with the Planning Department to verify this condition is met. A sign-off from the Planning Department will satisfy this condition.
11. The subject property shall be evaluated by a Professional Registered Forester (RPF) to determine the amount of timber conversion that occurred onsite after the CMMLUO baseline date of January 1, 2016. Any measures determined to be necessary by the RPF to mitigate for the unauthorized timber conversion shall be implemented. The applicant/owner is required to obtain a Timber Conversion Report from a RPF and/or or a Less-Than-Three-Acre Conversion Exemption or Timber Conversion Permit from CalFire, as determined necessary by the RPF. Additionally, the applicant/owner is required to re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date at a rate of 3:1. A Restocking Plan shall be prepared within 90 days of project approval and the Restocking Plan shall be implemented within a period of two (2) years, should any timber conversion be determined to have occurred after the CMMLUO baseline date. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met. A monitoring report prepared by a licensed professional forester shall be submitted annually to the Planning and Building Department until the restocking is complete as indicated by the monitoring report. The Report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection A sign-off from the Planning Department will satisfy this condition.
12. The applicant is required to pave the access road (Howard Ranch Road/Ranch Road) for a minimum width of 20 feet and length of 50 feet where it intersects the County road (Benbow Drive). This condition shall be completed to the satisfaction of the Department of Public Works prior to

commencing operations, final sign-off for a building permit, or Public Works approval for a business license. A letter or similar communication from the Department of Public Works will satisfy this condition.

13. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
14. The applicant shall adhere to all terms and conditions of the Right to Divert and Use Water Registration (Registration ID H508261; Certificate No. H100579) issued for use with the two (2) spring diversions, issued by the State Water Resources Control Board on August 4, 2019.
15. The applicant shall adhere to the Final Streambed Alteration Agreement issued by CDFW, dated November 11, 2020, and comply with all applicable terms. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
16. Due to the onsite pond, the applicant shall coordinate with CDFW to determine if a bullfrog management plan is required for management of bullfrogs for the off-stream pond. If not already in place, the applicant shall install an overflow spillway to the off-stream pond that will withstand a 100-year flood event, and exit ramps to the off-stream pond to prevent wildlife entrapment. The overflow spillway shall be designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. Exit ramps shall be installed no greater than 2:1 slope, secured at the upslope end, and made of solid material (e.g., wood). As applicable, the applicant shall obtain an addendum to the Final Streambed Alteration Agreement from CDFW for these items or obtain an additional Final Streambed Alteration Agreement from CDFW, whichever is required. Alternatively, a letter or similar communication from CDFW stating an addendum or second agreement is not required shall satisfy this condition.
17. The applicant shall implement any remaining corrective actions identified in the Water Resource Protection Plan (WRPP), prepared by Pacific Watershed Associates in August 2019, which includes the following:
 - a. Install road drainage features at the locations shown on Figure 2. In addition to the locations shown on Figure 2, install appropriate road drainage features at any location where concentrated road runoff and gulying is observed. Typical drawings included in Appendix H will provide guidance for proper road drainage feature construction.
 - b. Upgrade the stream crossings listed in Standard Condition 4.2: Table 1, with properly sized culverted crossings to ensure conveyance of flow and debris, and to prevent plugging associated with the expected 100-year peak stream flow.
 - c. Regular inspections and maintenance of stream crossings shall be conducted to ensure conveyance of flow and debris, to prevent plugging and to monitor the potential for erosion before, during, and after treatment of these stream crossings.
 - d. Perform adequate maintenance on all stream crossings to prevent or minimize erosion following appropriate BMPs listed in Appendix A.
 - e. The upgraded stream crossings mentioned above shall be properly installed with culverts that are horizontally aligned with the natural stream channel and vertically aligned with the natural channel grade.
 - f. When upgrading the stream crossings, dip the road or construct a critical dip on the downslope hinge line of the stream crossing to prevent stream diversion in case of a plugged culvert or exceptionally high flood flow.

- g. Obtain all necessary agreements and permits prior to commencing any work in any watercourse or at any stream crossing. These may include, but not be limited to: California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement 1602, State Water Resources Control Board 401 permit, and, if required, Army Corps of Engineers (ACOE) 404 permit.
- h. Under the Order, all cultivation areas and associated facilities that are located within 50 feet of a Class III watercourse or wetland, or within 100 feet of a Class I or II watercourse, are required to be removed from the buffer area, and the site is to be restored.
- i. Relocate the items mentioned in Standard Condition Section 4.3a observations and comments to a suitable location outside of the 50-foot riparian setback required for a Class III stream (Figure 2).
- j. Pull back all unstable fill along the outboard edge of roadway and improve road drainage so that water does not drain onto unstable slope.
- k. Refine the preliminary Water Budget for the project site to more accurately determine annual water needs and, if necessary, required storage volumes needed for forbearance from April 1st – October 31st.
- l. Under the Order, the applicant is required to measure, document, and report the water diverted, stored, and used throughout the year. Develop and implement a Water Monitoring Plan using the simple log sheet provided in Appendix D. The water data for the project site is required to be reported to the Water Board for the calendar year.
- m. Install flow meters on the surface water diversions, and on water tanks/distribution lines, to accurately document the timing and volume of the water diversion and use.
- n. Refine the water budget using water monitoring data as it is collected during the year.
- o. Install a shut off float valve on the overflowing 3,000-gallon water tank near SC #5 and on all water tanks where needed to eliminate overflow and improve water conservation.
- p. Investigate and implement additional water conservation measures to minimize surface water diversion and use. These include volume-limited or timed and programmable drip irrigation systems, incorporating water holding amendments and native soil during the initial soil preparation at the start of the season, surface mulching or planting beds to minimize evaporation, and planting plants in the ground instead of above ground pots. Additional rainwater harvesting during the wet season shall be evaluated and employed to limit or completely eliminate surface water diversions during the dry season.
- q. Develop and refine a Water Budget for the project site to determine if sufficient off-stream water storage volumes exist for all the water needs during the dry season. A preliminary analysis suggests additional off-stream water storage may not be needed. Increase water storage may be recommended depending upon the results of the Water Budget to limit diversion of surface flow to the winter months and completely eliminate diversions needed for irrigation activities during the dry season from April 1st through October 31. Investigate and decide if multiple rigid tanks and/or one more additional off-stream ponds will be added and begin the process of siting and design of additional water storage.
- r. To verify conformance with Standard Condition #5D, start measuring and recording the water usage using flow meters on a per plant basis, based on type and size of plant pot, full term versus short season (light deprivation) plant, and type of irrigation. Observe and monitor soil moisture so watering, fertilizer, and chemical applications are made only when necessary and overwatering and excess infiltration is avoided.
- s. As opposed to employing one or more surface water diversions and securing various water rights, consider and develop a plan to obtain irrigation water by developing rainwater capture systems to fill rigid water tanks and/or one or more off-stream, rainwater-fed ponds.
- t. For all surface water diversions, obtain a Small Irrigation Use Registration (SIUR) for the agricultural water needs.
- u. Submit annual water use volumes to the State Water Resources Control Board, Division of Water Rights (SWRCB-DWR) by June 30 of each year.

- v. Submit water diversion and water use data to the NCRWQCB annually by March 31 for the previous calendar year.
- w. Have the pond inspected by a certified engineer to determine stability and provide treatment recommendations if necessary. The pond may need to be assessed by CDFW.
- x. When not being used on the planting beds or in greenhouses, all fertilizers, soil amendments, potting soils, and compost shall be stored within a water tight building or covered area not exposed to the elements or, if stored outdoors, fully tarped in a stable location with no change of nutrient leaching or delivery to surface waters. Cover crops or native grasses shall be planted at these areas to utilize any remaining nutrients. Install straw wattles or implement other appropriate containment BMPs where necessary to contain any mobilized nutrients at the locations listed above and elsewhere on the project site.
- y. To confirm compliance with Standard Condition #7b, the applicant must keep detailed records of the type, timing, and amount of fertilizers and/or other soil amendments used in the operation. They can be recoded on log sheets such as those provided in Appendix E.
- z. Observe and monitor soil moisture so watering, fertilizer and chemical applications are made only when necessary and overwatering and excess infiltration is avoided.
- aa. To verify conformance with Standards Condition #8, the applicant shall keep track of the type, timing, and volume of pesticides, herbicides, and related chemicals that are applied in the operation. This can be done using a simple log form, such as the one included in Appendix F.
- bb. All pesticides, herbicides, and related materials (e.g., fungicides) must be used and applied consistent with product labeling.
- cc. When present, the chemicals shall be stored within enclosed buildings in such a way they cannot enter or be released into surface or ground waters.
- dd. Place all generators, fuel cans, and other petroleum containers, gasoline powered water pumps, and any other items containing petroleum products or liquid chemicals under cover and off the ground and in a secondary containment basis (tote, tub, impermeable basin/floor, etc.) capable of containing the entire stored volume.
- ee. Do not store petroleum products and/or chemicals with fertilizers, soil amendments, and/or pesticides/herbicides. See guidelines for hazardous material storage in Appendix G.
- ff. Obtain spill prevention cleanup kits as necessary and keep readily available to clean up small spills. Spill kits shall be located where fuel is stored and refueling occurs.
- gg. Develop a Hazardous Material Business Plan (HMBP) for the site.
- hh. Immediately remove the spent potting soil pile at the outboard edge of the graded pad.
- ii. Remove any used potting soil, used pots, and other cultivation-related waste materials located near streams or surface waters and store the material in a stable and appropriate spoil location outside of riparian buffer zones.
- jj. Install straw wattles or other effective BMP to control delivery if leaching and runoff potential exists until such time as these items can be relocated.
- kk. Ensure that any spoil locations have no potential for sediment delivery and implement appropriate BMPs as necessary.
- ll. Either 1) fully tarp or otherwise cover spent plant stalks, root balls, soil piles and potted spent soils during the wet season to prevent soil from being transported to surface waters or leaching nutrients into the native soil and groundwater, or 2) removal all spent soils at the end of the growing season and store the materials indoors or undercover during the off-season.
- mm. Due to the lack of permitted and approved OWTS, work with a professional to design and install a permitted septic system for the project site. The system must be designed to serve the number of residents and workers that will be present on the site when the cultivation-related operations are at their peak. Previously installed investigations include: soil sampling and percolation testing.

18. The applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation prior to processing on-site. This can be accomplished by either installing a new, permitted septic system; or by providing the Department of Environmental Health (DEH) with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or registered environmental health specialist (REHS) that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. Portable toilet and handwashing facilities may be utilized during the construction of these improvements to support cultivation staff only. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
19. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
20. All artificial lighting including greenhouse, security, and propagation area lighting shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.
21. The applicant shall cease use of the existing propane and diesel generators as the project's primary power supply by December 31, 2025. The applicant intends on switching to solar power with a battery back-up. The applicant shall submit evidence (e.g. photographs) that the solar power system is installed and the generators are no longer in use. Alternatively, the applicant may request a site visit with the Planning Department to verify this condition is satisfied. A sign-off from the Planning Department will satisfy this condition.
22. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
23. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
24. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the 150,000-gallon rainwater catchment pond, two (2) spring diversions, and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
25. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as

adopted by ordinance of the Humboldt County Board of Supervisors will be required.

26. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
27. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. The applicant shall abide by recommendations of the Timber Conversion Report prepared by Timberland Resource Consultants (TRC) July 4, 2019, and received November 8, 2019 which include but are not limited to, floristic surveys to ensure no potentially special status plant species or communities are present should additional ground disturbance or habitat conversion be proposed in the future; ensuing supplemental lighting associated with mixed-light cultivation is fully contained with black out tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of the Final Lake and Streambed Alteration Agreement (EPIMS-HUM-09230-R1), as well as any subsequent amendments, obtained from the California Department of Fish and Wildlife (CDFW).

18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

25. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);

- (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
- b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
30. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a

sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.

34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.

3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

ATTACHMENT 2

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

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

**APN 223-032-001; Section 21 of Township 05 South, Range 04 East, H.B.&M., Garberville
County of Humboldt**

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

December 2021

Background

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

The modified project involves a Conditional Use Permit for 17,740 square feet (SF) of existing mixed light cannabis cultivation that is cultivated within six (6) greenhouses. Ancillary propagation, totaling 3,210 SF, currently occurs within a 2,560 SF portion of Greenhouse #2 and a 650 SF nursery area within an existing 2,600, two-story metal building. Irrigation water is sourced from a 150,000-gallon rainwater catchment pond and two (2) spring diversions. Existing available water storage is 222,825 gallons in the pond and a series of hard-sided tanks. Estimated annual water usage is 222,000 gallons. Drying and bucking occurs onsite in the existing metal building. All other processing will occur off-site at a licensed processing or manufacturing facility. A maximum of six (6) employees may be utilized during peak operations. Power is currently provided by gasoline and diesel generators. An existing 25 kW diesel generator will be used for the dry barn and residence only. The applicant will discontinue use of the generators that support cultivation operations and switch to solar with batteries by December 31, 2025. The proposed project also includes a Special Permit for development within the Streamside Management Area for use and maintenance of the two (2) points of diversion (POD), decommissioning of two additional PODs, culvert replacement and maintenance, and decommissioning of four (4) existing stream crossings and associated restoration.

The project site contains riparian habitat associated with two (2) streams that traverse the northern and southeastern portions of the subject parcel. Although respective Streamside Management Area (SMA) buffers are not currently depicted on the Site Plan, Humboldt County Web GIS indicates that the greenhouse depicted as GH #6 on the Site Plan is currently located within the required SMA buffer. However, as detailed above, GH #6 and the adjacent GH #7 are planned for removal and this area will be allowed to revegetate. After removal of the two greenhouses, all approved cannabis cultivation activities would occur outside of the required stream setbacks and on slopes less than 30%. Per review of CDFW's California Natural Diversity Database (CNDDB) in July 2021, there are no mapped sensitive species onsite and the nearest NSO activity center is located approximately 1.05 miles from the nearest cultivation area, with the nearest NSO sighting located approximately 1.31 miles away. Artificial lighting is used to support the mixed light greenhouses and propagation area and generators are utilized for power. Conditions of approval require the applicant use noise and light attenuation to ensure the project has a Less than Significant Impact on NSO. The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy.

A Cultural Resources Investigation was prepared by Archaeological Research and Supply Company in November 2020 for the subject property. Although one prehistoric isolate was located and a historic homestead was previously recorded onsite, no significant resources were identified on the property. The Report concludes the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol, which has been incorporated as an ongoing condition of approval.

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

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 17,740 square feet of cultivation with ancillary propagation, drying, and bucking activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Plot Plan, received 11/4/21.
- Cultivation and Operations Plan prepared by SL Consulting Services, Inc., dated November 2021, with additional project information provided by SL Consulting Services, Inc., dated 12/15/21.
- Right to Divert and Use Water issued by the State Water Resources Control Board (Registration ID H508261; Certificate No. H100579), dated 9/4/19.
- Water Resource Protection Plan (WDID 1B16483CHUM) prepared by Pacific Watershed Associates, dated August 2019, pursuant to Tier of the North Coast Regional Water Quality Control

Board's Order No. 2015-0023, Waiver of Waste Discharge and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects (Order).

- Streambed Alteration Agreement issued by the California Department of Fish and Wildlife, dated 11/4/20.
- Road Evaluation Report for Private Driveway from Benbow Drive to Property Line, prepared by SL Consulting Services, Inc., dated 12/5/19.
- Notice of Applicability (WDID 1_12CC422387) issued by the North Coast Regional Water Quality Control Board, dated 1/31/20.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (**Attached** - Plot Plan, received dated 11/4/21)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached** - Cultivation and Operations Plan prepared by SL Consulting Services, Inc., dated November 2021, with additional project information provided by SL Consulting Services, Inc., dated 12/15/21)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. Small Irrigation Use Registration for deeded spring access (**Attached** –Right to Divert and Use Water issued by the State Water Resources Control Board, Registration ID H508261, Certificate No. H100579, dated 9/4/19)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Water Resource Protection Plan prepared for North Coast Regional Water Quality Control Board Order No. 2015-0023 (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (NOI and reporting, and Water Resource Protection Plan (On file - WDID 1B16483CHUM) prepared by Pacific Watershed Associates, dated August 2019, and Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ (WDID 1_12CC422387) issued by the North Coast Regional Water Quality Control Board, dated 1/31/20)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (**Attached** – Final Streambed Alteration Agreement issued by the California Department of Fish and Wildlife dated 11/4/20)

9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Condition of approval)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Road Evaluation Report for Private Driveway from Benbow Drive to Property Line, prepared by SL Consulting Services, Inc., revised December 15, 2021. (**Attached**)
16. A Cultural Resources Investigation of the Reed Mountain Katrandijyski Property Final Report, Piercy, Humboldt County, California, Harris 7.5' USGS Quadrangle, Assessor's Parcel Number: 223-032-001, 162 acres, prepared by Nick Angeloff, MA and Lily Camara, MS (in progress), Archaeological Research and Supply Company, Rio Dell, CA, dated November 2020. (On file and confidential)
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
18. Email correspondence dated December 15, 2021, between Steven Luu, Agent, and Megan Marruffo, Assigned Planner, the describes the applicant's agreement to switch to solar power, provides additional information on water use and summarizes the improvements to the project from baseline conditions (**Attached**).

Cultivation and Operations Manual

For
Green Management Group of Humboldt

Proposed Commercial Cannabis Cultivation Facilities

APN No. 223-032-001

Lead Agency:

Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

Prepared By:
SL Consulting Services Inc
973 Dowler Dr
Eureka, California 95501

In Consultation with:

Green Management Group of Humboldt
760 Redwood Drive STE 76
GARBERVILLE, CA 95542

January 2021

2 of 20

1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

Green Management Group of Humboldt Is Proposing To Permit Commercial Cannabis Cultivation Activities In Accordance With The County Of Humboldt Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The project is seeking to permit 17,740 square feet of existing cannabis cultivation. Water for the operation is sourced from a spring and stored in 72,825 gallons of hard water tanks. A 150,000 gallon rain catchment pond is also used for a total of

Power is sourced from a combination of gasoline and diesel generators. Operator proposes to convert all gasoline and diesel generator usage to propane generators which eliminates the risk of spills and contamination.

1.2. SITE DESCRIPTION

The Project is located in Humboldt County on APN 223-032-001 southeast of Benbow.

The subject parcel is approximately +/- 165 acres in size (per the County of Humboldt's WebGIS), having varying topography and slopes that vary from 20-35%. The site is predominantly wooded with several open meadow areas on the west side and to the northeast.

1.3. LAND USE

The subject property has a General Plan designation of (AG) as identified by the Humboldt County General Plan and has zoning designations of TPZ and AE. Land uses surrounding the parcel are AE and TPZ.

1.4. STATE AND LOCAL COMPLIANCE

1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Green Management Group of Humboldt will secure a Commercial Cannabis License from CalCannabis for the existing operation.

1.4.2. STATE WATER RESOURCES CONTROL BOARD

Green Management Group of Humboldt has obtained coverage with the SWRCB under the Cannabis Cultivation General Order (Order No. WQ 2019-0001-DWQ) *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for the Discharges of Waste associated with Cannabis Cultivation.*

Green Management Group of Humboldt has also secured water rights for two springs for domestic and cannabis irrigation use.

1.4.3. CAL-FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines.

1.4.4. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

A Lake and Streambed Alteration Agreement (LSAA) from the Department of Fish and Wildlife (DFW) has been secured for the operation.

1.4.5. HUMBOLDT COUNTY PLANNING AND BUILDING DEPARTMENT

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the proposed Special Permit, in accordance with the Humboldt County Planning Departments *Commercial Cannabis Land Use Ordinance* (CCLUO). Permits for the existing barn and greenhouses are in progress.

1.4.6. CULTURAL RESOURCES

If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, ground stone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

2. CULTIVATION AND PROCESSING

2.1 PROPAGATION AND INITIAL TRANSPLANT

Seeds for the operation are sprouted in April in the nursery greenhouse and transplanted to pots in the nursery greenhouse.

Immature Plants are also sourced from a Licensed Nursery and transported to site. They are transplanted into larger pots and allowed to “bump up” to appropriate size for transplanting into the gardens within the 1,900 square foot nursery greenhouse.

Once plants are the appropriate size, they are planted in the flowering greenhouses.

2.2 CULTIVATION PLAN AND SCHEDULE

Cultivation media for the operation is potting soil in 20 gallon fabric smart pots.

Overwinter, the soil is dumped from the pots into the greenhouse, amended and cover-cropped with a nitrogen fixing seed mix or tarped depending on the soil tests results..

Cultivation currently occurs in PVC/cold frame greenhouses which requires black-out tarp to be manually pulled over the greenhouses when lights are in use and to induce flowering of cannabis plants. The operator proposes to upgrade to automated greenhouses to eliminate risk of human error when screening the use of lights.

GH-1 30'x105' = 3,150 SF

GH-2 30'x105' = 590 SF Cultivation and 2,560 SF Nursery

GH-4 35'x100' = 3,500 SF

GH-8 35'x100' = 3,500 SF

GH-9 35'x100' = 3,500 SF

GH-10 35'x100' = 3,500 SF

Total = 17,740 SF mixed light cultivation

Several existing greenhouses are proposed to be removed and consolidated to the structures above for environmental superiority upon permit approval, see Section 4.12 for relocation narrative:

GH-3 (PVC Hoop To Be Removed)

GH-5 20'x80' Greenhouse to be relocated to a superior location

GH-6 20'x80' Greenhouse to be relocated to a superior location

GH-7 20'x80' Greenhouse to be relocated to a superior location

See cultivation schedule below

Cultivation Operations Schedule			
Month	Cultivation Activities	Non-commercial Nursery Activities	Processing Activities
January	No Activity	No Activity	No activity
February	No activity	Propagating immature plants	No activity
March	Plant greenhouses	Propagating immature plants	No activity
April	Maintain Plants	Propagating immature plants	No activity
May	Maintain Plants	Propagating immature plants	No activity
June	Harvest/Replant	No activity	Drying
July	Maintain Plants	Propagating immature plants	Drying/machine trimming
August	Maintain Plants	Propagating immature plants	No activity
September	Harvest/Replant	Propagating immature plants	Drying
October	Harvest	No activity	Drying
November	Finish Harvest	No activity	Drying
December	No activity	No activity	No activity

2.3 IRRIGATION PLAN AND SCHEDULE

Hand watering is used to ensure each plant receives the appropriate amount of water and nutrients.

See section 4 for water usage and storage estimates.

2.4 PROCESSING PLAN

Drying to occur in the existing barn. Plants will be hung to dry, bucked (buds removed from branches) into totes for wholesale or for trimming at an off-site licensed processing facility.

2.5. EMPLOYEE PLAN

2.5.1 STAFFING REQUIREMENTS

Green Management Group of Humboldt is an "agricultural employer" as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

2.5.1.1 JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

- Agents in Charge: Responsible for business oversight and management of the Green Management Group of Humboldt. Responsibilities include, but are not limited to: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. Owner operators.
- Seasonal Laborer: Provides cultivation and harvesting support. This is a part-time to full-time, seasonal position.

In addition to the Agent positions, up to four (4) full-time seasonal labor positions are employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation, harvest and processing seasons. During the peak harvest and processing season, there are an estimated total of six (6) employees on site.

2.5.2 EMPLOYEE TRAINING AND SAFETY

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

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

For an applicant entity with more than one employee, the applicant entity shall attest that the applicant employs, or will employ within one year of receiving a license, one supervisor and one employee who have successfully completed a Cal-OSHA 30-hour general industry outreach course offered by a training provider that is authorized by an OSHA Training Institute Education Center to provide the course.

2.5.3 TOILET AND HANDWASHING FACILITIES

Portable toilets with hand washing stations will be installed adjacent to, the proposed cultivation sites.

2.5.4 DRINKING WATER SOURCE

Green Management Group of Humboldt will also provide safe, clean, purified drinking water via store bought individual sealed bottled water bottles as well as water dispensing coolers on site. Clean disposable paper cups will be made available to all employees.

2.5.4 ONSITE HOUSING

Two existing cabins will be utilized for on-site housing for employees. Up to four employees can reside on-site. The resident operator resides in the house.

2.5.5 PARKING PLAN

See plot plan for parking locations. One parking space is provided for each expected employee.

3. SECURITY PLAN

3.1 FACILITY SECURITY

The cultivation premises are accessed at a private driveway via Reed Mountain Road. The entry gate remains locked at all times and access to the cultivation area is limited exclusively to employees. The code will be changed regularly. The site will have game cameras and motion sensed lighting at the entrance.

3.1.1 UNAUTHORIZED ACCESS PREVENTION

3.1.1.1 PERIMETER

The perimeter of the cultivation premise is defined and protected by the natural landscape in addition to Gates at each of the access points. The entry gates remain locked at all times and only accessible by Authorized Personnel or authorization through Authorized Personnel for Transporters and Sub- Contractors.

3.1.1.2 CONSTRUCTION

The storage areas will include motion activated security lights. All lighting will be shielded and located so that direct light is confined to the property.

3.1.1.3 AUTHORIZED PERSONNEL

All Authorized Personnel, Suppliers and Visitors, upon first arrival will be required to register with the Facility and receive a Laminated Identification if required. Access Levels throughout the Premises will vary on persons responsibility to corresponding processes. All Authorized Personnel are required to wear the Identification Badge assigned by company at all

times while on property and any Contractors or Subcontractors, vendors or distributors must at minimum wear a visible name tag while in Limited Access Areas (if required).

3.1.1.4 SECURITY MONITORING MAINTENANCE

Premises must be maintained so that all surveillance has no obstructed views and that monitoring systems are not interfered with. Regular Inspection and Maintenance shall be performed and recorded.

3.1.1.5 SUSPICIOUS ACTIVITY

When there is any reason to suspect suspicious activity, the first step is to document observations and accurate reporting of behaviors. Second, must be submitted in a timely manner to the Supervisors assigned SAR responsibility.

3.1.2 THEFT AND DIVERSION MEASURES

3.1.2.1 INVENTORY & PERSONNEL TRACKING

Company's use of the California Metrc System allows inventory tracking and reporting of all movements made by cannabis products on site at all times.

3.1.2.2 ACCESSIBILITY TO LIMITED ACCESS AREAS

Personnel Access will be limited to the area use required by job duties as well as specifically scheduled time frames for completion of job duties. In order to further prevent cannabis or cannabis product diversion, all personnel are required to store personal belongings (purses, backpacks etc.) outside of premises.

3.1.2.3 DIVERSION RISKS

The risk of Diversion increases when Cannabis or Cannabis Products are not securely stored, (i.e., Transfers between Facilities) therefore a Supervisor must be present to inspect, document and accompany the product to its next secured holding.

3.1.2.4 SECURING OF ELECTRONIC RECORDS

All mechanical components for Electronic Records including the Security Alarm System, Video Surveillance System, Inventory and Personnel Tracking System, etc are Stored in the Electronic Storage Room Secured and designated as a High Level Restricted Access Area.

3.1.3 VIDEO SURVEILLANCE MEASURES

3.1.3.1 SYSTEM REQUIREMENTS

The Premises Surveillance System features complete digital video surveillance capable of 24 hour continuous recording at 15 frames per second, providing clear images in all lighting environments at a resolution of 1280x720 . All surveillance recordings are kept for 90 days and displayed at the current time and date on recorded event.

3.1.3.2 REMOTE ACCESS

Licensee will have remote access to Surveillance and can monitor all activities from off-site, strengthening activity tracking.

3.1.3.3 INTERFERENCE PREVENTION

Location installation of Surveillance cameras are out of persons natural reach and reasonable distance for foreign reach, so that if obstruction were attempted, identification of persons or activity will already be recorded. The Surveillance cameras are fully enclosed and protected from tampering or disabling, as all power and control features are Secured either on site in the Electronic Storage Room or Remotely Controlled by Licensee.

3.1.3.4 SPECIFIED CANNABIS ACTIVITY AREAS

Specified Areas Where Cannabis Or Cannabis Product is Weighed, Packed, Stored, Quarantined, Loaded and Unloaded for Transportation Including Preparation and Transfers

- 1.) Cultivation Sites
- 2.) Weigh Stations

3.2 FACILITY HOURS OF OPERATION

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

4. ENVIRONMENT

4.1 WATER SOURCE & PROJECT WATER USE

4.1.1 SOURCE

Water for *cultivation* irrigation will be sourced from an existing 150,000 gallon rain catchment pond and from two springs. POD#2 and POD#3. The remaining legacy points of diversion will be removed per the LSAA agreement with CDFW.

4.1.2 USE

Manual watering is utilized.

The table below outlines the estimated irrigation water usage for cultivation during a typical year. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use.

Water usage is estimated to be approximately 222,000 gallons per year as outlined below:

TABLE 4.1 ESTIMATED ANNUAL IRRIGATION WATER USAGE EXISTING GREENHOUSES (GAL/ ACRE)											
JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
---	1000	10000	18000	24000	30000	35000	40000	40000	24000	---	---

4.2 WATER STORAGE

Water storage for irrigation is stored as follows:

- Existing 150,000 gallon rain catchment pond (irrigation)
- (2) 2,500 gallon tanks
- (1) 2,825 gallon tank
- (13) 5,000 gallon tanks

Total water storage = 222,825 gallons

Domestic water storage provided as outlined below, 150 gallons per day is allowed per point of diversion for domestic flow during the forbearance period so the :

- (1) 5,000 gallon (residence)
- (1) 3,000 gallon (cabins)

4.3 SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Green Management Group of Humboldt is enrolled with the California State Water Resource Control Board (SWRCB) in accordance with the Cannabis Cultivation General Order. See the Water Resource Protection Plan (WRPP). The property owner and

applicant acquired the property in 2020 and will implement all WRPP items in 2021. Culvert replacement as specified in the LSAA will be completed in 2021

Culvert removal and road abandonment as part of the relocation of cannabis cultivation will occur in 2021 if approved during the dry weather work season or will occur in 2022 if approval is granted in the wet season or too late in the summer to schedule a contractor.

4.3.1 SITE DRAINAGE

The cultivation areas are developed on existing flats on slopes of 20% to 35%.

The property slopes to the east.

Culverts and Crossings

Several culverts and crossings are present on the property. Several culverts are proposed to be removed as part of relocation of cannabis cultivation on the subject parcel.

4.3.2 SITE RUNOFF

Relocated cultivation areas will meet all required setbacks from the nearest water course, providing a sufficient vegetated and forested buffer to prevent sediment and nutrient delivery.

All generator locations and fuel storage areas will have secondary containment along with roof areas shielding the fuel storage and generator areas.

4.3.3 EROSION CONTROL

Green Management Group of Humboldt will utilize best management practices including but not limited to:

1. Maintenance of roads, including rocking and armoring.
2. Proper management of solid, liquid and cultivation waste (see section 3.8)
3. Cultivation facilities and spoil stockpiles will meet all required setbacks from riparian and wetland areas.
4. Irrigation and application of fertilizers will be applied at agronomic rates.
5. Regulated products will be safely stored with secondary containment (see section 3.7)

4.4 WATERSHED AND HABITAT PROTECTION

The proposed cultivation areas meet all drainage setbacks and have significant forested and vegetated buffers.

Adherence to the proposed best management practices ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures meet all required setbacks from the nearest watercourse, providing a

suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMP's in accordance with the SWRCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits.

4.5 MONITORING AND REPORTING

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

Onsite monitoring shall occur:

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on site.
- Prior to October 15 and December 15 to evaluate site preparedness for storm events and stormwater runoff.
- Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

A Monitoring and Reporting Form (Order No. WQ 2019-0001-DWQ Attachment B) will be submitted upon initial enrollment in the Order (NOI) and then annually by March 1st to the State Water Resource Control Board. The annual report will include data from the monitoring reports.

4.6 ENERGY PLAN

Operation is powered by generators. Each cultivation site uses several Honda2200 EU generators to power the lights for the greenhouses on the site. A 25KVA generator is already in use to power the drying shed and residence (Generator 2).

Applicant proposes to develop a battery storage system for the drying barn and residence to reduce the generator usage from having to run 24-hours per day during drying operations to 12 hours per day.

The operation proposes to consolidate the multiple generators use at each greenhouse into a single Whisperwatt generator (25KVA to 35KVA, to be designed by electrical contractor) at each flat (Generator 1 and 3 per the plot plan. The generator systems will enable the greenhouses to be developed for automated light deprivation

to reduce labor and eliminate the risk of light escaping due to human error. An outline of generator usage and schedule is provided below:

Generator Use Schedule				
Month	Generator 1 at Upper/Northeast Flat	Generator 2 at House and Dry Barn	Generator 3 at West Flat	GH#4 Generator
January	No Usage	Daylight hour use only (charging battery for domestic use)	No Usage	No Usage
February	No Usage	Daylight hour use only (charging battery for domestic use)	No Usage	No Usage
March	From March 15 7 AM to 7 PM	From March 15 8 AM to 8 PM	From March 15 7 AM to 7 PM	No Usage
April	7 AM to 7 PM	8 AM to 8 PM	7 AM to 7 PM	7 AM to 7 PM
May	7 AM to 7 PM	8 AM to 8 PM	7 AM to 7 PM	7 AM to 7 PM
June	7 AM to 7 PM	8 AM to 8 PM	7 AM to 7 PM	No Usage
July	7 AM to 7 PM	8 AM to 8 PM	7 AM to 7 PM	No Usage
August	7 AM to 7 PM	8 AM to 8 PM	7 AM to 7 PM	No Usage
September	7 AM to 7 PM	8 AM to 8 PM	7 AM to 7 PM	No Usage
October	7 AM to 7 PM Ending Oct 15	8 AM to 8 PM	7 AM to 7 PM Ending Oct 15	No Usage
November	No Usage	8 AM to 8 PM	No Usage	No Usage
December	No Usage	Daylight hour use only (charging battery for domestic use)	No Usage	No Usage

4.7 NOISE CONTROL MEASUREMENTS

The proposed generator usage will meet the 50 decibel at 100 feet requirements. The Whisperwatt 35 KVA generator will meet the noise requirements without mitigation but a shed and enclosure will be developed to further mitigate the impacts. The Whisperwatt 25KVA generator will require an enclosure to mitigate the noise from 52 to 50 decibel limit at 100'.

The existing Honda2200 is to remain in use for GH#4 meets the noise requirements without mitigation but a small "dog house" will be placed over it to mitigate noise while in use.

4.8 LIGHT POLLUTION CONTROL MEASURES

There are no lights used as part of the existing cultivation greenhouses nor the full term outdoor plants.

The nursery blackout tarp will be placed over the nursery when lights are being utilized.

4.9 BEST MANAGEMENT PRACTICES

4.9.1 USE AND STORAGE OF REGULATED PRODUCTS

Best Management Practices (BMP's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are located in a locked storage room, and contained within water tight, locked and labeled containers in accordance with manufacturer's instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the Site Management Plan (SMP). Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. See the SMP'S for complete BMP specifications for the use and storage of regulated products.

4.10 FERTILIZERS, PESTICIDES AND FUNGICIDES

4.10.1 FERTILIZERS

- PH Up/ PH Down - up to 5 gallons
- Advanced Nutrients "Overdrive" - 6 to 24 gallons
- Fox Farm "Grow Big" - 5 to 25 gallons
- Maxsea "Bloom" - 50 to 100 lbs
- CalMag - 5 to 25 gallons
- Rock Resinator - 20 to 60 liters.

4.10.2 PESTICIDES AND FUNGICIDES

Pesticides and fungicides used for cultivation include:

- Plant Therapy (up to 5 gallons)
- Sulfur Powder
- Neem oil - (Up to 1 gallon)

4.10.3 FUELS AND OILS, OTHER REGULATED PRODUCTS

Fuels and oils stored on site include:

- 99% Isopropyl Alcohol – 1 to 5 Gallon
- Bleach – 1 to 5 Gallon
- Gasoline 200 Gallon in tank w/ secondary containment
- Diesel - 1,000 Gallons total in three locations:
 - Generator 1 Enclosure/Containment - 250 gallons
 - Generator 2 Enclosure/Containment - 500 gallons
 - Generator 3 Enclosure/Containment - 250 gallons

4.11 WASTE MANAGEMENT PLAN

4.11.1 CULTIVATION WASTE AND SOIL MANAGEMENT

Soil is kept within the footprint of the greenhouses and amended. Temporary stockpiles are stored on the greenhouse flat when re-filling the fabric pots. These stockpiles will be surrounded by wattles and tarped when not in use.

4.11.3 MATERIALS MANAGEMENT AND WASTE PLAN

Waste bins with lids are kept adjacent to cultivation sites and emptied out the day they are filled up or weekly.

Waste materials are stored in a shed and self-hauled off weekly to a licensed waste transfer station.

4.11.4 WASTEWATER MANAGEMENT PLAN

A portable toilet will be installed adjacent to the cultivation relocation site and will be serviced as needed.

A septic system is part of the residence and is used by the resident operator and will be retroactively permitted. Septic studies have been performed by PWA.

4.11.5 STORM-WATER MANAGEMENT PLAN

The requirements of the WRPP will be adhered to to minimize sediment discharge. The LSAA requirements will be implemented to reduce stormwater discharge from the property.

4.12 Cultivation Relocation Environmental Superiority

The following cultivation areas are proposed to be relocated for environmental superiority:

GH#3 - This PVC hoop structure is proposed to be demolished to make room for a larger coldframe greenhouse to accommodate relocated square footage.

GH#5 - This structure is located within an area zoned TPZ and the relocation/consolidation areas are open meadows zoned AE. The greenhouse is isolated and is difficult to access on a road in poor condition. The clearing will be allowed to re-vegetate allowing the forest to re-claim approximately 0.20 acres of canopy. The road will be abandoned according to forestry practices rules and allowed to re-vegetate but still provide pedestrian access to review and monitor the restoration and stability of the greenhouse flat. Approximately 800 linear feet of road usage will be eliminated from the operations as part of this relocation.

GH#6 & GH#7 - These cultivation sites do not meet the waterboard setback requirements from the adjacent Class 3 drainage. The access road to this cultivation site crosses several streams. This site is zoned AE and will be allowed to be naturally re-vegetated as a meadow. The relocation of this cultivation area will allow for the removal of four stream crossings and eliminate 1,050 linear feet of road usage from the operations of the site.

GH8, GH9, GH10 - These existing PVC hoop greenhouses are to be demolished and replaced with larger steel coldframe greenhouses. No additional grading is anticipated, the new structures will utilize the full size of existing graded flats.

5. PRODUCT MANAGEMENT

5.1 PRODUCT TESTING AND LABELING

Green Management Group of Humboldt will not be testing on site. Plant will be harvested and transported by a licensed Distributor where the product will be tested.

5.2 PRODUCT INVENTORY AND TRACKING

Green Management Group of Humboldt will comply with all Track and Trace Regulations and participate in the California METRC system, as required by the California Department of Food and Agriculture. The Agent in Charge ensures all commercial cannabis from immature plants to packaged products is tracked, accounted for and inventoried. Records are kept at each phase of the harvest and processing operation for reporting and compliance with State and Local regulations. The information recorded for each harvest includes:

- Cultivation canopy area
- Wet Weight of Harvested Plant
- Product ID numbers and product weight
- Staff identification (at each step)
- Physical location of the plant material at all times

5.3 TRANSPORTATION AND DISTRIBUTION

Transportation will be handled by a third-party, contracted, licensed transporter/distributor in accordance with State and Local regulations. Prior to moving harvested plants into Distributors / Transporters freezer truck, a transport manifest will be created by the cultivator and will include:

- Product ID numbers and product weight
- Route to be travelled
- Origin and destination addresses
- Time of departure
- Time of arrival

The *Agent in Charge* is responsible for performing a physical inventory of all packages being transported, and ensuring that the physical inventory coincides with the transport manifest.

Estimating Sound Levels With the Inverse Square Law

In the real world, the [inverse square law](#) is always an idealization because it assumes exactly equal sound propagation in all directions. If there are reflective surfaces in the sound field, then reflected sounds will add to the directed sound and you will get more sound at a field location than the inverse square law predicts. If there are barriers between the source and the point of measurement, you may get less than the inverse square law predicts. Nevertheless, the inverse square law is the logical first estimate of the sound you would get at a distant point in a reasonably open area.

If you measure a sound level $I_1 = 57$ dB

at distance

$d_1 = 7.01040000$ m = 23 ft

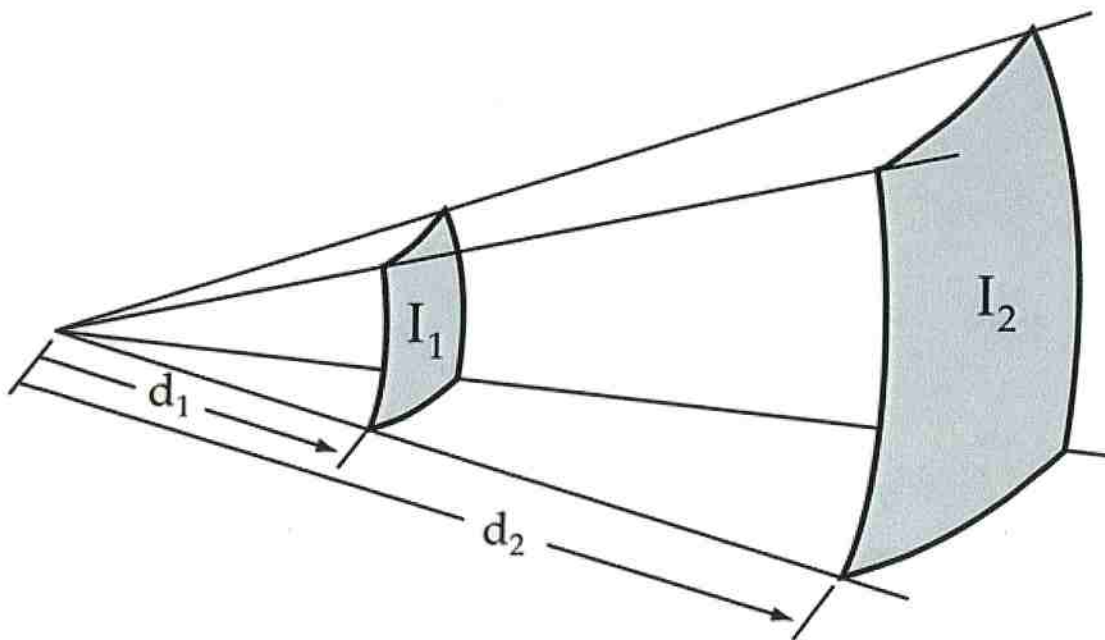
$$\frac{I_2}{I_1} = \left[\frac{d_1}{d_2} \right]^2$$

then at distance

$d_2 = 30.48$ m = 100 ft

the inverse square law predicts a sound level

$I_2 = 44.2345567$ dB



You can explore numerically to confirm that doubling the distance drops the intensity by about 6 dB and that 10 times the distance drops the intensity by 20 dB.

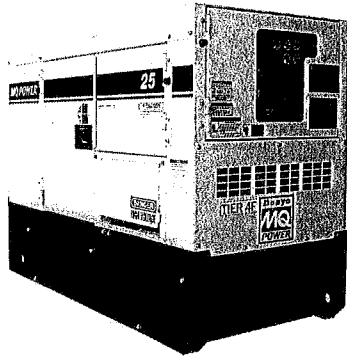
[Decibel definition](#) | [Decibel calculation](#)

[Calculating dB for distance ratios](#)

[Calculating dB from source power](#)

[Index](#)

[Auditorium acoustics](#)



(images/whisperwatt/DCA25SSIU4F-Skid.jpg)

DCA25SSIU4F

25 kVA Prime Output


The DCA25SSIU4F offers a prime rating of 20 kW (25 kVA) and a standby rating of 22 kW (27.5 kVA).

Our patented open delta generator winding provides precise voltage control, allowing superior motor starting capability. An electronic governor maintains frequency to $\pm 0.25\%$ from no load to full load. It features an auto start stop that allows the generator to start from a remote location. The unit features an e-coat and powder-coated, weatherproof steel housing that allows a substantially low operating noise level of 65 dB(A).


A comprehensive analog control panel provides instrumentation including AC ammeter, AC voltmeter, frequency meter, AC circuit breaker, engine gauges and much more.

Quick Links

 [Spec Highlights](#)


 [Additional Photos](#)

 [Product Literature](#)

 [Data Sheets](#)

 [Outline Drawings](#)

 [Service Documentation \(https://service.multiquip.com/search.html?search-text=DCA25SSIU4F&search-text2=*DCA25SSIU4F\)](https://service.multiquip.com/search.html?search-text=DCA25SSIU4F&search-text2=*DCA25SSIU4F)

 [Back to Models \(whisperwatt.html\)](#)

Specification Highlights

Generator

Prime Rating — 20 kW (220 kVA)

Standby Rating — 194 kW (25 kVA)

Single/Three-Phase, 60 Hz, 0.8 PF

± 0.25 Frequency Regulation
(No Load to Full Load)

Engine

Isuzu / 4LE2T

EPA Tier 4 Final Certified

Enclosure

65 dB(A) at 23 ft.

41.7 gal. (158 L) Fuel Tank Capacity

TRLR25US Trailer Available

Options

Battery Charger

Trailer-mounted Package

Emergency Stop Switch

Sub-Base Fuel Cells

Cam-Lok Quick Disconnectors

...And More!

Additional Photos



(images/whisperwatt/DCA25SSIU4F-Interior-Left.jpg)

Interior (Left Side)



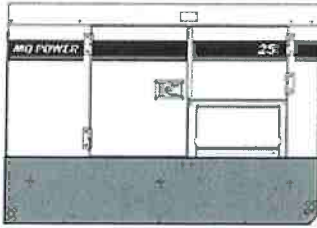
(images/whisperwatt/DCA25SSIU4F-Control-Panel.jpg)

Control Panel

Product Literature

MQ **DCA25SSIU4F**
MULTIQUIP **MQ POWER Series Generator**

WhisperWatt™
 Prime Rating — 20 kW (25 kVA)
 Standby Rating — 22 kW (27.5 kVA)
 Three-Phase, 60 Hz, 0.8 PF



STANDARD FEATURES

- Heavy duty, 4-cycle, direct injection, turbocharged diesel engine provides maximum reliability.
- Brushless alternator reduces service and maintenance requirements and meets temperature rise standards for Class F insulation systems.
 - Open delta excitation design provides virtually unlimited excitation for maximum motor starting capability.
 - Automatic voltage regulator (AVR) provides precise regulation.
- Electronic Governor Control — synchronous control, maintains frequency to within ±0.25% from no load to full load.
- Full load acceptance of standby nameplate rating in one step (NEMA 11A, para 5-13.2.8).
- Sound attenuated, weather resistant, steel housing provides operation at 65 dBA at 23 feet. Fully lockable enclosure.
- Automatic start/stop control — automatically starts the generator set during a commercial power failure when used in conjunction with a transfer switch.
- Complete engine analog instrumentation includes DC ammeter, oil pressure gauge, water temp. gauge, fuel level gauge, tachometer/hour meter, preheat indicator, and emergency shutdown monitors.
- Complete generator analog instrumentation includes voltage regulator control, ammeter phase selector switch, voltmeter phase selector switch, AC voltmeter, AC ammeter, frequency meter, panel light, and circuit breaker.
- Automatic safety shutdown system monitors the water temperature, engine oil pressure, overspeed and overcrank. Warning lights indicate abnormal conditions.
- Complete power panel. Fully covered, three-phase terminals.

MQ **TRLR25US**
MULTIQUIP **MQ POWER Single Axle Trailer**

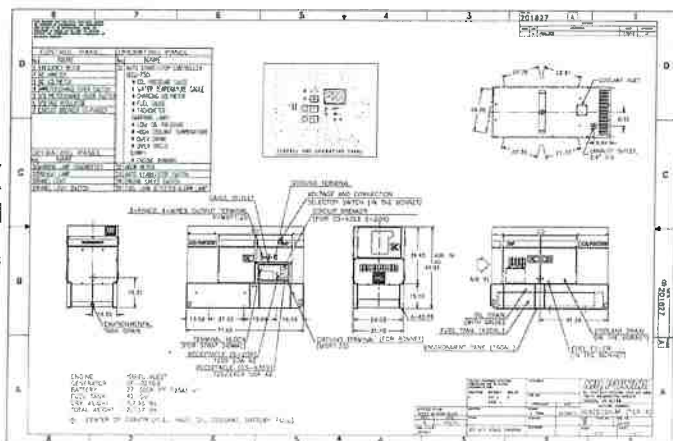


TRLR25US Technical Data	
Gross Weight Rating (GVWR) — 2,750 lbs. (1,254 kg)	Trailer Size — 5'11" (1560) L x 14" (355) W
Gross Axle Weight Rating (GAWR) — 1,500 lbs. (680 kg)	Tire Size — 15" (381) W
Coupler Rating — See coupler section on back page	Tire Load Rating — 1,200 lbs. (544 kg)

STANDARD TRAILER EQUIPMENT

- Fits MQ Power Generator Model DCA25USL, DCA25SSU4F
- Single-axle Design with Leaf Spring Suspension
- H.D. Welded Steel Frame Construction
- Formed Channel for Generator Mounting and Support
- 4-hole Channel Allows 3-position, Adjustable Coupler Height, 4-Inches O.A.
- Tongue Mounted Stake Jack (need 2,000 lbs. 907 kg W)
- Replaceable, Bolt-on Steel Fenders
- Polished Steel Paint Finish, Protection Flange, Channel, Axle and Fenders
- D.C. Coupler, 2 Signal Lamps, 2 Side Marker Lamps

Outline Drawings



EXHAUST EMISSION DATA SHEET

MQ POWER GENERATOR SET

Model: DCA-25SSIU4F



The engine used in this generator set is certified to comply with United States EPA Tier 4 and CARB Mobile Off-Highway emission regulations.

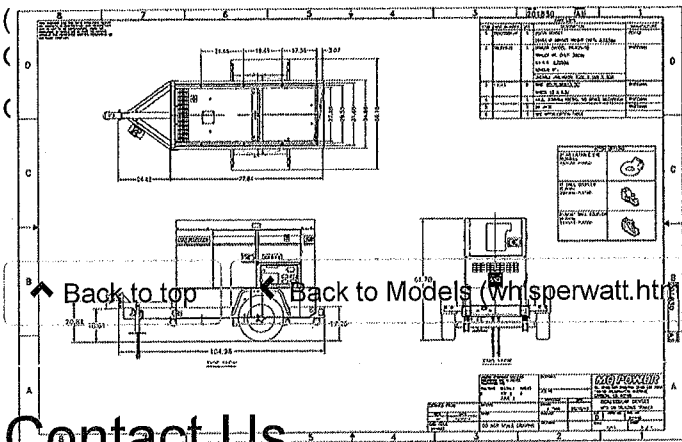
ENGINE DATA		
Manufacturer: Inuhs	Bore: 3.35 in (85 mm)	
Model: 4LE2T	Stroke: 3.78 in (96 mm)	
Type: 4-Cycle, In-Line, 4-Cylinder, Diesel	Displacement: 133 cu in (2.2 liter)	
Aspiration: Turbocharger, ECM, EGR, DDC Electronic Direct Injection	Compression Ratio: 17.0:1	
PERFORMANCE DATA		
SAE Gross HP @ 1800 RPM (60 Hz)	43.2	
Rated Load Fuel Consumption (gph)	1.62	
Rated Load Exhaust Gas Flow (cfm)	143	
Rated Load Exhaust Gas Temperature (°F)	847	
United States EPA - Mobile Off-Highway Tier 4 Limits - 25% < 50 BHP		
Criteria Pollutant	Emission Requirements	Certified Engine Emissions
NOx (Oxides of Nitrogen as NO ₂)	N/A g/bhp-hr	N/A g/bhp-hr
HC (Total Unburned Hydrocarbons)	N/A g/bhp-hr	N/A g/bhp-hr
NOx + HC (Combined)	N/A g/bhp-hr	N/A g/bhp-hr
CO (Carbon Monoxide)	4.10 g/bhp-hr	0.022 g/bhp-hr
PM (Particulate Matter)	0.027 g/bhp-hr	0.022 g/bhp-hr
NMHC (Non-Methane Hydrocarbons)	N/A g/bhp-hr	N/A g/bhp-hr
NMHC + NOx	3.50 g/bhp-hr	2.75 g/bhp-hr
EPA Engine Family:	F52XJ02 22TB	
EPA Certificate of Conformance:	F52XJ02 22TB 000	
ARB Executive Order:	LAR-006-0395	
Effective Date:	Model Year: 2015	
Note: Engine operation with excessive air intake or exhaust restriction beyond factory published maximum limits, or with improper service maintenance, may result in higher emission levels.		

Data And Specifications Subject To Change Without Notice

Date: 1/26/2015

(pdfs/whisperwatt/DCA25SSIU4F-02-Engine-Emission-Data-Sheet.pdf)

Emissions Data Sheet



Contact Us

If you would like more information about **MQ Power** Generators, please fill out the form below or call us at 800-421-1244
(pdfs/whisperwatt/DCA25SSIU4F-Outline-02-TRLR25US.pdf)

Generator Mounted on TRLR25US Trailer

Name*

Enter Name (Required)

Email address*

Enter Email (Required)

Company Name

Enter Company Name (optional)

Phone

Message*

Enter your Comments (required)

Send

Visit our Service & Support Center (<https://service.multiquip.com>) for:

Documentation

Operation and Parts Manuals (<https://service.multiquip.com/manuals.html>)

Technical Information (TI) Documents (<https://service.multiquip.com/ti-docs.html>)

Service Schematics & Diagrams (<https://service.multiquip.com/diagrams.html>)

Emission Data Sheets (<https://service.multiquip.com/emissions-data.html>)

Service Bulletins (<https://service.multiquip.com/service-bulletins.html>)

Service Manuals (<https://service.multiquip.com/service-manuals.html>)

Service & Support

Field Service Contacts (<https://service.multiquip.com/service-contacts.html>)

Service Centers (<https://service.multiquip.com/service-centers.html>)

Videos (<https://service.multiquip.com/videos.html>)

Warranty Support (<https://service.multiquip.com/warranty-support.html>)

University of Multiquip

Training Courses and Schedule (<https://service.multiquip.com/UMQ.html>)

Learning Resource Center (<https://service.multiquip.com/UMQ-learning-resource-center.html>)

Support Hotlines

Sales Support

800-426-1244 (tel:800-426-1244)

Monday - Friday 5:30AM to 4:30PM (PST)

Parts Support

800-427-1244 (tel:800-427-1244)

Monday - Friday 5:30AM to 4:30PM (PST)

Technical Support - Construction & Lighting

888-661-8992 (tel:888-661-8992)

Monday - Friday 5AM to 5PM (PST)

Technical Support - Power Solutions

800-835-2551 (tel:800-835-2551)

Monday - Friday 5AM to 5PM (PST)

© 2018 Multiquip Inc. (<https://www.multiquip.com>)

X-small



(<https://www.multiquip.com>)

Estimating Sound Levels With the Inverse Square Law

In the real world, the [inverse square law](#) is always an idealization because it assumes exactly equal sound propagation in all directions. If there are reflective surfaces in the sound field, then reflected sounds will add to the directed sound and you will get more sound at a field location than the inverse square law predicts. If there are barriers between the source and the point of measurement, you may get less than the inverse square law predicts. Nevertheless, the inverse square law is the logical first estimate of the sound you would get at a distant point in a reasonably open area.

If you measure a sound level $I_1 = 65$ dB

at distance

$d_1 = 7.01040000$ m = 23 ft

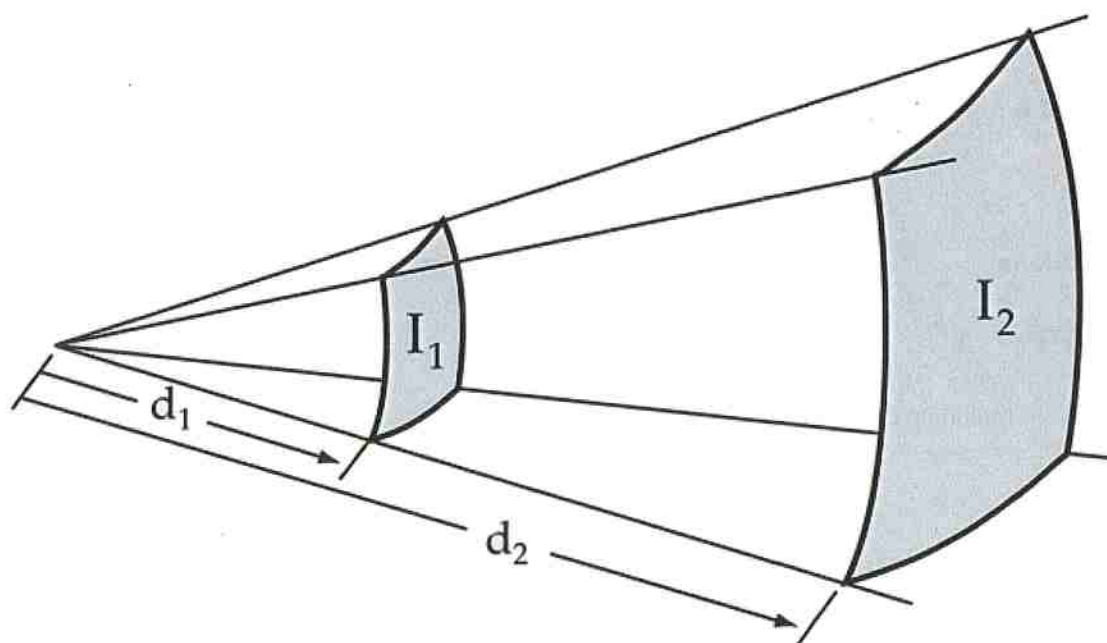
$$\frac{I_2}{I_1} = \left[\frac{d_1}{d_2} \right]^2$$

then at distance

$d_2 = 30.48$ m = 100 ft

the inverse square law predicts a sound level

$I_2 = 52.2345567$ dB



You can explore numerically to confirm that doubling the distance drops the intensity by about 6 dB and that 10 times the distance drops the intensity by 20 dB.

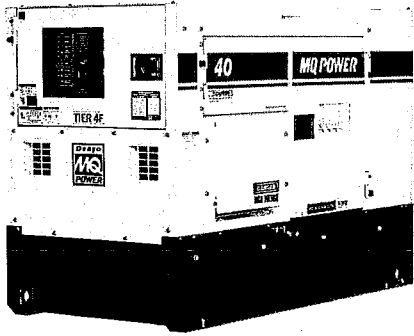
[Decibel definition](#) [Decibel calculation](#)

[Calculating dB for distance ratios](#)

[Calculating dB from source power](#)

[Index](#)

[Auditorium acoustics](#)



(images/whisperwatt/DCA40SSKU4F2-Skid-PowerBalance.jpg)

DCA40SSKU4F2³⁶ kVA Prime Output


The DCA40SSKU4F2 offers a prime rating of 28.8 kW (36 kVA) and a standby rating of 30.2 kW (27.8 kVA).


Our patented open delta generator winding provides precise voltage control, allowing superior motor starting capability. An electronic governor maintains frequency to $\pm 0.25\%$ from no load to full load. It features an auto start stop that allows the generator to start from a remote location.

The unit features a powder-coated, weatherproof steel housing that allows a substantially low operating noise level of 63 dB(A). A comprehensive analog control panel provides instrumentation including AC ammeter, AC voltmeter, frequency meter, AC circuit breaker, engine gauges and much more.

Quick Links


 [Spec Highlights](#)


 [Additional Photos](#)

 [Product Literature](#)

 [Data Sheets](#)

 [Outline Drawings](#)

 [Service Documentation \(https://service.multiquip.com/search.html?search-text=DCA40SSKU4F2&search-text2=*DCA40SSKU4F2\)](https://service.multiquip.com/search.html?search-text=DCA40SSKU4F2&search-text2=*DCA40SSKU4F2)

 [Back to Models \(whisperwatt.html\)](#)

Specification Highlights

Prime Rating — 28.8 kW (36 kVA)

Standby Rating — 29.7 kW (37 kVA)

208, 220, 240, 416, 440, 480V Switchable

± 0.25 Frequency Regulation
(No Load to Full Load)

Engine

Kubota V2403-CR-T

Tier 4 Final

Enclosure

61 dB(A) at 23 ft.

67.4 gal. (255 L) Fuel Tank Capacity

TRLR45HE AND TRLR45H Trailer Available

Options

Battery Charger

Trailer-mounted Package

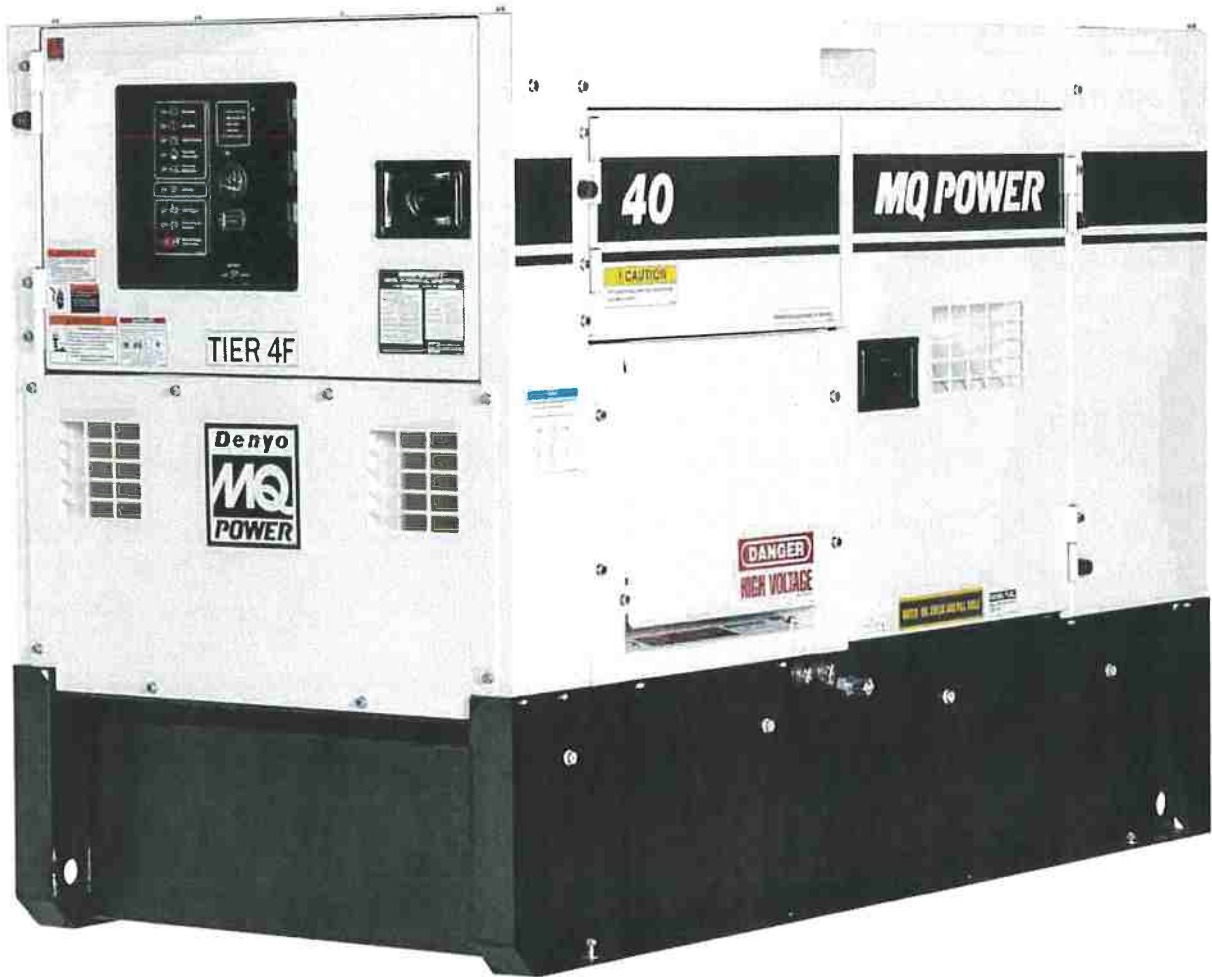
Emergency Stop Switch

Sub-Base Fuel Cells

Cam-Lok Quick Disconnectors

...And More!

Additional Photos



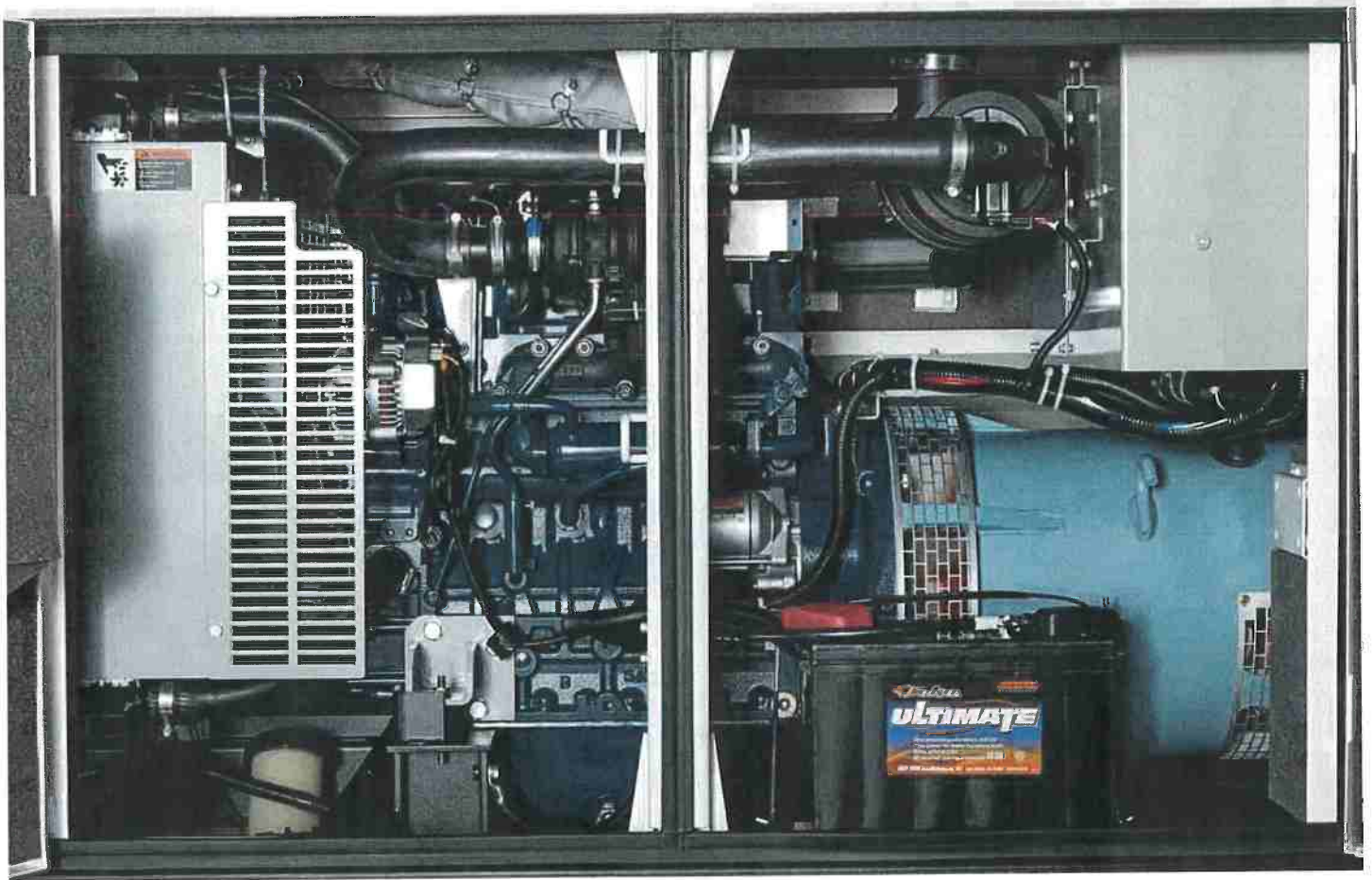
(images/whisperwatt/DCA40SSKU4F2-Skid-PowerBalance.jpg)

PowerBalance™ Option Installed



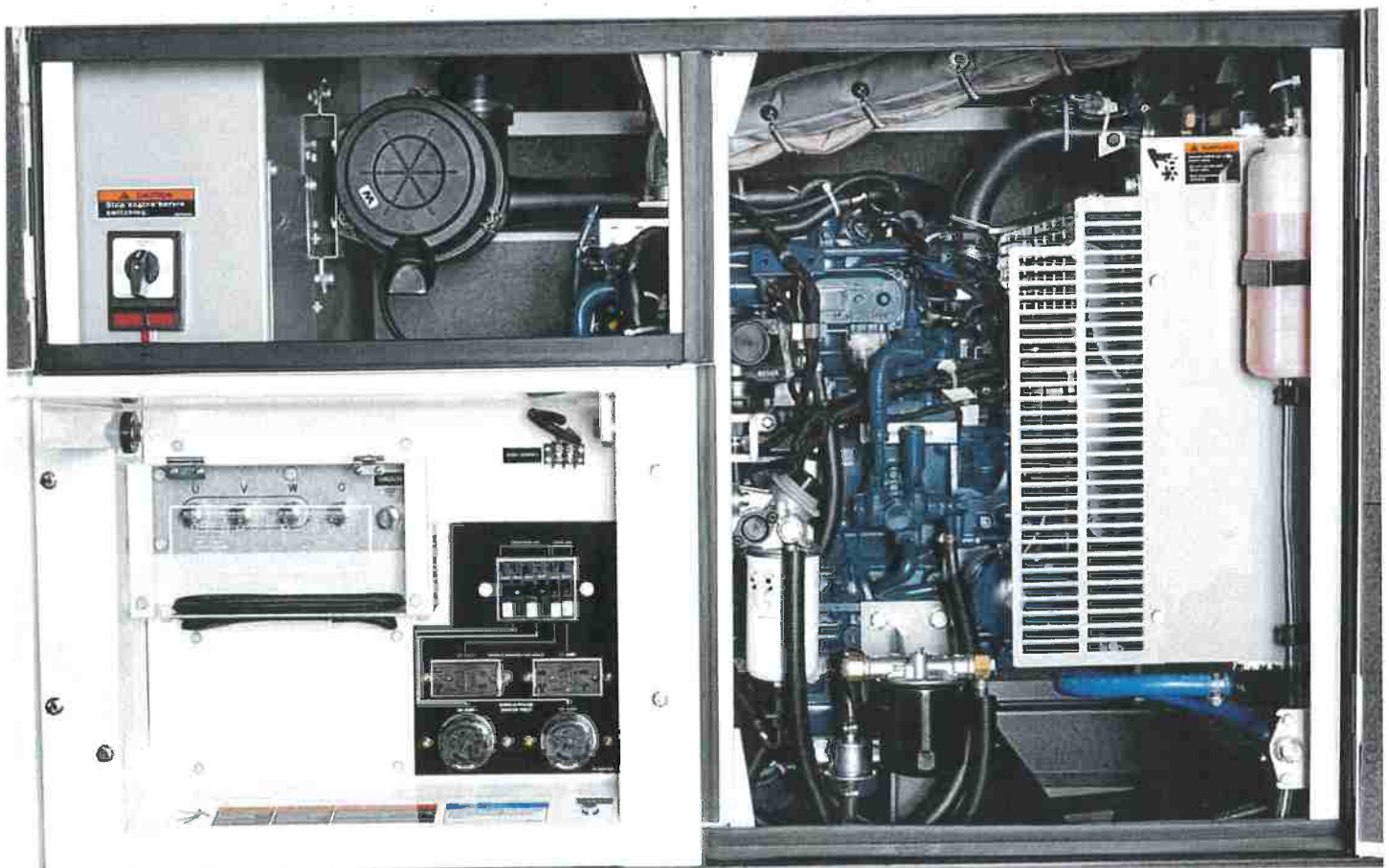
(images/whisperwatt/DCA40SSKU4F2-Trailer-Doors-Open.jpg)

Trailer-Mounted (Doors Open)



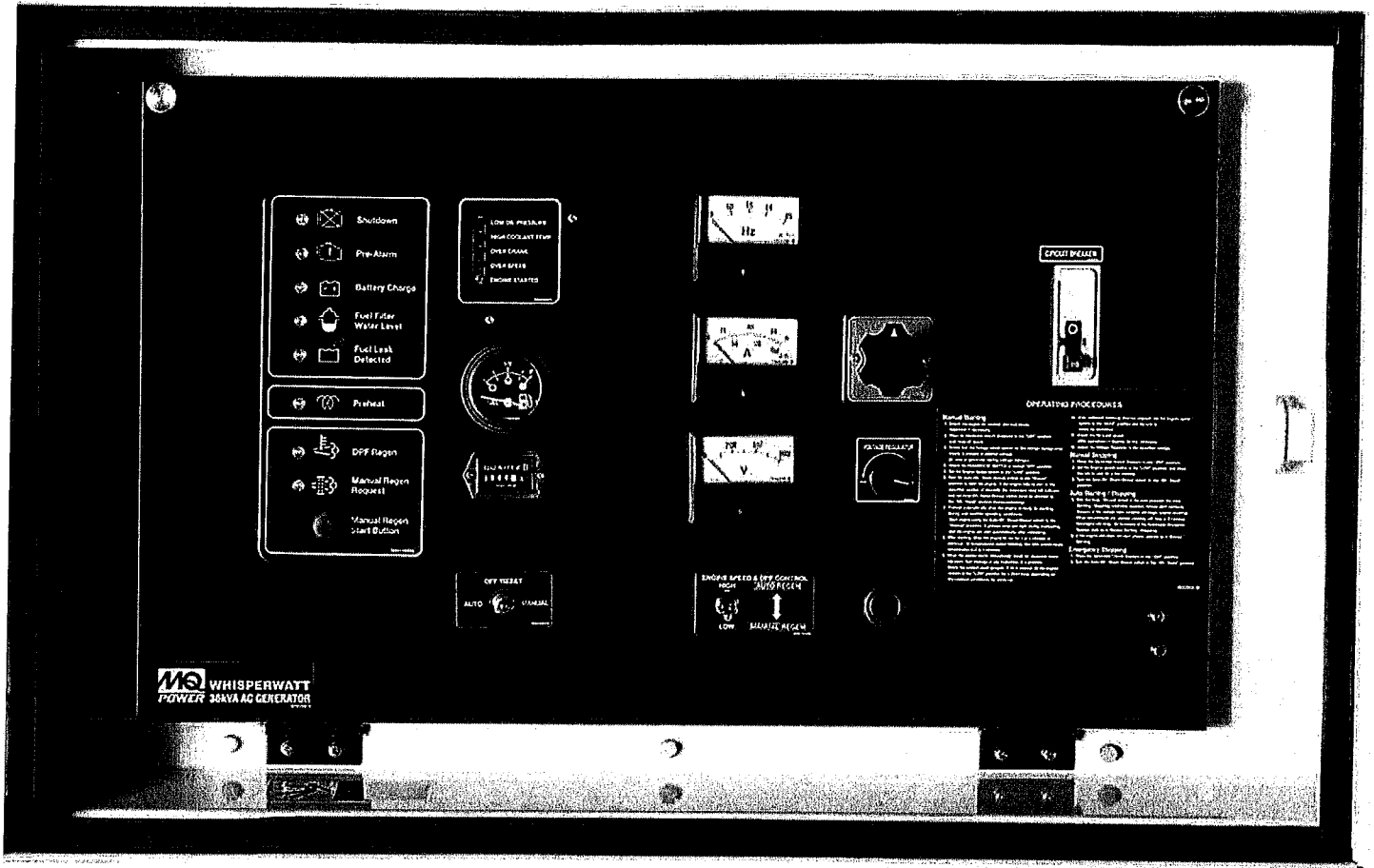
(images/whisperwatt/DCA40SSKU4F2-Interior-Left.jpg)

Interior (Left Side)



(images/whisperwatt/DCA40SSKU4F2-Interior-Right.jpg)

Interior (Right Side)



(images/whisperwatt/DCA40SSKU4F2-Control-Panel.jpg)

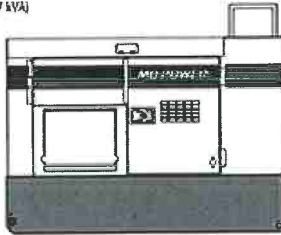
Control Panel

Product Literature

MQ **DCA40SSKU4F**
MULTIQUIP **MQ POWER Series Generator**

WhisperWatt™

Prime Rating — 28.8 kW (36 kVA)
Standby Rating — 29.7 kW (37 kVA)
Three-Phase 60 Hertz, 0.8 PF



STANDARD FEATURES

- Heavy duty 4-cycle, direct injection, turbocharged diesel engine provides maximum reliability.
- Brushless alternator reduces voltage and maintains the requirements and meets temperature rise standards for Class H insulation systems.
- Open delta excitation design provides virtually unlimited excitation for maximum motor starting capability.
- Automatic voltage regulator (AVR) provides precise regulation.
- Electronic Governor Control — maintains frequency to within ±0.25% from no load to full load.
- Full load acceptance of standby maintenance in one step (NEMA 110, para 5-13.2.6).
- Sound attenuated, weather resistant, steel housing provides operation at 61 dB(A) at 23 feet. Fully lockable enclosure allows safe unattended operation.
- Internal fuel tank with direct reading of fuel gauge.
- Complete generator analog instrumentation includes voltage regulator control, ammeter, phase selector switch, AC voltmeter, AC ammeter, frequency meter and circuit breaker.
- Power Balance™ Control — load management system comprised of an integral resistive load bank with controls, designed to constantly monitor generator load conditions to ensure that a preset load level is always maintained.
- Automatic safety shutdown system monitors the water temperature, engine oil pressure, oversized and overcrank. Warning lights indicate abnormal conditions.
- Complete power panel. Fully covered three-phase terminals and single phase receptacles allow fast and convenient hookup for most applications including temporary power boxes, tools and lighting equipment. The GFCI receptacles are NEMA 5-20, and the auxiliary outputs use GSS309 twist-lock receptacles.
- Simultaneous single and three-phase power.

EXHAUST EMISSION DATA SHEET

MQ POWER GENERATOR SET

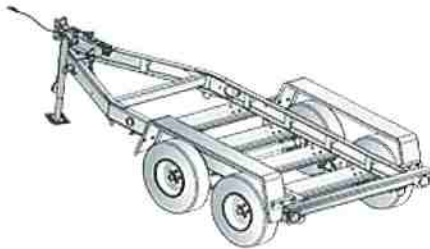
Model: DCA40SSKU4F



The engine used in this generator set is certified to comply with United States EPA Tier 4 and CARB Mobile Off-Highway emission regulations.

ENGINE DATA		
Manufacturer: Kubota	Bore: 3.4 in (87 mm)	
Model: V2403	Stroke: 4.0 in (102 mm)	
Type: 4-Cycle In-Line 4-Cylinder Diesel	Displacement: 146 cu (2.4 liter)	
Aspiration: Turbocharger, ECM, EGR, DDC, DPF, Electronic Direct Injection	Compression Ratio: 18.1 : 1	
PERFORMANCE DATA		
SAE Gross HP @ 1800 RPM (60 Hz)	43.3	
Rated Load Fuel Consumption (gal/hr)	2.24	
Rated Load Exhaust Gas Flow (cfm)	734	
Rated Load Exhaust Gas Temperature (°F)	939	
United States EPA - Mobile Off-Highway Tier 4 Limits -		25 < - 449 BHP
Criteria Pollutant	Emission Requirements	Certified Engine Emissions
NOx (Oxides of Nitrogen as NO2)	N/A g/bhp-hr	N/A g/bhp-hr
HC (Total Unburned Hydrocarbons)	N/A g/bhp-hr	N/A g/bhp-hr
NO2 + HC (Combined)	N/A g/bhp-hr	N/A g/bhp-hr
CO (Carbon Monoxide)	4.10 g/bhp-hr	0.02 g/bhp-hr
PM (Particulate Matter)	0.027 g/bhp-hr	0.0007 g/bhp-hr
NMHC (Non-Methane Hydrocarbons)	N/A g/bhp-hr	N/A g/bhp-hr
NMHC + NOx	3.50 g/bhp-hr	2.46 g/bhp-hr
EPA Engine Family:	FKDQJ02 4LXC	
EPA Certificate of Conformance:	FKDQJ02 4EKC 028	
AJB Executive Order:	EJ-025-0652-1	
Effective Date:	Model Year 2015	
<small>Note: Engine operation with excessive air intake or exhaust restriction beyond factory published maximum levels, or with improper service maintenance, may result in higher emission levels.</small>		

MQ **TRLR45**
MULTIQUIP **MQ POWER Tandem Axle Trailer**



Data And Specifications Subject To Change Without Notice

Date: 3-10-2015

(pdfs/whisperwatt/DCA40SSKU4F2-02-Engine-Emission-Data-Sheet.pdf)

Emissions Data Sheet

TIRE AND TECHNICAL DATA	
Gross Vehicle Weight Rating (GVWR) = 7,000 lbs (3,175 kg)	Tire Size = ST175-700C4, L16
Gross Axle Weight Rating (GAWR) = 3,500 lbs (1,588 kg)	Wheel Bolt Pattern = 5 Lug
Chassis Rating — See chassis options or back page	Tire Load Rating = 1,700 lbs (767 kg) each

STANDARD TRAILER EQUIPMENT

- Fits MQ Power Generator Model DCA40SSKU4F, DCA40SSKU4F, DCA40SSKU4F, DCA40SSKU4F
- Tandem-Axle Design with Leaf Spring Suspension
- H.D. Welded Steel Frame Construction
- Form Channel for Generator Mounting and Support
- Replaceable, Bot-on Hydraulic Brake Actuator
- Surge Hydraulic-actuated Drum Brakes (all axles)
- Hydraulic Uni-Servo Drum Brakes with Free-backing Pallet - 10-inch Chassis
- D.O.T. Steel Brake Lines, Brass Tees and Rubber Hydraulic Brake Hoses
- 4-Hole Channel Access Cylinders on Adjustable Coupler Height, Swishes On
- Tongue Mounted Swivel Jack with Flat Disc Wheel (3,000 pound) and 2" x 2" x 1/4" Fenders
- Powder Coat Paint Process including Frame, Channel, Actuator and Fenders
- D.O.T. Approved Tail Lamp, Stop Lamp, Turn Signal Lamp, Side Marker Lamp
- Weatherproof, Rubber Armored, Zipper Trailer Light Wiring Harness

Back to Top Back to Models (whisperwatt.html)

Contact Us

TRLR45 - MQ POWER TANDEM AXLE TRAILER — REV. 03 (10/1/15)

If you would like more information about **MQ Power** Generators, please fill out the form below or call us at 800-421-1244 (tel: 800-421-1244) DCA40SSKU4F2-03-Trailer-Data-Sheet-TRLR75XF2.pdf)

TRLR75XF2 Trailer Data Sheet

Enter Name (Required)

Email address*

Estimating Sound Levels With the Inverse Square Law

In the real world, the [inverse square law](#) is always an idealization because it assumes exactly equal sound propagation in all directions. If there are reflective surfaces in the sound field, then reflected sounds will add to the directed sound and you will get more sound at a field location than the inverse square law predicts. If there are barriers between the source and the point of measurement, you may get less than the inverse square law predicts. Nevertheless, the inverse square law is the logical first estimate of the sound you would get at a distant point in a reasonably open area.

If you measure a sound level $I_1 = 61$ dB

at distance

$d_1 = 7.01040000$ m = 23 ft

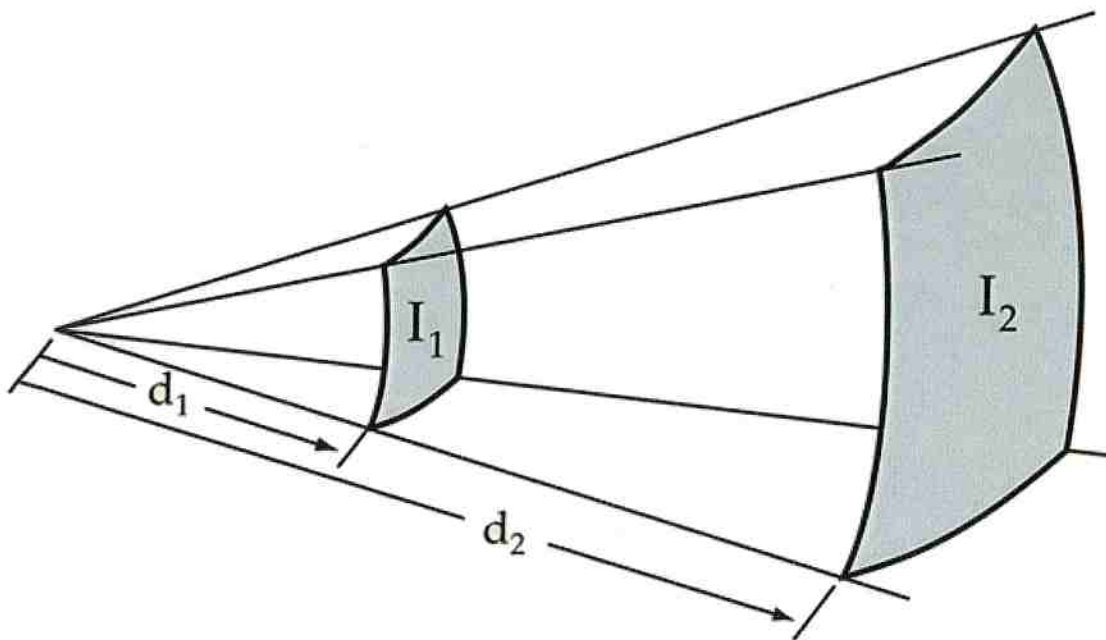
$$\frac{I_2}{I_1} = \left[\frac{d_1}{d_2} \right]^2$$

then at distance

$d_2 = 30.48$ m = 100 ft

the inverse square law predicts a sound level

$I_2 = 48.2345567$ dB



You can explore numerically to confirm that doubling the distance drops the intensity by about 6 dB and that 10 times the distance drops the intensity by 20 dB.

[Decibel definition](#) | [Decibel calculation](#)

[Calculating dB for distance ratios](#)

[Calculating dB from source power](#)

[Index](#)

[Auditorium acoustics](#)



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H508261

CERTIFICATE H100579

Right Holder: *Emerald Holdings, LLC*
Valle Vista 460
Oakland, CA 94610

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 08/22/2019. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
POD 3 - Spring	Unnamed Spring	Unnamed Stream	East Branch South Fork Eel River	40.009559	-123.727449	Humboldt	223-032-001
POD 1 - Stream	Unnamed Stream	East Branch South Fork Eel River	South Fork Eel River	40.007908	-123.731807	Humboldt	223-032-001
POD 2 - Spring	Unnamed Spring	Unnamed Stream	East Branch South Fork Eel River	40.009277	-123.728290	Humboldt	223-032-001

- 2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Fire Protection	Humboldt	223-032-001	0.4

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 09/04/2019. The place of use is shown on the map filed on 09/04/2019 with the State Water Board.

- 4. Quantity and Season:

The water appropriated by storage shall be limited to the quantity which can be beneficially used and shall not exceed 0.57 acre-feet per year to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed

0.69 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.** For onstream storage reservoirs, the diversion rate and diversion season bypass conditions may be modified by the Deputy Director for Water Rights (or designee) or the California Department of Fish and Wildlife as part of the onstream storage reservoir determinations under the Cannabis Policy.

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

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

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 93, 95, and 97 – 102.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:
<https://www.waterboards.ca.gov/cannabis>.

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing. For changes required by amendments to the Cannabis Policy, the State Water Board may provide notice and the opportunity for a hearing by following the procedures specified in section 13147 of the Water Code.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
- a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance

with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.

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

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

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

Dated: 09/04/2019 09:24:25

© 2019 - State Water Resources Control Board

11713
565534

Department of Fish and Game
619 Second Street
Eureka, California 95501



Customer's Order No. _____

DATE 09/03/2019

SOLD TO Emerald Holdings LLC

ADDRESS _____

SALESMAN Thimmes

TERMS _____

CASH	CHARGE	C. O. D.	PAID OUT	RETD. MUSE	RETD. FOR MUSE
QUAN.	DESCRIPTION			PRICE	AMOUNT
	check # 26100234358				313 <u>00</u>
	26100234347				1000 <u>00</u>
	26100234336				1000 <u>00</u>
	26074626941				1000 <u>00</u>
	26074626930				1000 <u>00</u>
	26004772282				1000 <u>00</u>
	APN				
	223-032-001				
	total				5313 <u>00</u>

ALL Claims and Returned Goods MUST Be Accompanied By This Bill

SIGNATURE _____

565533

Department of Fish and Game
619 Second Street
Eureka, California 95501

Customer's
Order No. _____

DATE 09/03/2019

SOLD TO Emerald Holdings LLC

ADDRESS _____

SALESMAN Thimmes

TERMS _____

CASH	CHARGE	C. O. D.	PAID OUT	RETD. MDSE.	RECD. ON ACCT.
QUAN.	DESCRIPTION			PRICE	AMOUNT
	check # 26004772271				748 ⁰⁰
	2600477293				1000 ⁰⁰
	25952113282				1000 ⁰⁰
	25952113271				1000 ⁰⁰
	25952113304				1000 ⁰⁰
	25952113293				1000 ⁰⁰
	26074633590				1000 ⁰⁰
	26074633588				1000 ⁰⁰
	APN				
	223-032-001				
	total				7748 ⁰⁰

ALL Claims and Returned Goods MUST Be Accompanied By This Bill

SIGNATURE _____



RECEIVED
 FEB 9 3 27 PM '22



NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Complete EACH field, unless otherwise indicated, following the instructions and submit ALL required enclosures, attachments, and fee(s) to the CDFW regional or field office that serves the area where the project will occur. Attach additional pages to notification, if necessary.

1. APPLICANT PROPOSING PROJECT

Name	Brett Todoroff
Business/Agency	Emerald Holdings, LLC
Mailing Address	420 Merritt Avenue
City, State, Zip	Oakland, CA 94610
Phone Number	925-872-1469
Email	brett4kicks@gmail.com

2. CONTACT PERSON (Complete only if different from applicant)

Name	Kathy Moley / Steven Luu
Business/Agency	Pacific Watershed Associates / SL Consulting Services, Inc.
Mailing Address	1652 Holly Drive / 973 Dowler Drive
City, State, Zip	McKinleyville, CA 95519 / Eureka CA 95501
Phone Number	707-839-5130 / 707-440-9033
Email	kathym@pacificwatershed.com / steven@slconsultinginc.com

While an applicant is legally responsible for complying with Fish and Game Code section 1602 et seq., an applicant may designate and authorize an agent (e.g., lawyer, consultant, or other individual) to act as a Designated Representative. The Designated Representative is authorized to sign the notification and any agreement on behalf of the Applicant.

Do you authorize the Contact Person above to represent you as your Authorized Designated Representative?

Yes, I authorize. No, I do not authorize.

3. PROPERTY OWNER (Complete only if different from applicant)

Name	Jesse Neiblas, Chad Mussey, Farrell Broughton
Mailing Address	PO Box 1932
City, State, Zip	Redway CA 95560
Phone Number	N/A
Email	N/A

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Emerald Holdings, LLC APN: 223-032-001

Planning & Building Department Case/File No.: 11713

Road Name: Ranch Road/Howard Ranch Road *(complete a separate form for each road)*

From Road (Cross street): Benbow Drive

To Road (Cross street): PROPERTY LINE

Length of road segment: ~5 miles Date Inspected: 12-05-19

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

Check one of the following:

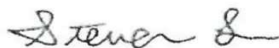
Box 1 The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

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

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

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

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



12-5-19

Signature

Date

STEVE LUU

Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

Road Evaluation Photos
#11713

RECEIVED
DEC 05 2019
Humboldt County
Cannabis Svcs.

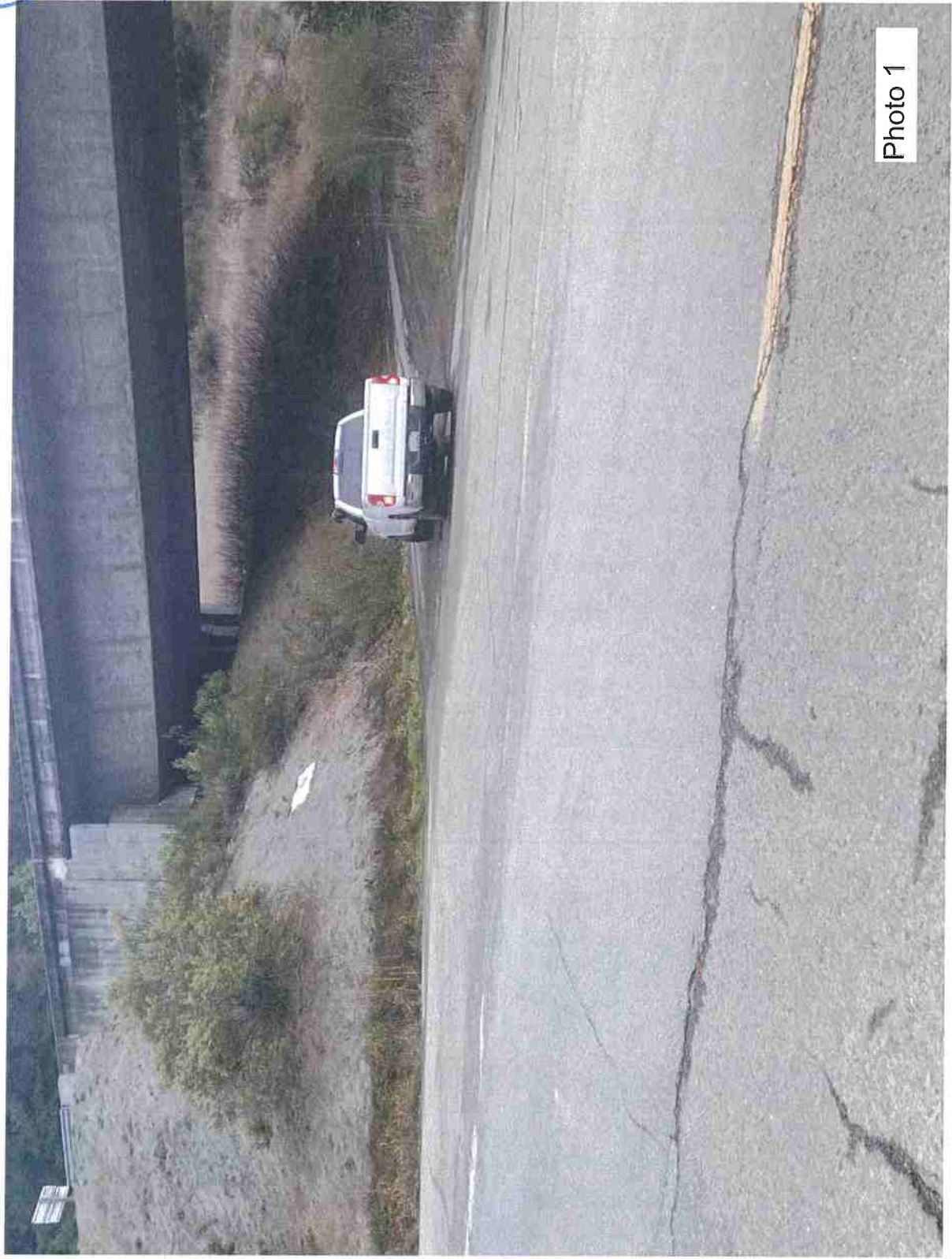


Photo 1

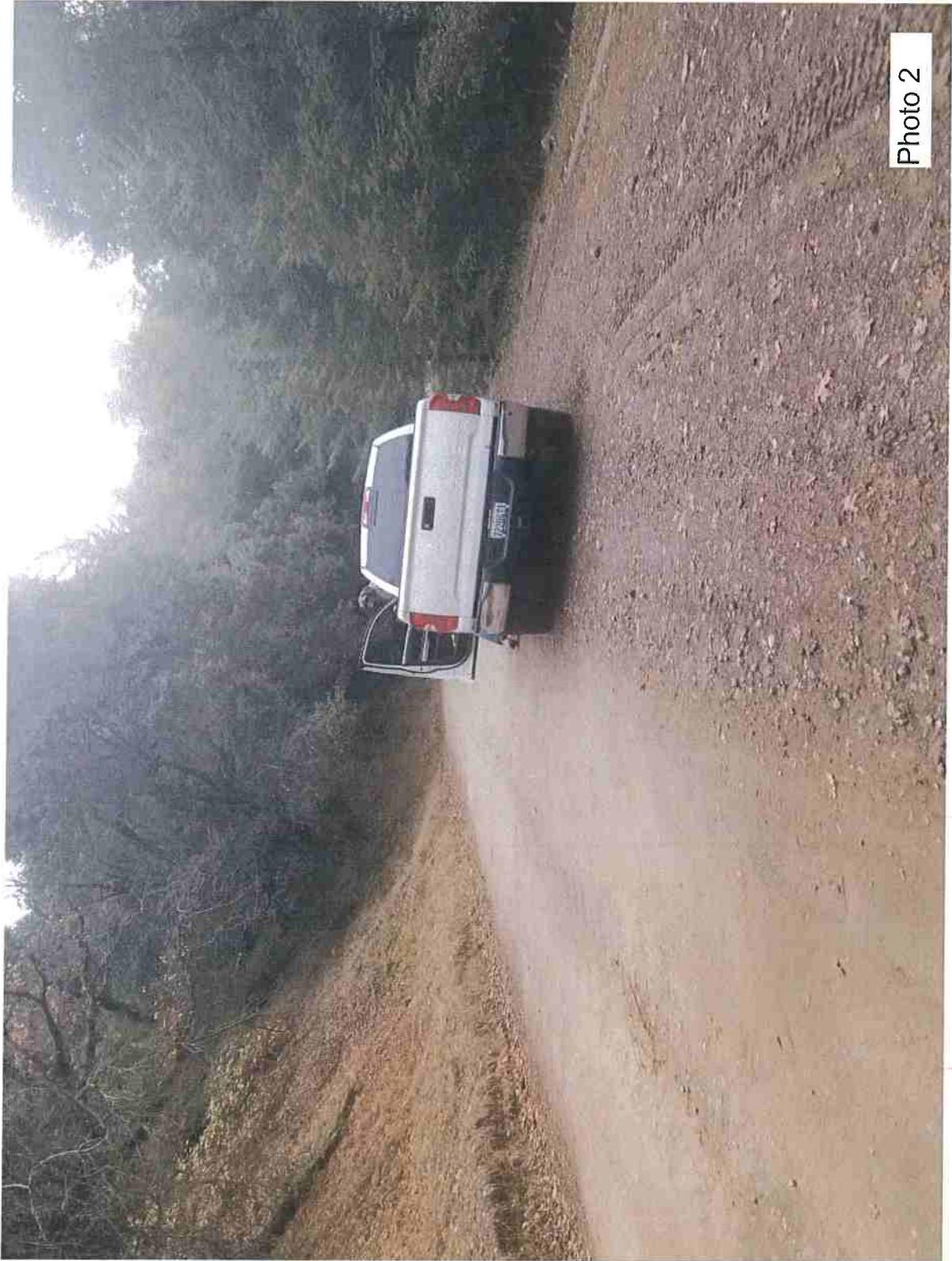


Photo 2

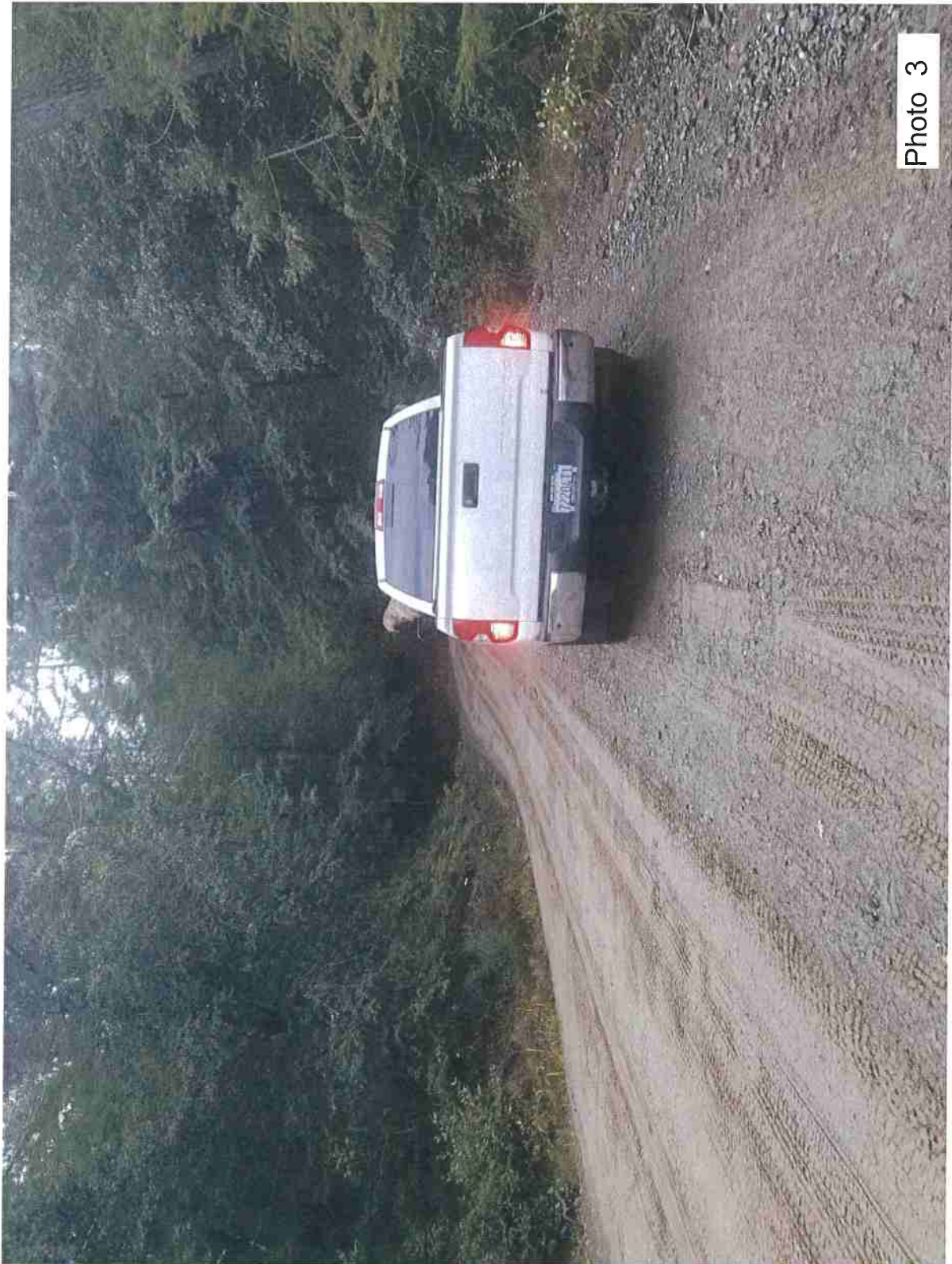


Photo 3

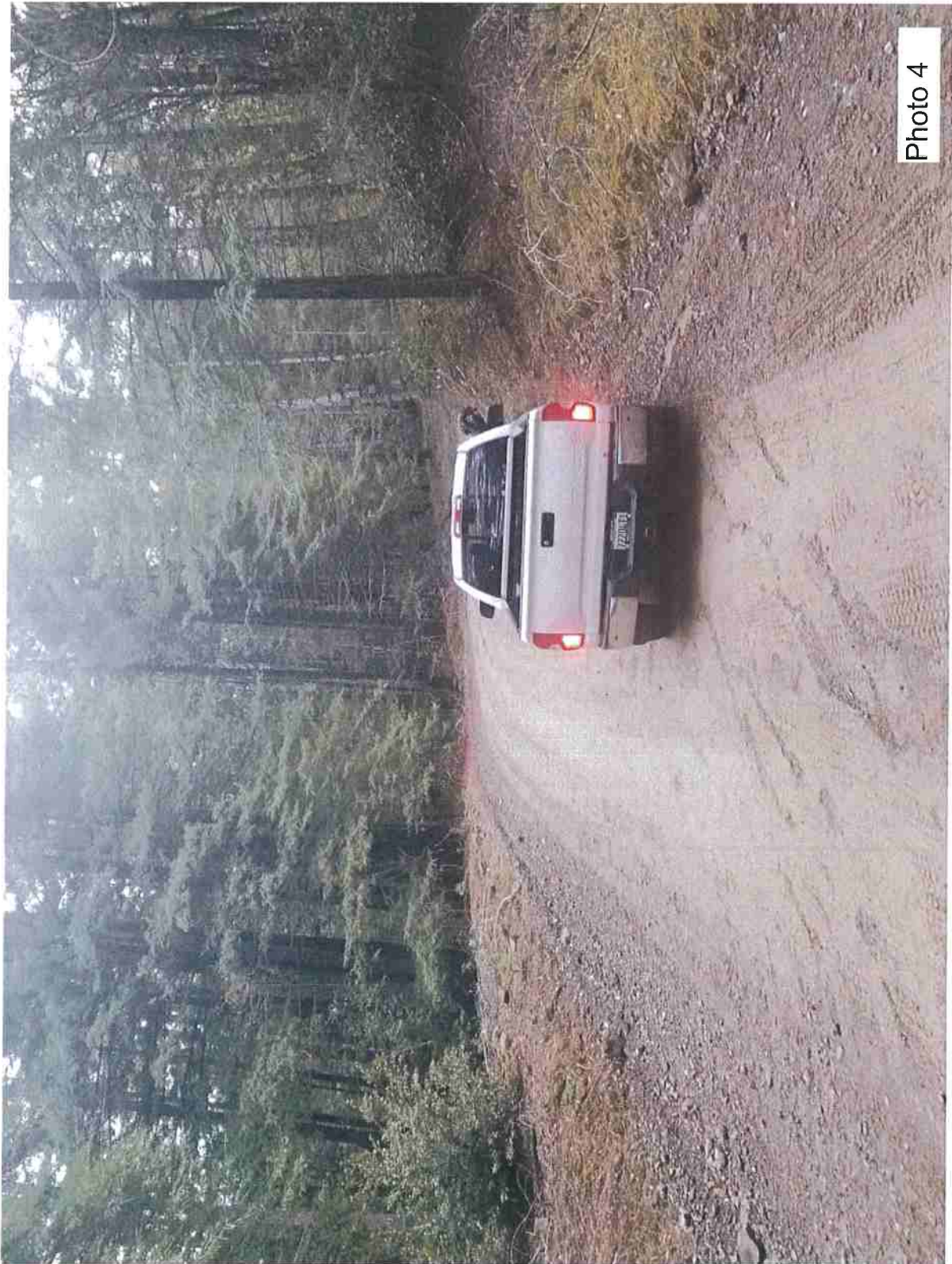


Photo 4



Photo 5



Photo 6



Photo 7

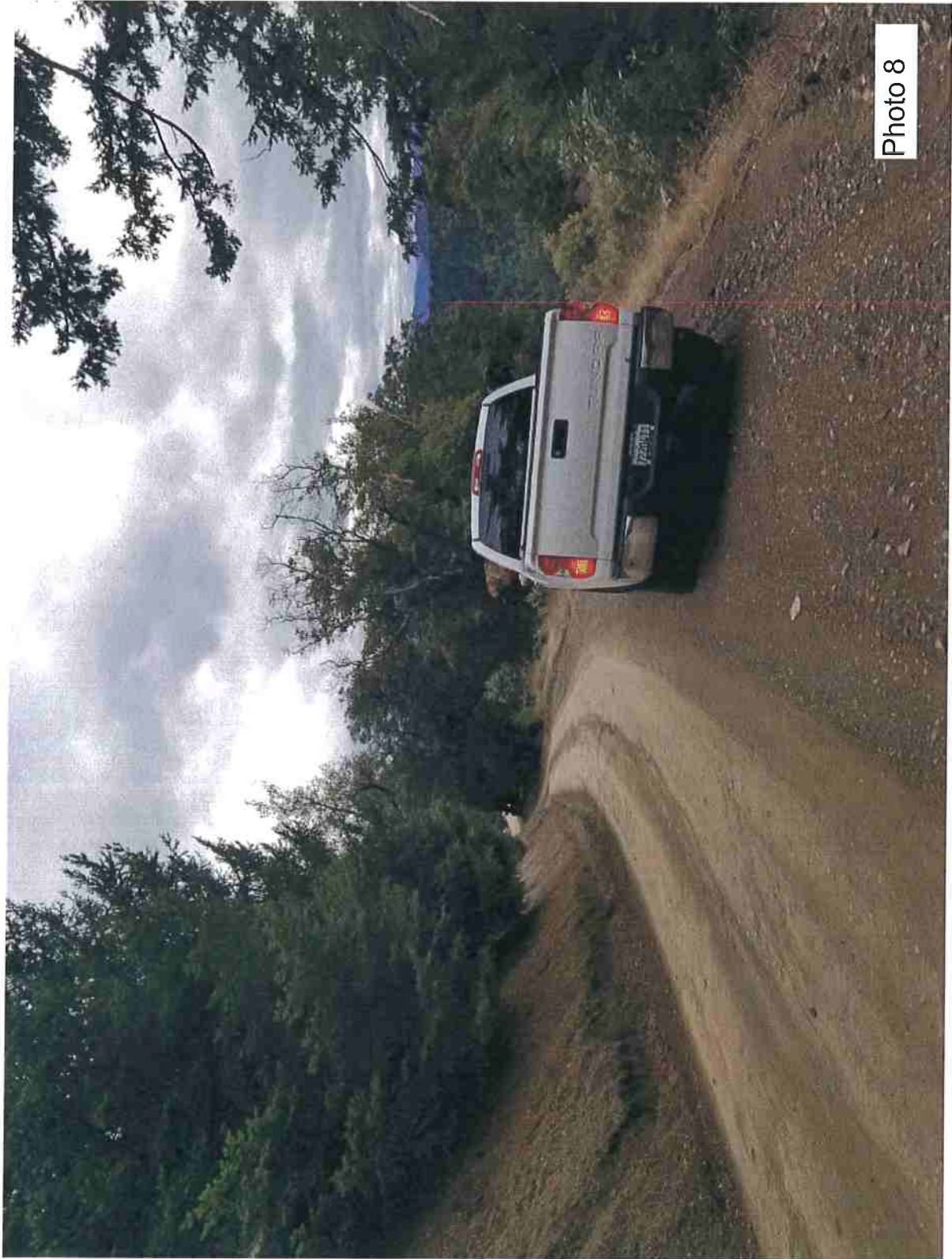


Photo 8

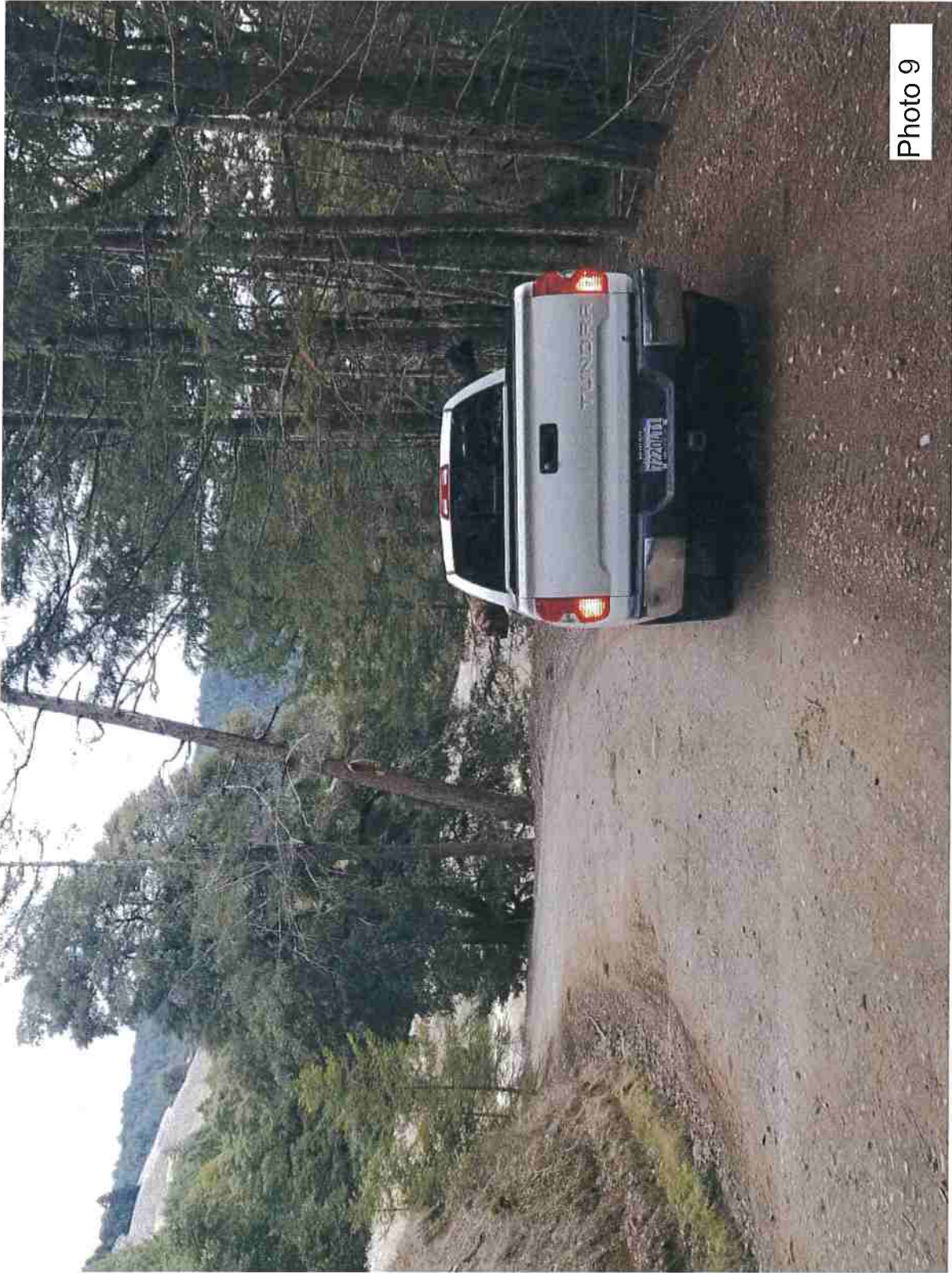


Photo 9

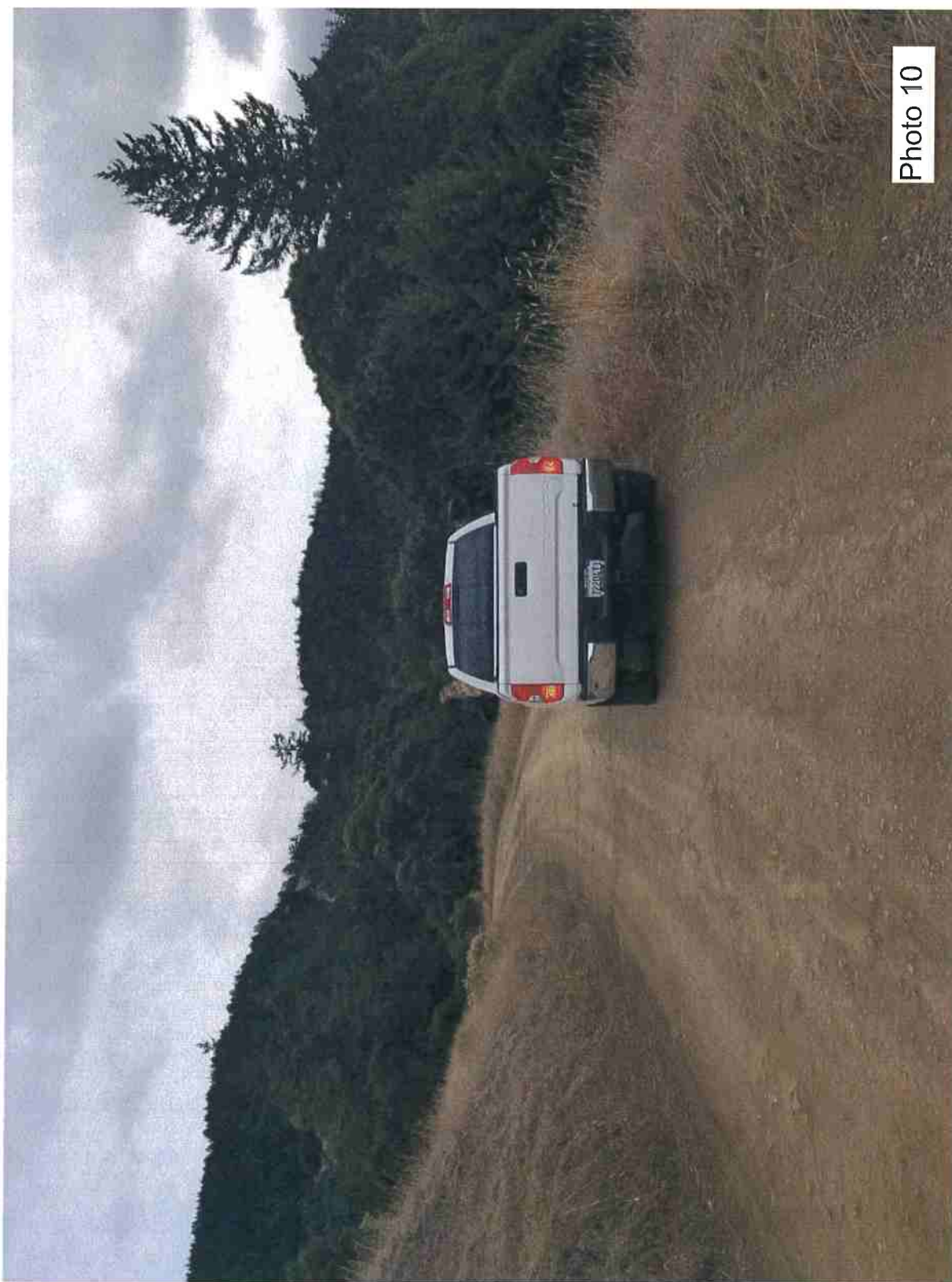


Photo 10



Photo 11

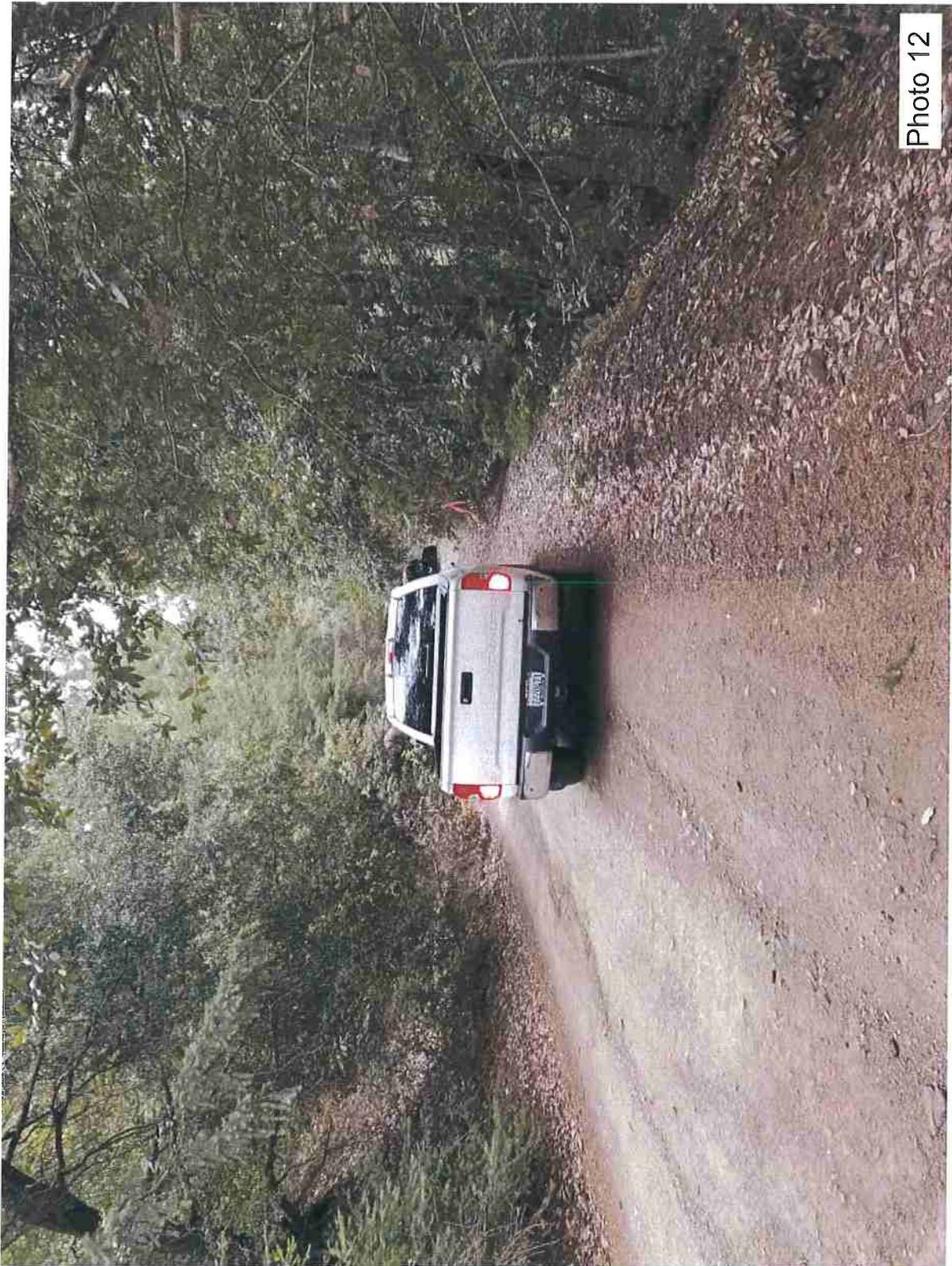


Photo 12

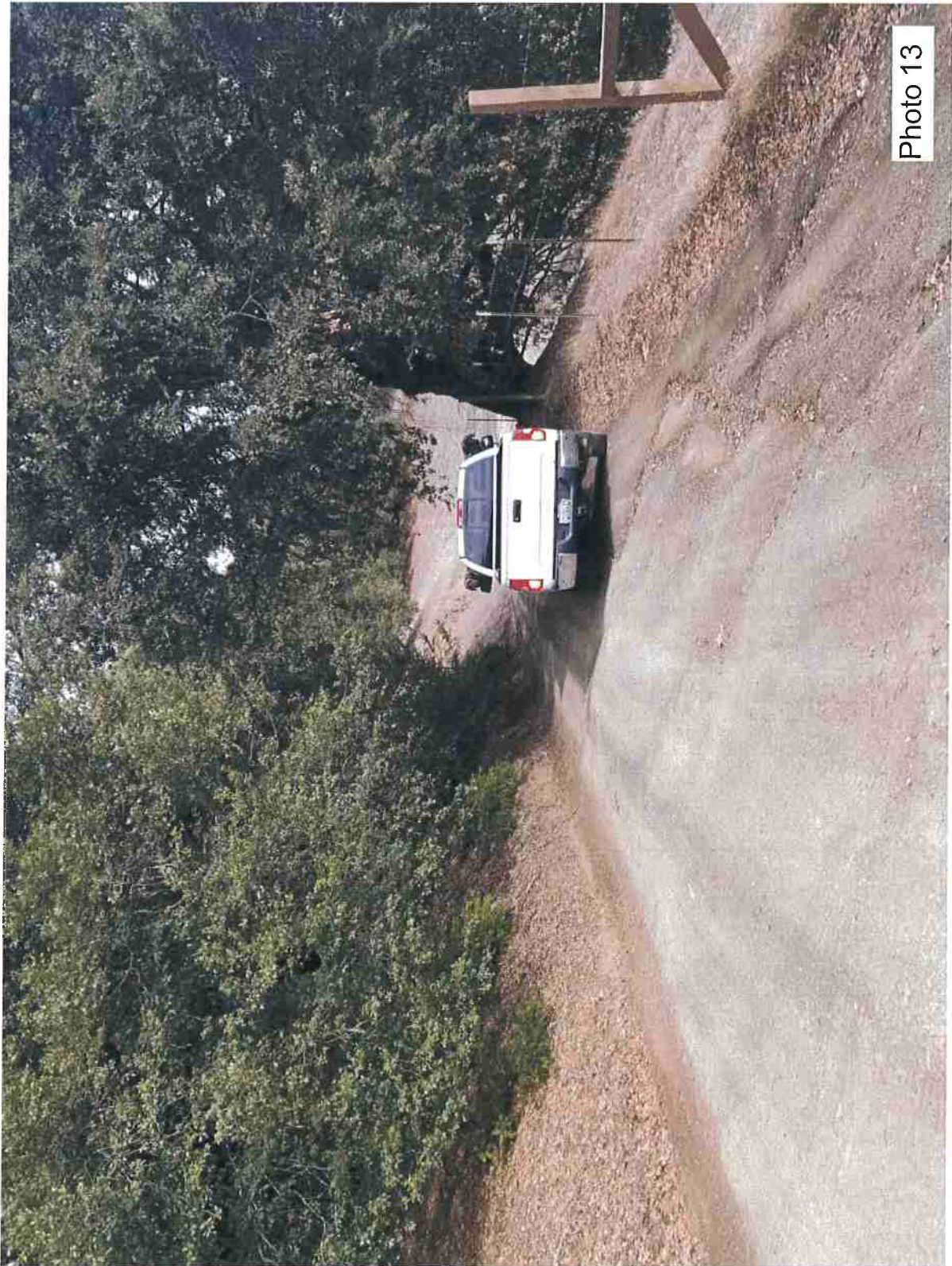


Photo 13

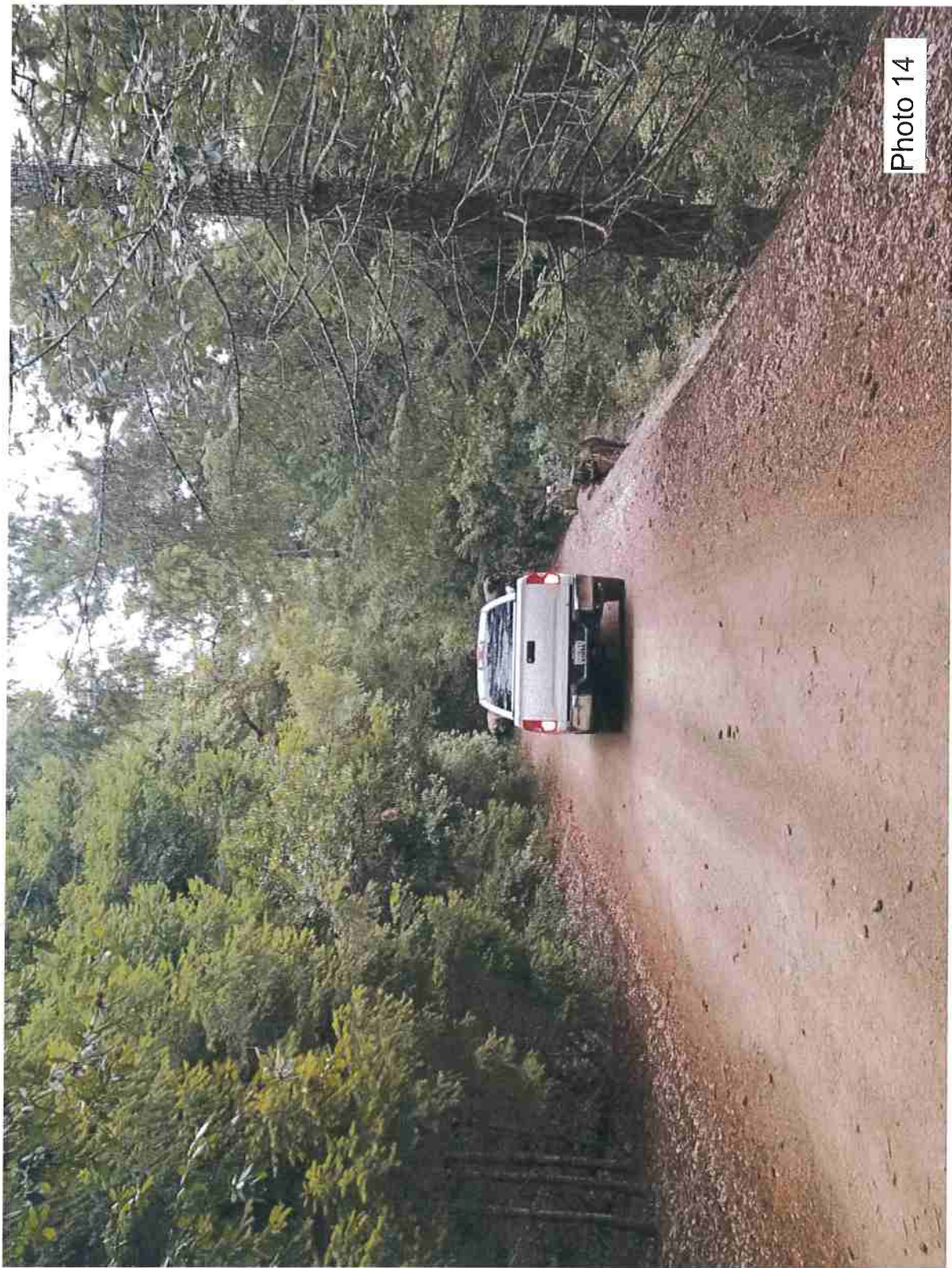


Photo 14

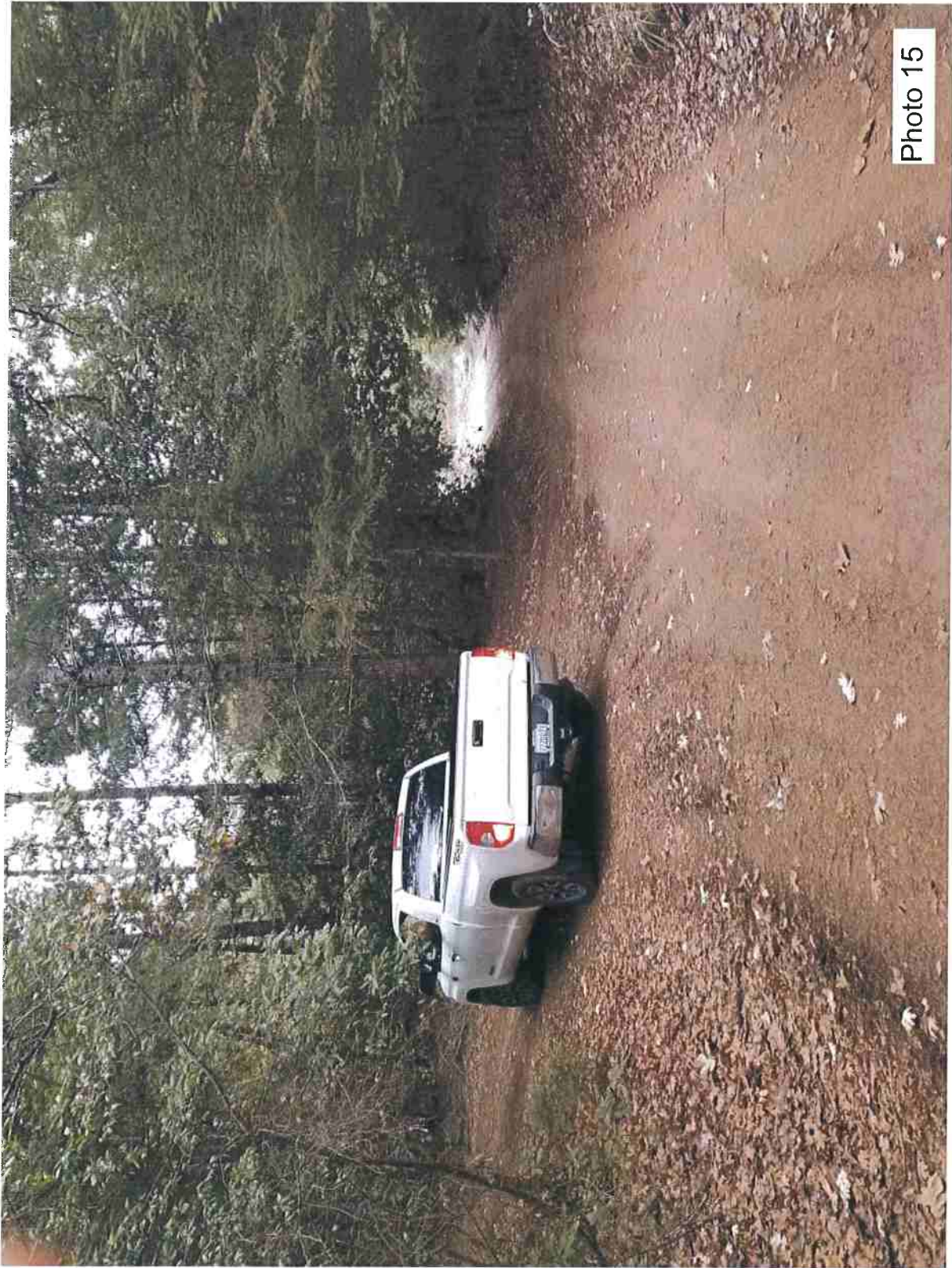


Photo 15



Photo 16

From: [Steven Luu](#)
To: [Megan Marruffo](#)
Cc: [Meghan Ryan](#); [Byron E. Turner](#)
Subject: Re: 11713 (Green Management Group) - PC on 12/16
Date: Wednesday, December 15, 2021 12:39:33 PM

Hi Megan,

I received confirmation of the project changes from the applicant this morning. I am wrapping up the changes and hope to have a revised operations plan to you by 2:00 to 2:30 this afternoon.

I wanted to give you a summary of the changes so you can move forward with edits to the staff report as necessary:

Power

House and dry barn powered by 25 KW diesel generator. 25KW generator to remain as power source for those two structures only. As further mitigation, the applicant proposes installation of a battery system to limit generator usage to daylight hours only given CDFW concerns with impacts to NSO. The challenge is the area is heavily wooded and installation of a solar array to off-set the operations at that location is not feasible. One of the planning commissioners (Peggy O'neill) believed it would cost \$3.5 million to get PGE power to the site based on \$1 million per mile through heavily wooded terrain so that is not feasible either.

Grow sites currently powered by portable gas generators. Discontinue use of generators at these sites by end of 2025 and will switch to entirely powered by solar with battery storage - (string lights, direct drive solar fans, automated tarping system powered off battery)

Given the time constraints we have not done a full power analysis so I am not sure if we will be able to meet an 80% renewables limit but it should be close. I would prefer to outline exactly what is feasible for project needs are above than to set a blanket percentage that could kill the project in a few years.

Water

Water is diverted from two springs to fill tanks for the domestic and irrigation system. POD-2 is for domestic use as it is a seep that yields water all year. Per the LSAA, CDFW allows direct diversion for irrigation use with limit to 200 gallons per day between May 15-October 31st for the domestic diversion. POD-3 is for irrigation use as it is more seasonal in nature (heavy flows in the winter). Irrigation water is diverted to fill tanks and the pond between November 1st and March 31st per the LSAA.

Gutters will be installed and plumbed from the residence and barn into the water system to further reduce diversion needs.

Baseline Improvements

Does it also make sense to show how this project is proposing to mitigate its impacts versus baseline? There's considerable restoration work being proposed as part of this project including:

Decommissioning of two pre-existing points of diversion (from four to two).

Decommissioning of four stream crossings

Decommissioning of 0.42 road miles (reduce sediment delivery, greenhouse emissions from vehicle travel, reduce noise impacts to surrounding areas from elimination of vehicular traffic)

Sincerely,

Steve Luu

On Tue, Dec 14, 2021 at 12:49 PM Megan Marruffo <marruffom@lacoassociates.com> wrote:

Thank you, Steve! Much appreciated.



Megan Marruffo

Senior Planner / Project Manager

LACO Associates

Eureka | Ukiah | Santa Rosa | Chico

Advancing the quality of life for generations to come

707 443 5054

<http://www.lacoassociates.com>

This e-mail and its attachments are confidential. E-mail transmission cannot be assured to be secure or without error. LACO Associates therefore does not accept liability for any errors or omissions in the contents of this message. The recipient bears the responsibility for checking its accuracy against corresponding originally signed documents. If you are not the named addressee you should not disseminate, distribute, or copy this e-mail. Please notify the sender or postmaster@lacoassociates.us by e-mail if you have received this e-mail by mistake, and delete this e-mail from your system.

From: Steven Luu <steven@slconsultinginc.com>

Sent: Tuesday, December 14, 2021 12:44 PM

To: Megan Marruffo <marruffom@lacoassociates.com>

Cc: Meghan Ryan <ryanm@lacoassociates.com>; Byron E. Turner <turnerb@lacoassociates.com>

Subject: Re: 11713 (Green Management Group) - PC on 12/16

I should be able to get you an update by tomorrow. Waiting for written confirmation from client on the water and power items.

Best regards,

Steve Luu

On Tue, Dec 14, 2021 at 10:40 AM Megan Marruffo <marruffom@lacoassociates.com> wrote:

Hello, again, Steve –

A couple of items I wanted to bring to your attention and request additional information:

1. I received a call from Ken at the County Public Works office, who pointed out the “5-mile private driveway”, as described on the Road Evaluation form and included in the staff report, is actually a roadway called “Ranch Road” (which is sometimes referred to as “Howard Ranch Road”). Is it possible to revise page 1 of the Road Evaluation to update the road name (i.e., list the road name as Ranch Road, from Benbow Drive to the private driveway)? We’d like to include this in the supplemental we are preparing for the project.

and

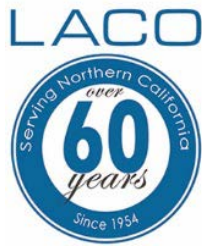
2. We please need additional information regarding the water use onsite, specifically when water is diverted and how it is used throughout the season from the different sources. The plan is to include a slide in the PowerPoint presentation addressing this.

Please provide the information at your earliest convenience, and please let us know if you have any questions.

Thank you for your help!

Sincerely,

Megan



Megan Marruffo

Senior Planner / Project Manager

LACO Associates

Eureka | Ukiah | Santa Rosa | Chico

Advancing the quality of life for generations to come

707 443 5054

<http://www.lacoassociates.com>

This e-mail and its attachments are confidential. E-mail transmission cannot be assured to be secure or without error. LACO Associates therefore does not accept liability for any errors or omissions in the contents of this message. The recipient bears the responsibility for checking its accuracy against corresponding originally signed documents. If you are not the named addressee you should not disseminate, distribute, or copy this e-mail. Please notify the sender or postmaster@lacoassociates.us by e-mail if you have received this e-mail by mistake, and delete this e-mail from your system.

From: Megan Marruffo

Sent: Tuesday, December 14, 2021 7:40 AM

To: 'Steven Luu' <steven@slconsultinginc.com>

Cc: Meghan Ryan <ryanm@lacoassociates.com>; Byron E. Turner <turnerb@lacoassociates.com>

Subject: 11713 (Green Management Group) - PC on 12/16

Importance: High

Good morning, Steve!

Green Management Group of Humboldt (APPS #11713) is scheduled to go back before the Planning Commission on Thursday evening (12/16). The project is Item #4 under the Continued Public Hearings section.

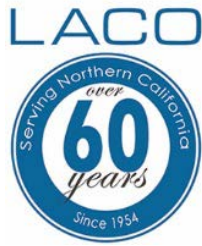
Will you be in attendance? Byron and Meghan will both be there from LACO.

Meghan informed me that you had said the applicant was willing to include some renewable energy. Can you please provide an addendum to the Operations Plan clarifying what changes the operator is willing to do? We will need this information ASAP so that

updates to the staff report can be made.

Please reach out with any questions.

Thanks,
Megan



Megan Marruffo

Senior Planner / Project Manager

LACO Associates

Eureka | Ukiah | Santa Rosa | Chico

Advancing the quality of life for generations to come

707 443 5054

<http://www.lacoassociates.com>

This e-mail and its attachments are confidential. E-mail transmission cannot be assured to be secure or without error. LACO Associates therefore does not accept liability for any errors or omissions in the contents of this message. The recipient bears the responsibility for checking its accuracy against corresponding originally signed documents. If you are not the named addressee you should not disseminate, distribute, or copy this e-mail. Please notify the sender or postmaster@lacoassociates.us by e-mail if you have received this e-mail by mistake, and delete this e-mail from your system.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division		No Response	
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CAL FIRE	✓	Comments	Attached
California Department of Fish & Wildlife	✓	Comments	Attached – CDFW comments and Planning staff response
Williamson Act Committee		No Response	
Northwest Information Center	✓	Further Study	On file and confidential
Intertribal Sinkyone Wilderness Council		No Response	
Southern Humboldt Joint Unified School District		No Response	
Humboldt County Sheriff		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	



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



*DEH received
9-26-17*

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

17/18-0805

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Sheriff, SWRCB - Division of Water Rights, Williamson Act Committee Humboldt, Southern Humboldt Joint Unified School District, Williamson Act Committee

Applicant Name Emerald Holdings LLC **Key Parcel Number** 223-032-001-000

Application (APPS#) 11713 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-355

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

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

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

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

Return Response No Later Than

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

We have reviewed the above application and recommend the following:

Conditional Approval

DISTRIBUTED

1-17-18

Comments:

Need More Information for Approval: Provide written assessment from a qualified septic consultant confirming a minimum of Tier 0 status for the existing onsite waste treatment system serving the dwelling.

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

Response Date: 1/17/2018 **Recommendation By:** Adam Molofsky

2746

*



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

RECEIVED

SEP 26 2017

HUMBOLDT CO. PUBLIC WORKS
 LAND USE DIVISION

9/26/2017

PROJECT REFERRAL TO: Public Works Land Use Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Sheriff, SWRCB - Division of Water Rights, Williamson Act Committee Humboldt, Southern Humboldt Joint Unified School District

Applicant Name Emerald Holdings LLC **Key Parcel Number** 223-032-001-000

Application (APPS#) 11713 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-355

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

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

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

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

Return Response No Later Than 10/11/2017 Planning Commission Clerk
 County of Humboldt Planning and Building Department
 3015 H Street
 Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

Recommend Approval. The Department has no comment at this time.

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: _____ PRINT NAME: _____



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3599

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

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

AVIATION	839-5401	ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741	LAND USE	445-7205
		BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540		
		ENGINEERING	445-7377	PARKS	445-7651		
		FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421		

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KM*

DATE: *02-22-2018*

RE:

Applicant Name	<i>Emerald Holdings LLC</i>
APN	<i>223-032-001</i>
APPS#	<i>11713</i>

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has self-certified the access road to the subject parcel. The road evaluation was dated 12-15-2017

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11713

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

COUNTY ROADS- PRIVATE ROAD INTERSECTION:

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

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit
118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: October 5, 2017



John Ford, Director
Humboldt County Planning and Building Department – Planning Division
3015 H Street
Eureka, CA 95501

Attention: Cannabis Planner (CPOD)
Applicant: Emerald Holdings, LLC
APN: 223-032-001-000
Area: Garberville
Case Numbers: CUP16-355

Humboldt County Application #: 11713
Type of Application: Conditional Use Permit
Date Received: 9/27/2017
Due Date: 10/11/2017

Project Description: An application for a Conditional Use Permit for 17,740 square feet of existing, mixed-light, medical cannabis cultivation is requested. Water for irrigation is sourced from three (3) springs. Water is stored in fourteen (14) tanks, for a total of 65,500 gallons. Processing, including drying and trimming, occurs on-site in an existing metal building. Electricity source is unknown.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

CANNABIS PROJECTS

Local Responsibility Areas:

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CAL FIRE's minimum input.

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

General Recommendations:

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

From: [Lake, M. Isaac@CALFIRE](mailto:Lake.M.Isaac@CALFIRE)
To: [Planning Clerk; HUU.CEOA@CALFIRE](mailto:Planning.Clerk:HUU.CEOA@CALFIRE)
Subject: APN: 223-032-001-000 Emerald Holdings, LLC APPS#11713
Date: Sunday, November 05, 2017 10:09:45 AM

No additional comments from B-1211 other than: any artificial light being used shall not escape at a level that is visible from neighboring properties.

M. Isaac Lake

Battalion Chief

CAL FIRE

HUMBOLDT-DEL NORTE UNIT

Battalion 1

Alderpoint~Garberville~Thorn

Cell (707) 499-2249

Office (707) 923-3446

Schedule Thrs, Fri, Sat

MLake@fire.ca.gov



California Department of Fish and Wildlife
CEQA: Project Referral Comments

Applicant: Emerald Holdings		Date: 7/18/2019	
APPS No.: 11713	APN: 223-032-001	DFW CEQA No.: 2017-0870	
<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Mixed-light (SF): 17,740		

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

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

Please provide the following information prior to Project Approval: *(All supplemental information requested shall be provided to the Department concurrently)*

- Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
 - a. If the source is a well(s), provide a copy of the well completion log.
 - b. If the source is municipal water, provide documentation that municipality/CSD/etc. is willing to provide all water necessary for the subject parcel (include the specific amount that is approved).
 - c. If the source is surface water (spring, stream, or hydrologically connected pond or well) CDFW requests that the applicant notify our Department, pursuant to Fish and Game Code Section 1602, of all unpermitted points of diversion located on the parcel or provide a copy of a letter issued by CDFW indicating one is not needed.
- If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the
- CDFW is not clear on how the water use estimates were derived or how the amount of water storage proposed will meet the requirements for seasonal water diversion minimization. CDFW requests, prior to Project approval, that the applicant provide further detail on the methods used to estimate water usage.
- If the project proposes ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site. Surveys should be conducted in order to identify and establish buffers for any sensitive natural communities, such as wetlands, springs, seeps, and riparian areas, or plants with a State Rare Plant Rank of 1 or 2. CDFW databases such as the California Natural Diversity Database (CNDDDB), and the Biogeographic Information and Observation System (BIOS), can be used as scoping tools for minimum baseline information regarding sensitive biological resources within the 7.5-minute quadrangle and all adjoining quadrangles. Biological, botanical, and/or wetland delineation surveys should be conducted by a qualified biologist with appropriate training. Botanical surveys should follow the protocol in CDFW’s 2009 “Protocols for Surveying and

Evaluating Impacts to Special Status Native Plant Populations and Natural Communities” (See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>)

Please note the following information and/or requested conditions of Project approval:

- ☒ The proposed Existing Project may have a potentially significant adverse effect on biological resources, specifically Northern Spotted Owl (*Strix occidentalis caurina*; NSO). Consistent with CEQA Guidelines, Section 15380, Northern Spotted Owl (NSO) has been identified as a threatened species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 et seq.) and under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) qualifies it as an endangered, rare, or threatened species under CEQA. The Project proposes to utilize Mixed-light (artificial light and fans in greenhouse structures) cultivation within NSO habitat. Mixed-light cultivation methods allow for an extension of the growing season which increases the period of overlap between cultivation operations and the NSO breeding season. Components of Mixed-light cultivation methods, such as artificial light, may disrupt nocturnal foraging and nesting of NSO through disorientation as well as decreased activity of prey species (Brown et al. 1988, Longcore and Rich 2004, 2016). Noise from road use, generators, fans, and other equipment may disrupt hunting of NSO, which primarily use hearing to hunt. Also, exposure to vehicle noise has been shown to increase stress hormone levels in NSO, which was particularly evident in males during times when they were exclusively responsible for feeding their mates and nestlings (Hayward et al. 2011).

CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include, but are not limited to, the prohibition of generators, project lighting and fans, including those used in ancillary structures (e.g. nurseries) during the breeding season (February 1 to July 9), each year. Following the breeding season, CDFW requests the succeeding measures, as conditions of Project approval:

- The construction of noise containment/dampening structures for to all generators and fans on parcel; noise released shall be no more than 50 decibels measured from 100ft or edge of habitat whichever is closer. CDFW further requests, a noise attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit.
 - That artificial light used for cannabis cultivation operations (including ancillary nurseries) be fully contained within structures such that no light escapes (e.g., through automated blackout curtains) between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular and nocturnal wildlife. CDFW further requests, that security lighting be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. CDFW further requests, a light attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress,

increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and greenhouse fans on parcel; noise released shall be no more than 50 decibels measured from 100ft.

- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ That all imported soil located onsite be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and that all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.
- ☒ The referral materials state that there is an existing pond designated as water sources for this project. CDFW requests:
 - That the applicant comply with the attached CDFW Bullfrog Management Plan (**Exhibit A**). Reporting requirements shall be submitted to CDFW at 619 2nd Street, Eureka, CA 95501, no later than December 31 of each year.
 - That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.
- ☒ The applicant has not submitted a Notification of Lake or Streambed Alteration.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project.

Sincerely,

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

From: [Meghan Ryan](#)
To: ["Van Hattem, Michael@Wildlife"](#)
Cc: ["Johnson, Cliff"](#); [Megan Marruffo](#)
Subject: APPS #11713, Green Management Group, LLC, APN: 223-032-001/ Hearing Date: December 2, 2021
Date: Friday, November 12, 2021 12:49:00 PM
Attachments: [11713_ref_CDFW.pdf](#)
[11713 Draft Lake and Streambed Alteration Agreement 02.16.2021.pdf](#)
[Green Management Group of Humboldt Operations Plan Reed Mtn 11-2-21.pdf](#)

Dear Michael – I hope you're doing well! This email provides responses to CDFW comments received for this project. The following is the project description:

A Conditional Use Permit for 17,740 square feet (SF) of existing mixed light cannabis cultivation that is cultivated within six (6) greenhouses. Ancillary propagation, totaling 3,210 SF, occurs within a 2,560 SF portion of Greenhouse #2 and a 650 SF nursery area within an existing 2,600 SF, two-story metal building. Irrigation water is sourced from a 150,000-gallon rainwater catchment pond and two (2) spring diversions. Existing available water storage is 222,825 gallons in the pond and a series of hard-sided tanks. Estimated annual water usage is 222,000 gallons. Drying and bucking occurs onsite in the existing metal building. All other processing will occur off-site at a licensed processing or manufacturing facility. A maximum of six (6) people may be onsite during peak operations. Power is provided by gasoline and diesel generators, and the applicant proposes to convert to propane generators. The proposed project also includes a Special Permit for development within the Streamside Management Area for use and maintenance of the two (2) points of diversion (POD), decommissioning of two additional PODs, culvert replacement and maintenance, and decommissioning of four (4) existing stream crossings and associated restoration.

The following items are responses to CDFW comments (attached):

1. Irrigation water is sourced from a 150,000-gallon rainwater catchment pond and two (2) spring diversions.
2. A Final Streambed Alteration Agreement has been issued by CDFW for 4 points of diversion and 9 stream crossing/culvert projects (attached).
3. The Cultivation and Operations Plan is attached that describes monthly and annual water use and storage.
4. No new ground disturbance is proposed.
5. Noise and light attenuation measures will be a condition of approval of the project.
6. The other items (bullfrog management plan, soil management, etc.) will also be added to the conditions of approval.

Please let me know if you have any questions or need any additional information.

Best,
Meghan

Meghan Ryan
Planning Director
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
Advancing the quality of life for generations to come
707 443-5054
<http://www.lacoassociates.com>

LACO



This e-mail and its attachments are confidential. E-mail transmission cannot be assured to be secure or without error. LACO Associates therefore does not accept liability for any errors or omissions in the contents of this message. The recipient bears the responsibility for checking its accuracy against corresponding originally signed documents. If you are not the named addressee you should not disseminate, distribute, or copy this e-mail. Please notify the sender or postmaster@lacoassociates.us by e-mail if you have received this e-mail by mistake, and delete this e-mail from your system.