



**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: August 19, 2021  
To: Humboldt County Planning Commission  
From: John H. Ford, Director of Planning and Building Department  
Subject: **High Country Farms, Inc. Conditional Use Permit**  
Record Numbers PL-12552-CUP

Assessor's Parcel Number (APN) 223-261-005  
717 Main Drive, Garberville, CA 95542

**Table of Contents**

**Page**

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	8
Maps	
Topo Map	12
Zoning Map	13
Aerial Map	14
Site Plans	15
Attachments	
Attachment 1: Recommended Conditions of Approval	17
Attachment 2: CEQA Addendum	24
Attachment 3: Applicant's Evidence in Support of the Required Findings	28
A: Less Than Three-Acre Timberland Conversion Mitigation Plan	Separate
Attachment 4: Referral Agency Comments and Recommendations	98

Please contact Jordan Mayor, Senior Biologist and Contract Planner, at 707-683-4711 or by email at [jordan.mayor@icf.com](mailto:jordan.mayor@icf.com), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

<b>Hearing Date</b> August 19, 2021	<b>Subject</b> Conditional Use Permit	<b>Contact</b> Jordan Mayor
--	--	--------------------------------

**Project Description:** High Country Farms, Inc. seeks a Conditional Use Permit for an existing 13,470-square-foot (SF) cannabis cultivation operation of which 9,150 SF is outdoor and 4,320 SF is mixed-light cannabis cultivated in 12 greenhouses. Ancillary propagation occurs in a 1,200-SF outdoor area. A 1,920-SF nursery propagation metal building is proposed that would include a laboratory-grade preparation area, clone room, vegetative room, and employee bathroom. Irrigation water is sourced from rainwater and is captured in an existing 629,207-gallon rainwater catchment pond. Estimated annual water usage is 258,550 gallons (20.0 gallons/SF/year). SHN Consulting Engineers prepared an Engineering Geologic Assessment and Soils Report that concluded the pond and site configuration to be suitable from a geologic hazard standpoint. Drying and bucking occur onsite in the existing 875-SF harvest processing building. Additional processing will occur offsite at a licensed processing or manufacturing facility. The project is owner operated but additional employees may be utilized during peak operations. Power is provided by Pacific Gas & Electric Company. A Cultural Resources Investigation was conducted by DZC Archaeology & Cultural Resource Management in December 2019 that identified a cultural site on the parcel unrelated to the cannabis cultivation that should be monitored by the post-approval compliance team as a condition of approval.

**Project Location:** The project is located in the Garberville area, on Main Drive, approximately 0.5 mile north from the intersection of Alderpoint Road and Main Drive, on the property known as 717 Main Drive, Garberville (APN: 223-261-005).

**Present Plan Land Use Designations:** Residential Agriculture (RA40) Density: forty acres per dwelling unit, Slope Stability: High instability (3)

**Present Zoning:** Agriculture Exclusive (AE)

**Record Number:** PLN-12552-CUP

**Assessor's Parcel Number:** 223-261-005

**Applicant**

High Country Farms, Inc.  
Nate Pollette  
P.O. Box 2426  
Redway, CA 95560

**Owner**

Glenna Pollette  
105 Fern Ave  
C/O Edward Tramaloni  
Redway, CA 95560

**Agents**

Dan Mar Planning  
PO Box 104  
Bayside, CA 95524

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

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

**Major Issues:** None

**Recommended Commission Action**

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

*Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the High Country Farms, Inc. Conditional Use Permit as recommended by staff subject to the recommended conditions.*

**Executive Summary:** High Country Farms, Inc. seeks a Conditional Use Permit to allow the continued operation of an existing 13,470-square-foot (SF) cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. Cultivation consists of up to 9,150 SF of outdoor and 4,320 SF of mixed-light cannabis. The 29-acre site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Agriculture Exclusive (AE). Cultivation takes place in two main areas on the parcel. Area one contains four greenhouses, an 875-SF processing building, and a 629,207-gallon rainwater catchment pond used for all irrigation water; area two contains the one outdoor cultivation area, eight greenhouses, and 1,200 SF of ancillary outdoor nursery cultivation. Greenhouses range in size from 400 SF to 2,400 SF. A 1,920-SF nursery propagation metal building is proposed that would include a laboratory-grade preparation area, clone room, vegetative room, and employee bathroom. One harvest is anticipated annually in the outdoor area and up to two harvests in the mixed-light and light-deprivation greenhouses for a growing season that extends from May through October. An onsite septic system, certified by the Department of Environmental Health, services the domestic residence and cannabis operations. Drying and bucking occur onsite in the existing 875-SF harvest processing building. Additional processing will occur offsite at a licensed processing or manufacturing facility. The project is owner operated but additional employees may be utilized during peak operations. Power is provided by Pacific Gas & Electric Company. The operation is secured behind locked, gated access roads. Finished cannabis products are stored in locked facilities, and dogs and motion lights monitor the premises.

In order to facilitate retroactive permitting of site improvements, SHN Consulting Engineers prepared an Engineering Geologic Assessment and Soils Report in February 2019 (Attachment 3). The Soils Report followed a visual inspection of the existing pond and cultivation areas, and the evaluation of site construction materials and the configuration and soil stability of grading and site improvements. No historic landslides were detected on the parcel and the underlying geology subgrade was determined to be Class C (very dense soil and soft rock). The pond, having been constructed at an unknown time by a past owner, was described as excavated into a low-gradient hillside such that it is surrounded on three sides by native fill; the downhill side consists of a 10- to 12-foot-tall and 8- to 10-foot-wide embankment (upon which there is a truck road) with no signs of degradation and a low risk of failure. Overall, the SHN engineer found the site to be suitable from a geologic hazard standpoint, given that there is no significant exposure to geologic hazards.

**Water Resources**

Water for irrigation is to be entirely provided by a 629,207-gallon-capacity rainwater catchment system (RWCS) designed by Compliant Farms. The RWCS collects rain from the rooves of a 2,400-SF greenhouse and 1,400-SF agricultural building, which fill two 5,000-gallon tanks that are then gravity fed to the lined pond reservoir. An image showing the lined pond functioning at approximately half of its capacity (i.e., ~300,000 gallons) was provided in July 2020 by Dan Mar Consulting. The RWCS pond is included in a

signed Streambed Alteration Agreement (No. 1600-2017-0491-R1) with California Department of Fish and Wildlife (CDFW; Attachment 3). Estimated annual irrigation water usage is 258,550 gallons (20 gallons/SF/year) with peak demand occurring from June to September at approximately 45,000 gallons per month. All provisions within the signed Streambed Alteration Agreement, including but not limited to installation of exit ramps to prevent wildlife entrapment within the pond (item #2.29) and the development of a bullfrog management plan (item #2.28), are made conditions of approval. The applicant has received a Notice of Applicability (WDID:1\_12CC418285) that the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation, and the General Waste Discharge Associated with Cannabis Cultivation Activities, Order WQ 2019-0001-DWQ (previously WQ 2017-0023-DWQ) are applicable to the site and the applicant will ensure the site operates in accordance with those monitoring and reporting requirements as a condition of approval.

The Streambed Alteration Agreement also includes a second encroachment for a spring diversion for domestic use (Attachment 3). The spring diversion is from an unnamed ephemeral stream on the parcel to the west of the existing residence (APN: 223-291-003) which is used to fill four ridged water tanks totaling 17,100 gallons of water used exclusively for domestic use. The unnamed ephemeral stream is a tributary to Dean Creek, then the South Fork Eel River. Water monitoring devices will be placed on all water sources—the domestic spring, the pond, and storage tanks—as a condition of approval (COA #10) to demonstrate that there is sufficient rainfall interception in the pond to provide for irrigation needs. Appropriate Water Rights (Right to Divert and Use Water Registration No. D032823 and Certificate No. D1084) (Attachment 3) from the SWRCB Division of Water Rights were obtained on June 28, 2018 and all conditions are to be followed as a condition of approval (COA #11). The Appropriate Water Right will not exceed 709 gallons/day from November 1 to April 30 and 0.33 acre-foot/year to be diverted to storage. The total amount of water taken from the source (direct diversion plus collection to storage) under this right will not exceed 0.66 acre-foot/year (215,000 gallons).

The ephemeral stream, which is a tributary to Dean Creek, is outside the western property boundary and outside the 50-foot and 100-foot Streamside Management Area (SMA) buffers. All cultivation areas and other infrastructure are outside of SMA buffers. A 2017 Water Resources Protection Plan (WRPP; Attachment 3) prepared for the site indicates no disturbed areas were identified as being within riparian areas and the applicant measured setback distances while onsite for preparation of the WRPP. The WRPP will be superseded by the preparation of a Site Management Plan in accordance with enrollment in SWRCB Cannabis Cultivation Policy Order No. WQ 2019-0023-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency, as a condition of approval (COA #8).

### **Biological Resources**

Although the nearest northern spotted owl (NSO) activity center is located approximately 2.5 miles from the site, lands surrounding the site are heavily forested; thus, there is potential for NSO habitat. There is the potential for some sensitive and protected species to be present onsite, but the proposed project is to continue use of existing developed sites and potential indirect impacts are mitigated through implementation of best management practices, the Site Management Plan required by the SWRCB, and the Streambed Alteration Agreement with CDFW. The project is conditioned to ensure the combination of background, generator and greenhouse fan or other operational equipment created noise meets the noise level thresholds conditioned in this document and by CDFW. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service.

Furthermore, additional recommendations are included in the conditions of approval that include but are not limited to ensuring 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. Additionally, based on comments received from CDFW on July 15, 2019, the project is conditioned to meet the reporting requirements of the issued Final Streambed Alteration Agreement No.1600-2017-0491, ensure any machinery is located at least 200 feet from streams, and ensure noise attenuation (as discussed above). In addition, per the CDFW letter dated July 15, 2019, 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. Furthermore, the project is conditioned to adhere to Dark Sky Association standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect NSO or other sensitive species.

### **Timberland Conversion**

A Less-Than-3-Acre Conversion Mitigation Plan was prepared by Stephen Hohman (Registered Professional Forester #2652) of Mad River Properties, Inc. in 2019 (undated report, Attachment 3). The Conversion Mitigation Plan identified the two cultivation areas as having met the definition of a conversion with a combined area equal to 2.67 acres prior to 2016. Road and map points were provided for both conversion sites along with mitigation recommendations needed to bring the site into compliance with the Forestry Practices Rules. These mitigation measures are made a condition of approval (COA #9). Restocking of timber is not required because the conversion predates the 2016 baseline.

### **Tribal Cultural Resource Coordination**

The project is located in the Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC), Bear River Band, and Intertribal Sinkyone Wilderness Council in December 2018. A response was received from NWIC on January 9, 2019. A Cultural Resources Investigation was conducted by DZC Archaeology & Cultural Resource Management in December 2019. A total of 17 acres of the 29-acre project area were intensively surveyed in transects of 20 meters or less. Impediments to ground visibility were predominantly dense grasses, imported graveled areas, steep slopes of 30 degrees or greater, and areas of impenetrable vegetation. Surface scrapes were executed where visibility was poor as needed throughout the property. One cultural resource site and one isolated artifact were observed and recorded as a result of survey efforts. An assistant Tribal Historic Preservation Officer (THPO) for Bear River Band of the Rohnerville Rancheria responded to the county referral on June 3, 2020. The THPO reviewed a copy of the cultural resources report as well as the status of a recorded cultural site on the parcel. As indicated by the THPO in a June 2020 email, a mapped domestic-use vegetable garden was within the boundaries of the cultural site and the THPO requested that the post-approval compliance team ensure that no commercial cannabis activities or additional development take place there.

### **Access**

Access to the site is via a driveway off of Main Drive via Alderpoint Road. Alderpoint Road is a Category 4 County-maintained roadway. A Road Evaluation Report for Main Drive was prepared by the applicant (Attachment 3), which indicates the roadway meets a Category 4 equivalent standard and can accommodate the cumulative increased traffic from the project. Public Works, Land Use Division requests improvements to the driveway apron (encroachment) that connects the County road (Alderpoint Road) to Main Drive which included paving for a minimum width of 20 feet and a length of 50 feet; these have been made conditions of approval.

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

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

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

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the Mitigated Negative Declaration 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 2 months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 21 -  
Record Number PLN-12552-CUP  
Assessor's Parcel Number: 223-261-005**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approves the High Country Farms, Inc., Conditional Use Permit.**

**WHEREAS, High Country Farms, Inc.,** submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 13,470-square-foot (SF) cannabis cultivation operation of which 9,150 SF is outdoor cultivation and 4,320 SF is mixed-light cultivation with appurtenant outdoor propagation activities and a proposed 1,920-SF metal processing building;

**WHEREAS,** the County Planning Division, the lead agency, prepared an Addendum to the Final 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. 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 Section 15162(c) of CEQA Guidelines; and

**WHEREAS,** the Humboldt County Planning Commission held a duly noticed public hearing on August 19, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

**1. FINDING:** **Project Description:** The application is a Conditional Use Permit to allow a 13,470-SF cannabis cultivation operation of which 9,150 SF is outdoor cultivation and 4,320 SF is mixed-light cultivation with appurtenant propagation and drying activities and a proposed 1,920-SF metal processing building. Power is provided by Pacific Gas and Electric Company. Water for irrigation is provided by a permitted rainwater catchment pond system.

**EVIDENCE:** a) Project File: PLN-12552-CUP

**2. FINDING:** **CEQA.** The requirements of CEQA have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the MND prepared for 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 Resources Protection Plan (WRPP) was prepared in 2017 by Compliant Farms to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023. The WRPP will be superseded by the preparation of a Site Management Plan in accordance with enrollment in the State Water Resources Control Board (SWRCB) Cannabis Cultivation

Policy Order No. WQ 2019-0023-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency, as a condition of approval.

- d) All development currently meets, or will meet as a condition of approval, appropriate Streamside Management Area setbacks preserving them as wildlife corridors.
- e) The applicant has received a Notice of Applicability (WDID:1\_12CC418285) that the SWRCB Cannabis Cultivation Policy, and the General Waste Discharge Associated with Cannabis Cultivation Activities, Order WQ 2019-0001-DWQ (previously WQ 2017-0023-DWQ), are applicable to the site and the applicant will ensure the site operates in accordance with those monitoring and reporting requirements as a condition of approval.
- f) A Cultural Resources Investigation Report was carried out by DZC Archaeology & Cultural Resource Management in December 2019. One cultural resource site and one isolated artifact were observed and recorded as a result of survey efforts. The Tribal Historic Preservation Officer requested that the post-approval compliance team ensure that no commercial cannabis activities or additional development take place there.
- g) A Road Evaluation Report was prepared for Main Drive by the applicant in September 2018, which identified that the road is suitable for safe access to and from the project site. Public Works, Land Use Division requests improvements to the driveway apron (encroachment) that connects the County road (Alderpoint Road) to Main Drive, which included paving for a minimum width of 20 feet and a length of 50 feet; these have been made conditions of approval.
- h) 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.

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

### **3. FINDING**

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

#### **EVIDENCE**

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

### **4. FINDING**

The proposed development is consistent with the purposes of the existing Agriculture Exclusive zoning in which the site is located.

- EVIDENCE**
- a) The Agriculture Exclusive (AE-Zone) is applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
  - b) All general agricultural uses are principally permitted in the AE-Zone.
  - c) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed-light cannabis on a parcel zoned AE 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 13,470 SF of cannabis cultivation consisting of 9,159 SF outdoor and 4,320 SF of mixed-light cultivation on a 29-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

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

- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned AE (Humboldt County Code Section 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 deed recorded August 13, 2005.
  - c) The project will obtain irrigation water from a non-diversionary water source, a 629,207-gallon rainwater catchment system.
  - d) A Road Evaluation Report was completed by the applicant in September 2018. The Evaluation addressed Main Drive to Alderpoint Road, which is a County-maintained road. All road segments evaluated were found to be functionally appropriate for the expected traffic. A comment from the Department of Public Works indicating that the access road must be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road is made a condition of approval.
  - e) The slope of the land where cannabis will be cultivated is less than 15%. A comment from County of Humboldt Planning and Building Department Cannabis Services Division requests a soils report by a qualified professional that covers soil stability of the cultivation area and pond. Receipt of the soils report is made a condition of approval.
  - f) The cultivation of cannabis will not result in the net conversion of timberland. A Less-Than-3-Acre Conversion Mitigation Plan was prepared by Stephen Hohman (Registered Professional Forester #2652) of Mad River Properties, Inc. in 2019. The Conversion Mitigation Plan identified the two cultivation areas as having met the definition of a conversion with a combined area equal to 2.67 acres prior to 2016. Road and Map Points were provided for both conversion sites along with mitigation recommendations needed to bring the site into compliance with the Forestry Practices Rules. These mitigation measures are made a condition of approval. Restocking of timber is not required because the conversion predates the 2016 baseline.
  - 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 and more than 600 feet from any school, church, public park or tribal cultural resource.

**6. FINDING** The cultivation of 13,470 SF of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE**
- a) The site is accessed via Main Drive via Alderpoint Road. Alderpoint Road is a Category 4 County-maintained roadway. A Road Evaluation Report for Main

Drive was prepared by the applicant which indicates the roadway meets a Category 4 equivalent standard and can accommodate the cumulative increased traffic from the project. Public Works, Land Use Division requests improvements to the driveway apron (encroachment) that connects the County road (Alderpoint Road) to Main Drive which included paving for a minimum width of 20 feet and a length of 50 feet; these have been made conditions of approval.

- 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 sizes in the area.
- c) Irrigation water will come from a rainwater catchment reservoir pond and rain catchment system that has been permitted by the California Department of Fish and Wildlife. Water use is monitored and the applicant shall abide by the SWRCB Monitoring and Reporting Program under Order WQ 2019-0001-DWQ.
- d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected. The onsite septic system has been inspected and qualifies as Tier 0 designation. A letter from the Department of Environmental Health dated February 7, 2020 indicates the report satisfies conditional approval for the project.

**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 does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

**DECISION**

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for High Country Farms, Inc., 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 August 19, 2021

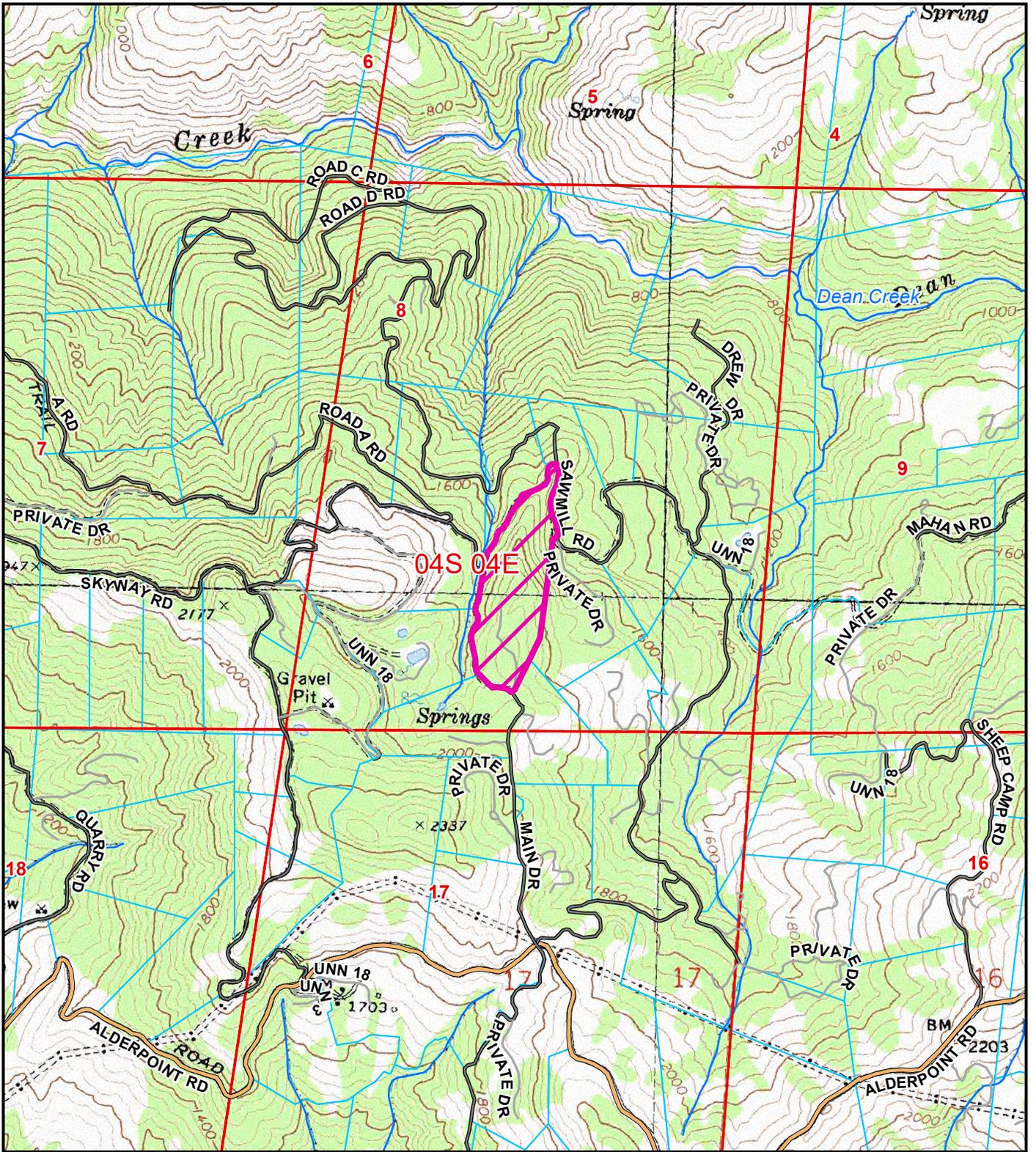
The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following ROLL CALL vote:

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.

\_\_\_\_\_

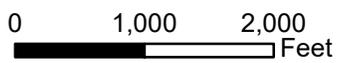
John Ford, Director  
 Planning and Building Department



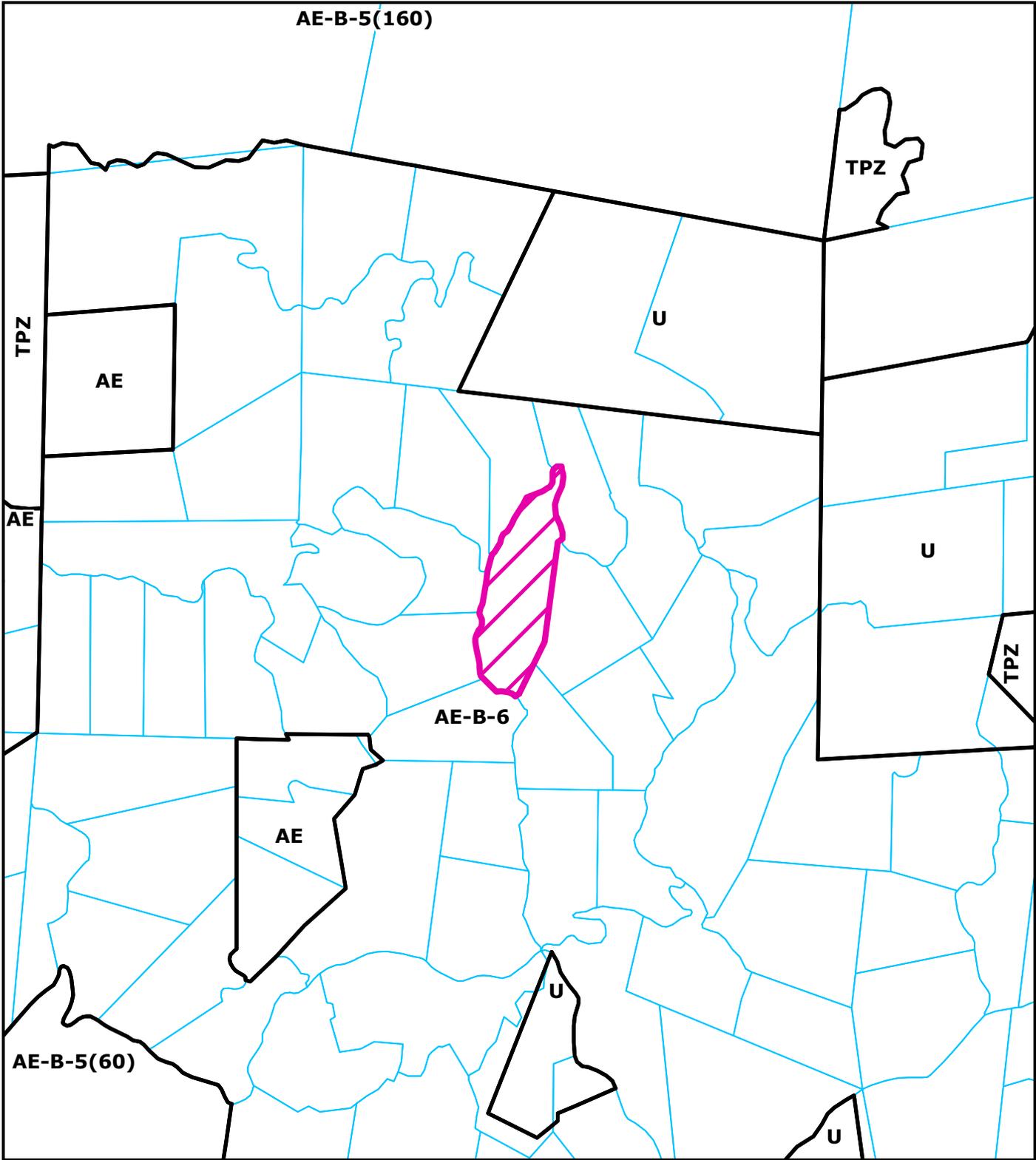
**TOPO MAP**  
**PROPOSED HIGH COUNTRY FARMS, INC. , NATE POLLETTE**  
**GARBERVILLE AREA**

Project Area = 

**CUP-16-743**  
**APN: 223-261-005-000**  
**T04S R04E S8 HB&M (GARBERVILLE)**

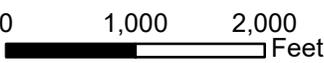


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

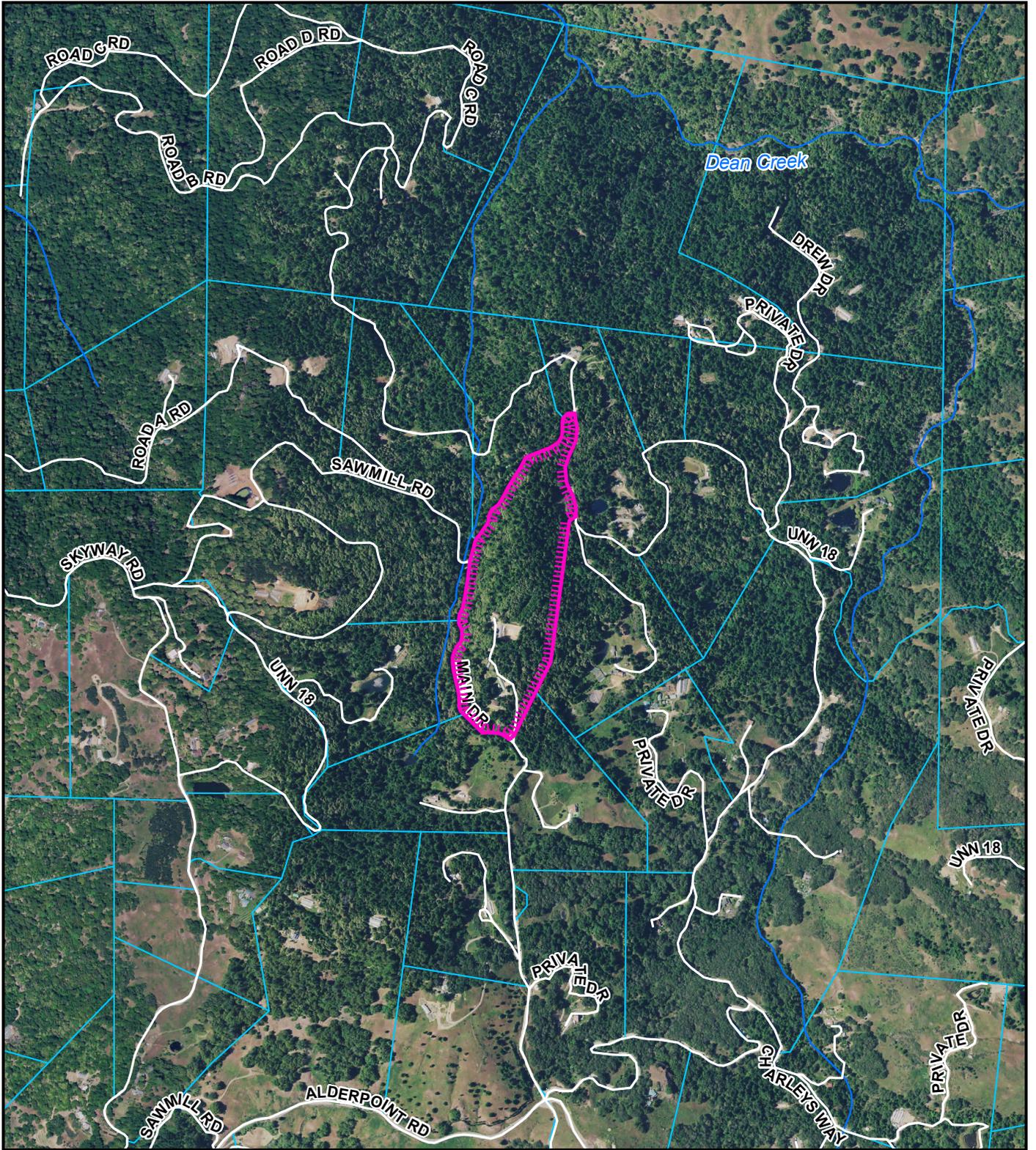


**ZONING MAP**  
**PROPOSED HIGH COUNTRY FARMS, INC. , NATE POLLETTE**  
**GARBERVILLE AREA**  
**CUP-16-743**  
**APN: 223-261-005-000**  
**T04S R04E S8 HB&M (GARBERVILLE)**

**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.



**AERIAL MAP  
 PROPOSED HIGH COUNTRY FARMS, INC. , NATE POLLETTE  
 GARBERVILLE AREA  
 CUP-16-743**

Project Area = 

**APN: 223-261-005-000  
 T04S R04E S8 HB&M (GARBERVILLE)**



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.

SITE PLAN (1/12)

12552

Harvest Processing (HP): 25'x35'=875-sq.ft.  
Mixed Light (Down Stairs): 16'x24'=384-sq.ft.  
Outdoor (Up Stairs): 18'x30'=540-sq.ft.

Light Deprivation Greenhouse (GH1)  
Contiguous Canopy: 19'x63'=1,159-sq.ft.

Mixed-Light Greenhouse (GH3)  
Contiguous Canopy: 25'x76'=1,900-sq.ft.

Light Deprivation Greenhouse (GH4)  
Contiguous Canopy: 8'x80'=640-sq.ft.

Light Deprivation Greenhouse (GH5)  
GH5a: Contiguous Canopy: 10'x60'=600-sq.ft.  
GH5b: Contiguous Canopy: 10'x55'=550-sq.ft.

Outdoor Cultivation Area (CA1)  
Contiguous Canopy: 30'x70'=1,500-sq.ft.

Light Deprivation Greenhouse (GH6)  
Contiguous Canopy: 10'x70'=1,400-sq.ft.

Light Deprivation Greenhouse (GH7)  
Contiguous Canopy: 10'x50'=500-sq.ft.

Light Deprivation Greenhouse (GH8)  
Contiguous Canopy: 10'x50'=500-sq.ft.

Nursery Cultivation Area (N2)  
Contiguous Canopy: 16'x65'=1,040-sq.ft.

Light Deprivation Greenhouse (GH10)  
Contiguous Canopy: 8'x60'=480-sq.ft.

Light Deprivation Greenhouse (GH9)  
Contiguous Canopy: 10'x40'=400-sq.ft.

Immature Plant Area (IP)  
IP1: Outdoor: 20'x30'=600-sq.ft.  
IP2: Mixed Light: 20'x30'=600-sq.ft.

Nursery Propagation (NI)  
(Proposed structure)  
24'x80'=1,920-sq.ft.

High Country Farms, INC.  
Apprs: 12552  
APN: 223-261-005-000

Light Deprivation Greenhouse (GH2)  
Contiguous Canopy: 10'x40'=400-sq.ft.

R1: Rainwater Pond (~3.1-acre feet)  
(40° 7'27.44"N, -123° 45'24.98"W)

Administrative Hold Area (AH)  
AH Outdoor: 8'x20'=160-sq.ft.  
AH Mixed Light: 8'x20'=160-sq.ft.

TW: Irrigation Water: 1@5,000-gal.  
(40° 7'24.20"N, -123° 45'24.51"W)

WSS1: Domestic Water  
1@5,000-gal. 1@3,400-gal. 1@2,200-gal.  
(40° 7'24.20"N, -123° 45'24.51"W)

Mixed-Light Greenhouse (GH11)  
Foot Print: 24'x100'=2,400-sq.ft.

Harvest Storage (HS): 24'x30'=720-sq.ft.  
Mixed Light: 12'x30'=360-sq.ft.  
Outdoor: 12'x30'=360-sq.ft.  
Ag. Chemical Storage (AC): 4'x4'=16-sq.ft.

CW: Compost  
10'x20'=200-sq.ft.

Domestic Water  
From APN: 223-291-003-000

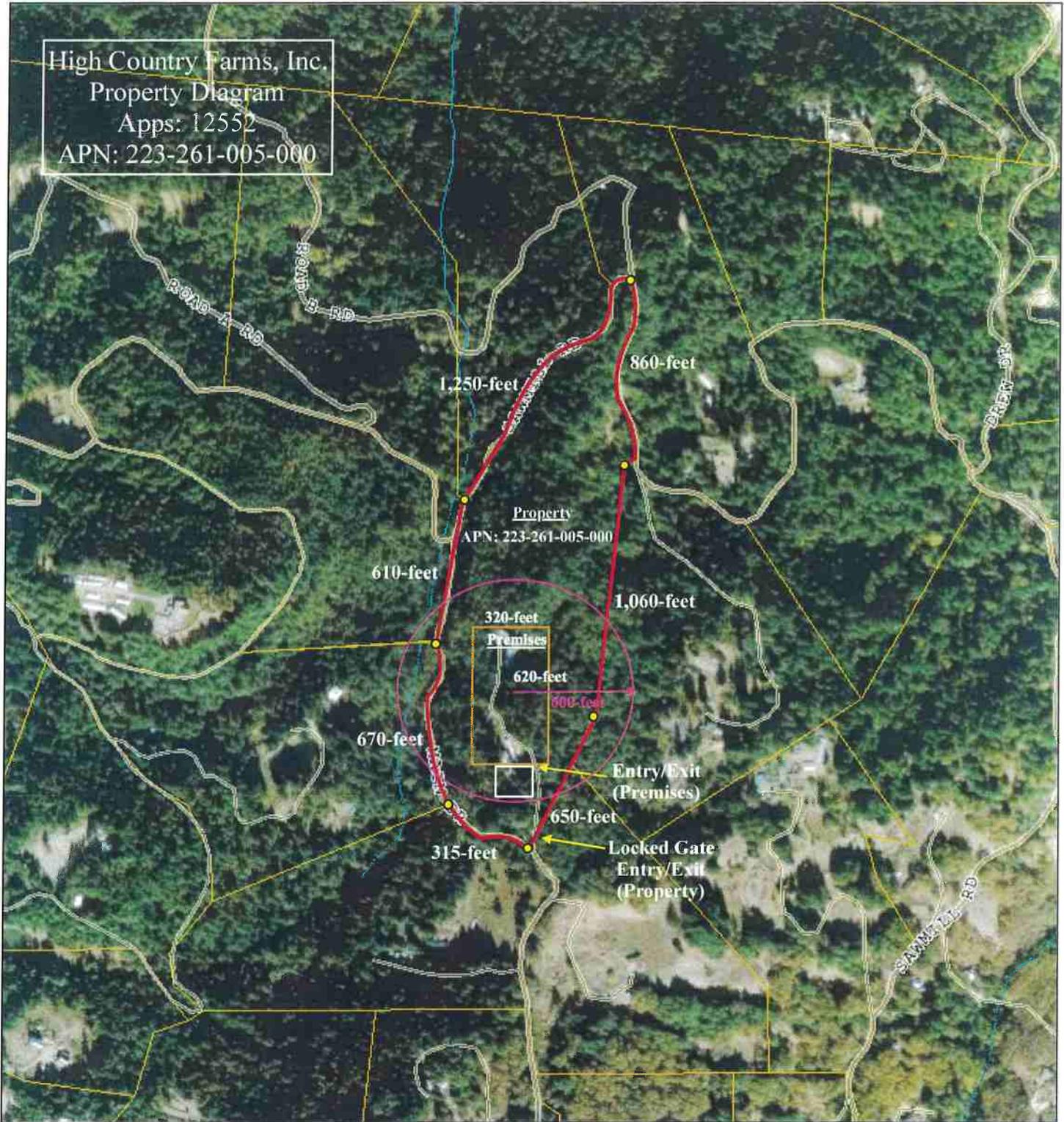
Google Earth  
Diagram developed by Dan Mar, CPP, 2021  
© 2020 Google

400 ft  
Updated March 2021



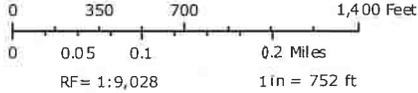
(2/2)

High Country Farms, Inc.  
Property Diagram  
Apps: 12552  
APN: 223-261-005-000



### ArcGIS Web Map

Humboldt County Planning and Building Department



- Highways and Roads**
  - Private or Unclassified
  - Intermittent
  - Way-Point
  - Principal Arterials
  - Major River or Stream
  - Subsurface
  - Minor Arterials
  - Major Collectors
  - Minor Collectors
  - Local Roads
- Blue Line Streams**
  - Perennial 1-3
  - Perennial >4
- City Boundary
- Counties
- Parcels (no APN labels)

Updated March 5, 2020      Web AppBuilder 2.0 for ArcGIS

Map Disclaimer:  
While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

Source: Humboldt County GIS, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

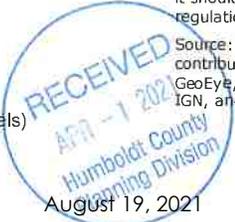


Diagram developed by Dan Mar, CPD, 2021.

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

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

1. The applicant is responsible for obtaining all necessary county and state permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within 60 days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment will 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 California Environmental Quality Act (CEQA) Guidelines. **Within 3 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 will execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #7 through #17. The agreement will provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant will secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval will be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The approved building plans will meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division will satisfy this requirement.

8. The applicant will prepare a Site Management Plan (SMP) and implement all corrective actions detailed in the SMP developed for the project. The SMP is to be prepared pursuant to the applicant's Tier 2 Low Risk status under enrollment with the State Water Resource Control Board (SWRCB) Cannabis Cultivation Policy, in congruence with Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities. A letter or similar communication from the North Coast Regional Water Quality Control Board verifying that all their requirements have been met will satisfy this condition.
9. The applicant shall implement recommendations in the Timber Conversion Report dated 2019 prepared by Stephen Hohman (Registered Professional Forester #2652) of Mad River Properties, Inc. A monitoring report prepared by a licensed professional forester shall be submitted annually to the Planning and Building Department. The applicant shall submit the Timber Conversion Report to the California Department of Forestry and Fire Protection (Cal Fire) for approval to ensure compliance with the Forest Practices Act.
10. The applicant shall install water monitoring device(s) on each source—pond, storage tanks, and domestic diversion, as applicable—to monitor water used for cannabis irrigation separate from domestic use.
11. The applicant shall adhere to all terms and conditions of the issued Right to Use and Divert Water by the SWRCB (Registration No. D032823 and Certificate No. D1084) for use of a water diversion from an unnamed ephemeral stream tributary to Dean Creek, then the South Fork Eel River.
12. All mixed-light cultivation 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. 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 offsite 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 comply with this standard.
13. The applicant shall ensure all existing or proposed non-County-maintained access roads that will serve as access for the proposed project and connect to a County-maintained road be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Humboldt County 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 or rocked (match current surface) for a minimum width of 20 feet and 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. Written correspondence from a Public Works Land Use Division employee to the Humboldt County Planning Department confirming completion of this requirement shall satisfy this condition.
14. The applicant shall abide by recommendations of the Streambed Alteration Agreement (No. 1600-2017-0491-R1) with California Department of Fish and Wildlife (CDFW), which include but are not limited to installation of exit ramps to prevent wildlife entrapment within the pond (item #2.29) and the development of a bullfrog management plan (item #2.28). In addition, per the CDFW letter dated July 15, 2019, 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.
15. 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.

16. 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.
17. 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 Humboldt County Code 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 Commercial Medical Marijuana Land Use Ordinance (CMMLUO) Section 55.4.11(o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, will be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained, should any structures be necessary for noise attenuation.
2. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1 within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
3. Ensure all generators be located on stable surfaces with a minimum 200-foot buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, the permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife-proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of

approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, the permittee shall abate or cure violations at the earliest feasible date, but no more than 2 years from the date of issuance of a provisional clearance or permit. The permittee shall provide plans for curing such violations to the Planning and Building Department within 1 year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the 2 years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. Compliance with all statutes, regulations, and requirements of the SWRCB and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).
15. Maintain enrollment in Tier 1 or 2 certification with North Coast Regional Water Quality Control Board Order No. R1-2019-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from CDFW.
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by Cal Fire, if applicable.
18. Consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.

22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

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

- c. Number of employees, if any
  - d. Employee safety practices
  - e. Toilet and handwashing facilities
  - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
  - g. Drinking water for employees
  - h. Plan to minimize impact from increased road use resulting from processing
  - i. Onsite housing, if any
29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Permit issued pursuant to the CMMLUO shall expire 1 year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within 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 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.
31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - c. The specific date on which the transfer is to occur;
  - d. Acknowledgement of full responsibility for complying with the existing permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
34. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

## Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than 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 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 1 year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

**ATTACHMENT 2**

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

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

**APN 223-261-005; 717 Main Drive, Garberville  
County of Humboldt**

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

**August 19, 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 an existing 13,470-square-foot (SF) cannabis cultivation operation of which 9,150 SF is full sun outdoor and 4,320 is mixed-light cannabis cultivated in 12 greenhouses. Ancillary propagation occurs in a 1,200-SF outdoor area. A 1,920-SF nursery propagation metal building is proposed that would include a laboratory-grade preparation area, clone room, vegetative room, and employee bathroom. Water for irrigation is to be entirely provided by a 629,207-gallon rainwater catchment system which collects rain from the rooves of a 2,400-SF greenhouse and 1,400-SF agricultural building, which are then fed into two 5,000-gallon tanks, which are then gravity fed to the pond reservoir. SHN Consulting Engineers prepared an Engineering Geologic Assessment and Soils Report that concluded the pond and site configuration to be suitable from a geologic hazard standpoint. The pond and a domestic diversion are included in a signed Streambed Alteration Agreement (No. 1600-2017-0491-R1) with California Department of Fish and Wildlife. Drying (and bucking) occurs onsite in the existing 875-SF harvest processing building. Additional processing will occur offsite at a licensed processing or manufacturing facility. The project is owner operated but additional employees may be utilized during peak operations. An onsite septic system, certified by the Department of Environmental Health, services the domestic residence and cannabis operations. Power is provided by Pacific Gas & Electric Company. A Less-Than-3-Acre Conversion Mitigation Plan was prepared by Stephen Hohman (Registered Professional Forester #2652) of Mad River Properties, Inc. in 2019 that identified the two cultivation areas as having met the definition of a conversion with a combined area equal to 2.67 acres prior to 2016. Road and map points were provided for both conversion sites along with mitigation recommendations needed to bring the site into compliance with the Forestry Practices Rules. A Cultural Resources Investigation was conducted by DZC Archaeology & Cultural Resource Management in December 2019 that identified a cultural site on the parcel that is unrelated to the cannabis cultivation that should be monitored by the post approval compliance team as a 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 abiding by the Streambed Alteration Agreement, maintaining enrollment with the North Coast Regional Water Quality Control Board, and 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 on 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 MND if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent environmental impact report (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 effects 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 13,470 SF of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project-related impacts to a less-than-significant level.

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

- Plot Plans prepared by Dan Mar dated 4/1/21 and received 8/1/21.
- Cultivation and Operations Plan prepared by Compliant Farms Certified received 4/30/20.
- Right to Divert and Use Water, Registration No. D032823 (Certificate No. D1084) with the State Water Resources Control Board, Division of Water Rights.
- Notice of Applicability (WDID:1\_12CC418285) with the State Water Resources Control Board Cannabis Cultivation Policy and the General Waste Discharge Associated with Cannabis Cultivation Activities, Order WQ 2019-0001-DWQ, dated 11/15/19.
- Water Resources Protection Plan prepared by Compliant Farms for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- Streambed Alteration Agreement (No. 1600-2017-0491-R1) with the California Department of Fish and Wildlife dated 8/24/18 and received 9/28/18.
- Less-Than-3-acre Timber Conversion Report (undated) prepared by Stephen Hohman (Registered Professional Forester #2652) of Mad River Properties, Inc. in 2019.
- Road Evaluation Report for Main Drive prepared by the applicant, dated 9/28/18 and received 9/28/18.
- Division of Environmental Health Attachment for Commercial Medical Marijuana Clearances/ Permits.

- Engineering Geological Assessment and Soils Reporting for Existing Pond and Cultivation Areas prepared by SHN Engineering Consultants, dated 2/19/19.
- Existing System Evaluation Report for Onsite Wastewater Systems (CA REH5 5747) date received 4/30/20 & Department of Environmental Health letter certifying the report received 2/7/20.
- Cultural Resources Investigation conducted by DZC Archaeology & Cultural Resource Management in December 2019.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

### **FINDINGS**

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

### **CONCLUSION**

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

## ATTACHMENT 3

### Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (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. (Plot Plans prepared by prepared by Dan Mar dated 4/1/21 and received 8/1/21– **Attached** with Project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Compliant Farms received 4/30/20 - **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board (SWRCB), Division of Water Rights, if applicable. (Right to Divert and Use Water, Registration No. D032823 and Certificate No. D1084 – **Attached**)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for SWRCB General Order (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 (RWQCB) demonstrating enrollment in Tier 1, 2 or 3, North Coast RWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Water Resources Protection Plan prepared by Compliant Farms – On file and to be superseded by Site Management Plan once prepared. Notice of Applicability [WDID-1\_12CC418285] with the Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ – **Attached**)
8. If any onsite or offsite component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2017-0491-R1 executed 08/24/18 – **Attached**).
9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the PRC, 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. (Less-Than-3-acre Timber Conversion Report (undated) prepared by Stephen Hohman (Registered Professional Forester #2652) of Mad River Properties, Inc. in 2019 – **Attached**)

10. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe “government to government” consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System. (On file)
14. Cultural Resources Investigation for the High Country Farms, Inc., Commercial Cannabis Cultivation, Humboldt County California, County Application #12552 prepared by DZC Archaeology & Cultural Resource Management in December 2019 (On file and confidential).
15. Road Evaluation Report for Main Drive prepared by the applicant and dated 9/28/18 and received 9/28/18. (**Attached**)
16. Division of Environmental Health Attachment for Commercial Medical Marijuana Clearances/ Permits (DEH Form). (On file)
17. Engineering Geological Assessment and Soils Reporting for Existing Pond and Cultivation Areas prepared by SHN Engineering Consultants dated 2/19/19. (On file)

---

# Cultivation and Operations Plan 2021

High Country Farms, Inc.

APN: 223-261-005-000

Apps: 12552

App. Id. CCL18-0003637

App. Id. CCL18-0003638



Cannabis Cultivation

8,129 - square feet of outdoor cultivation

4,300 - square feet of mixed light cultivation

Total Aggregate: 12,429 - square feet

Proposed Nursery

Propagation Facility: 1,920 - square feet

Immature Plant Area: 1,040 - square feet

County of Humboldt

Planning and Building Department

Attn: Desmond Johnston

3015 H St

Eureka, CA 95501

(707) 445-7541

Applicant: High Country Farms, Inc.

Owner: Nathaniel Pollette

PO Box 2426

Redway, CA 95560

(707) 601-9586

punanate@hotmail.com

Agent: Dan Mar, CPD

P.O. Box 104

Bayside, CA 95524

danmarplanning@gmail.com

---

## Table of Contents

- 1. Project Description.....Page 3
- 2. Water System.....Page 3
  - a. Water Source
  - b. Water Storage
  - c. Irrigation Plan
  - d. Projected Water Usage
- 3. Site Drainage, Runoff and Erosion Control Measures.....Page 5
- 4. Watershed and Habitat Protection.....Page 5
- 5. Cultivation Related Sites.....Page 6
- 6. Cultivation Activities.....Page 7
  - a. Cultivation Practices Description
  - b. Fertilizers and Soil Amendments
  - c. Cannabis Waste Management Plan
  - d. Biological and Chemical Pest Management Plan
  - e. Cultural Pest Management Plan
  - f. Schedule of Cultivation Activities
- 7. Pest Management.....Page 10
- 8. Power Use.....Page 11
- 9. Processing Plan.....Page 11
  - a. Processing Location
  - b. Processing Practices
- 10. Employees Practices.....Page 12
- 11. Safety Practices.....Page 12
  - a. Safety Equipment
  - b. Emergency Contacts
  - c. Security Plan
- 12. Road Use.....Page 13
- 13. Waste and Materials Management.....Page 14
  - a. Solid Waste Management
  - b. Hazardous Materials Management
  - c. Spill Prevention and Cleanup
  - d. Bulk Agricultural Materials
  - e. Onsite Wastewater

---

## List of Appendices

- 1. Appendix A: Property Diagram
- 2. Appendix B: Premises Diagram

---

## 1. Project Description

### a. Existing Project

The existing project is for a cannabis cultivation permit to cultivate 12,429-square feet of commercial cannabis outdoors utilizing full-sun (CA1), light-deprivation (GH1-2, 4-10) and mixed-light (GH3, GH11) techniques. The cultivation site meets the minimum required setbacks from property lines and surface water courses. The access road is maintained by a road association and the driveway will meet county and CalFire standards for width, turnarounds, turnouts, materials and fuel modification. Designated parking is onsite. Nursery stock is produced on-site and immature plants are vegetated onsite (IP). Water for irrigation is sourced from a rainwater catchment pond (R1) with an estimated volume of 3.1-acre feet. Domestic water storage (WS1) consists of 10,600-gallons of rigid storage sourced from a State registered spring diversion with deeded rights on parcel 223-291-003-000. 5,000-gallons for fire protection (FW1) is to be installed in 2021. Currently, drying occurs onsite within the harvest processing structure (HP) and processed and stored in the harvest storage building (HS). Manufacturing and packaging occur offsite. All cannabis waste is processed onsite by means of a composting system (CW). Agricultural chemicals and fertilizers are stored onsite (AC) within a locked shed. Electricity for propagation, mixed-light and domestic use is provided by Pacific Gas and Electric. Bathroom facilities are connected to an approved onsite waste treatment system (septic).

### b. Project Updates

Due to forest management requirements, in the interest of protecting habitat value and to maintain slope stability on the project site a small amount of cultivation has been relocated to areas that are more environmentally superior to the present conditions. The prior sites required the continual cutting of trees and extensive grading for slope management in order to support the approved footprint of cultivation. No grading or tree removal took place for the relocation.

### c. Proposed Project

This operations plan has been amended to include an onsite cannabis nursery for the purpose of off-site sales. The operation will include a 1,920-sq.ft. (24'x80') metal building (N1) with a laboratory grade preparation area, clone room, vegetative room and employee bathroom. Additionally there will be a 1,040-sq.ft. (16'x65') outdoor vegetative area (N2). The metal building will have an independent OWTS and will be connected to PG&E power. The operation will deliver to local area farms. There will be no onsite retail. The nursery operation will possess a State License for nursery production and distribution.

---

## 2. Water System

### a. Water Source

Irrigation water is sourced exclusively from rainwater and stored in the rainwater catchment pond that has been engineered and approved by the Department of Fish and Wildlife. The agricultural building will be integrated into the overall catchment surface to ensure sufficient catchment volumes even in below normal precipitation years.

**b. Irrigation Water Storage**

Site Code	Storage Type	Quantity	Capacity (gallons)	Total (gallons)
R1	Pond	1	3.1-acre feet	1.01-million
Total				1.01-million

**c. Irrigation Plan**

Irrigation water is pumped from the rainwater pond to a transfer tank (IW) upslope. Water is pressurized and distributed to three manifold sites. Irrigation water is applied at agronomic rates to minimize over watering cannabis plants and reducing the risk of irrigation runoff. Cannabis plants are irrigated every three to four days during the growing season or as needed. Irrigation is applied through drip irrigation and by hand watering using a spray stick or wand. Shutoff valves are installed for management and maintenance purposes. Applicant uses soil high in organic content which retains moisture well. Applicant waters in the morning/early evening hours to reduce evaporative loss. Ground cover and top mulch is used to minimize water loss due to evaporation. Applicant uses natural soil amendments to aid in soil moisture retention as part of the irrigation plan.

**d. Projected Irrigation Water Usage**

Water Use	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
	850	850	3,000	8,000	20,000	45,000	45,000	45,000	45,000	30,000	15,000	850
Total	258,550-gallons											

The above figures are weather dependent and are only estimated water usage totals. Applicant will install flow meters at all critical points to measure actual yearly water usage upon implementation of the project. However, the projected usage is far less than the total storage capacity of the rainwater catchment pond which will provide a surplus of stored water for fire fighting and wildlife use.

**e. Domestic Water Source**

Domestic water is sourced from a State Division of Water Rights and California Department of Fish and Wildlife registered spring diversion. The diversion is not commingled with agricultural water.

**f. Domestic Water Storage**

Site Code	Storage Type	Quantity	Capacity (gallons)	Total (gallons)
TT	Rigid Plastic Tank	1	1,500	1,500
DM1	Rigid Plastic Tank	1	3,400	3,400
DM2	Rigid Plastic Tank	1	2,200	2,200
FW	Rigid Plastic Tank	1	5,000	5,000

Site Code	Storage Type	Quantity	Capacity (gallons)	Total (gallons)
Total				12,100

TT: Transfer Tank; DM: Domestic Water; FW: Fire Water

### 3. Site Drainage, Runoff and Erosion Control Measures

**a. Site Drainage:** Site drainage consists of soil infiltration of stormwater into forested areas, topographical and engineered drainages. The cultivation site is beyond the minimum required setbacks to riparian and stream side management areas. Riparian buffers are vegetated with native plant species. The landscape is monitored for erosion and preemptively maintained to prevent loss of topsoil and degradation of riparian features.

**b. Runoff:** Applicant uses hand watering, raised beds and containers, mulch, waters at agronomic rates, checks soil moisture content regularly to avoid overwatering and maintains vegetation around cultivation areas and riparian areas to minimize runoff and sediment transportation to receiving waters. Applicant will re-seed and re-vegetate any exposed soils around the cultivation areas and install straw wattles and other sediment control features on slopes or discharge points that may transport sediment to receiving waters as necessary. Applicant will consult with, and implement recommendations from, Watershed Resource Consultants to improve runoff control measures on a seasonal basis.

**c. Erosion Control Measures:** Applicant maintains vegetation on slopes and at points of stormwater discharge. In the event of erosion from stormwater, the site is maintained with temporary erosion control measures and is monitored until permanent measures can be implemented. Applicant will monitor and maintain a log related to the effects of stormwater during the wet-season. Applicant will consult with, and implement recommendations by Watershed Resource Consultants to implement erosion control measures on a seasonal basis.

For more measures related to site drainage, runoff and erosion control a Site Management Plan and Water Resources Protection Plan has been established for the subject parcel.

### 4. Watershed and Habitat Protection

Permitted forest management practices are being employed to limit the threats of wildfire ignition and enhance forest habitat health. Cultivation areas are spread out to reduce large, continuous footprints of compacted soils, extensive grading and increase the rates of stormwater infiltration to eliminate the potential for erosion. Sites were also selected to reduce the amount of management required to maintain sufficient light for cultivation. The seasonal trimming and limbing of trees around cultivation areas inevitably makes them susceptible to pests and disease; therefore, cultivation occurs in areas where light management is at a minimum.

A Site Management Plan, Water Resources Protection Plan and Lake and Streambed Alteration Agreement have been established for the subject parcel and are the primary documents for achieving watershed and habitat protection.

To maintain and enhance watershed and habitat conditions, the landscape will be managed to protect water quality & quantity, reduce fire hazard through fuel load reduction, improve riparian habitat conditions, and offset climate change through increased carbon storage. Specific measures taken to enhance watershed conditions and protect habitat include, but are not limited to the following:

1. Buffers and setbacks from riparian areas.
2. Monitor and maintain roads, stream crossings and developed areas.
3. Irrigation water exclusively sourced from a rainwater catchment system.
4. Implement fuel load reduction along roadside margins and adjacent to developed areas.
5. Follow the monitoring and management schedule established in a site-specific water resources protection plan created by *Compliant Farms Certified* to exceed the requirements established by the Regional Water Quality Control Board’s Cannabis Cultivation Discharge Waiver program and the State Water Board General Order.
6. Soil management practices and transitioning toward development of regenerative, living soil to reduce offsite inputs and improve soil health.
7. Adhere to the requirements and recommendations as set forth in the Water Resource Protection Plan and Site Management Plan.
8. Adhere to the requirements and recommendations as set forth in the Lake and Streambed Alteration Agreement.

## 5. Cultivation Areas

Cultivation Related Areas				
Site Code	Cultivation Type	Structure	Canopy	Square Footage
<b>GH1</b>	Light-Dep	Greenhouse	19'x61'	1,159
<b>GH2</b>	Light-Dep	Greenhouse	10'x40'	400
<b>GH4</b>	Light-Dep	Greenhouse	8'x80'	640
<b>GH5a</b>	Light-Dep	Greenhouse	10'x60'	600
<b>GH5b</b>	Light-Dep	Greenhouse	10'x55'	550
<b>GH6</b>	Light-Dep	Greenhouse	20'x70'	1,400
<b>GH7</b>	Light-Dep	Greenhouse	10'x50'	500
<b>GH8</b>	Light-Dep	Greenhouse	10'x50'	500
<b>GH9</b>	Light-Dep	Greenhouse	10'x40'	400

Cultivation Related Areas				
Site Code	Cultivation Type	Structure	Canopy	Square Footage
<b>GH10</b>	Light-Dep	Greenhouse	8'x60'	480
<b>CA1</b>	Outdoor	NA	30'x50'	1,500
<b>Total Outdoor</b>				<b>8,129</b>
<b>GH3</b>	Mixed-Light	Greenhouse	25'x76'	1,900
<b>GH5</b>	Mixed-Light	Greenhouse	24'x100'	2,400
<b>Total Mixed Light</b>				<b>4,300</b>

Cultivation Support Areas				
Site Code	Support Type	Structure	Footprint	Square Footage
<b>Nurseries</b>				
<b>IP1</b>	Immature Plants	NA	20'x30'	600
<b>IP2</b>	Immature Plants	NA	20'x30'	600
<b>Total Immature Plant Area</b>				<b>1,200</b>
<b>%Total</b>	(1,200ft <sup>2</sup> of immature plants / 12,429ft <sup>2</sup> total canopy)			<b>9.6%</b>
<b>Ag Buildings</b>				
<b>HP</b>	Harvest Processing	Ag Building	25'x35'	875
<b>HS</b>	Harvest Storage	Ag Building	24'x30'	720
<b>AC</b>	Ag Chemical	Shed	4'x4'	16
<b>Total Supporting Structures</b>				<b>1,611</b>

## 7. Cultivation Activities

### a. Cultivation Practices Description

The cultivation areas (GH's) consist of permanent raised-beds built of dimensional lumber and grow bags (CA1). Soil is reused each year. Top dressing and compost teas are the main forms of plant nutrition. All vegetative waste is composted onsite (CW).

### b. Nursery and Immature Plant Practices

Nursery stock is produced on-site and immature plants are vegetated onsite (IP1, IP2).

**c. Fertilizer and Soil Amendments**

Fertilizers are stored off the ground in a completely enclosed, lockable structure. Applicant stores and uses fertilizers per manufacturers and agency requirements. Fertilizers are kept in secondary containment totes to protect against spilling. Applicant follows spill and disposal protocols as set forth in the waste management plan. Applicant uses all fertilizers according to the label and uses personal protective equipment as required by labels. Applicant seeks out and uses fertilizers that are OMRI Certified and advertised as naturally-based. Before making a fertilizer application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard. SDS forms are posted onsite.

Name	N-P-K Ratio	Yearly Use
Fox Farm Big Bloom	0-0.5-0.7	300-gal
Roots Organics Nitro Bat	9-3-1	1000-lbs
Roots Organics Phos Bat	0-7-0	1000-lbs
Dr Earth Mocha Bat	10-3-1	1000-lbs
Dr Earth Bud and Bloom	4-10-7	1000-lbs
Dr Earth Bud and Bloom	1-9-2	200-gal
Dr Earth All Purpose	4-4-4	1000-lbs
Dolomite	NA	500-lbs
Silica	NA	150-gal
Organic Gem Fish with Kelp	3-3-0.3	100-gal

**d. Schedule of Cultivation Activities**

January - March

- Prepare cultivation areas through amending, mulching and maintaining cover crop.
- Monitor and maintain property for sediment control and discharge.
- Propagate nursery stock.

March - April

- Final preparation of cultivation areas.
- Move nursery stock to immature plant area (IP1).
- Plant first mixed light crop.

May

- Plant first light-depravation crop.
- Begin irrigation as necessary.
- Plant full-sun crop based on seasonal variabilities.
- Monitor for pests.
- Apply nutrient feed with every other watering.
- Establish compost system.

### June

- Plant full-sun crop based on seasonal variabilities.
- Irrigate as necessary.
- Monitor for pests.
- Apply nutrient feed with every other watering.
- Maintain mulches.
- Beginning plant maintenance such as deleafing and controlling pests.
- Maintain compost system.

### July

- Irrigate approximately every two-four days.
- Monitor for pests.
- Apply nutrient feed with every other watering.
- Maintain mulches.
- Plant maintenance such as deleafing and controlling pests.
- Begin harvesting of first light-depravation and mixed light crop.
- Maintain compost system.

### August

- Plant second light-depravation and mixed light crop.
- Irrigate approximately every two-four days.
- Monitor for pests.
- Apply nutrient feed with every other watering.
- Maintain mulches.
- Plant maintenance such as deleafing and controlling pests.
- Maintain compost system.

### September

- Irrigate as needed.
- Apply nutrient feed with every other watering.
- Monitor for pests.
- Maintain mulches.
- Plant maintenance such as deleafing and controlling pests.
- Maintain compost system.

### October

- Irrigate as needed.
- Begin harvesting second light-depravation, missed light and full-sun crop.
- Maintain compost system.

### November

- Plant cover crops and mulch beds.
- Store cultivation materials for the winter.
- Final compost system maintenance.
- End of year reporting.
- Deploy Winterization Protocols.

### December

- Monitor and maintain property for sediment control and discharge.

## 7. Pest Management

### a. Biological and Chemical Pest Management Plan

The use of repellants, insecticides, and fungicides will include products that are exempt from tolerance requirements, and either exempt from registration requirements, or have labels broad enough to include use on cannabis per California Food and Agriculture Code, Division 6 Pest Control Operations and Division 7 Agriculture Chemical; Chapter 1 – 3.6 and California Code of Regulations, Division 6 Pest Control Operations (Table 1).

Name	Active Ingredient(s)	Type
Neem Oil	Neem Oil	Pesticide
Garden Friendly Fungicide	Bacillus amyloliquefaciens strain D747	Biofungicide
Dr Earth Final Stop Natural and Organic Pest Control Killer Spray	Rosemary, Sesame, Peppermint, Thyme, Cinnamon and Garlic	Insecticide

Pesticides and fungicides will be stored off the ground in a completely enclosed, lockable shed, which has a non-permeable floor surface. Applicant will store and use pesticides and fungicides according to specific protocols. Pesticides and fungicides will be kept in secondary containment totes to further prevent leaching. Applicant will use all pesticides and fungicides according to the label and use personal protective equipment as required by labels. Applicant seeks out and uses pesticides and fungicides that are OMRI Certified and advertised as naturally-based. Before making a pesticide or fungicide application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard. The applicant would comply with the following pesticide and fungicide application and storage protocols:

- Comply with all pesticide label directions;
- Store chemicals in their original containers in a secure building or shed to prevent access by wildlife;
- Chemicals in their original containers shall be placed in secondary containment;
- Chemical containers shall be handled with care to avoid destroying labels;
- Contain any chemical leaks and immediately clean up any spills;
- Preventing offsite drift;
- Do not apply pesticides when pollinators are present;
- Do not allow drift to flowering plants attractive to pollinators;
- Do not spray directly to surface water or allow pesticide product to drift to surface water;
- Spray only when wind is blowing away from surface water bodies;
- Do not apply pesticides when they may reach surface water or groundwater;
- Use only properly labeled pesticides; and

- Do not use pesticides within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool.

**b. Cultural Pest Management Plan**

Cultural pest management will include the interplanting of companion plants and border plantings of flowering perennials that attract pest predators and/or deter pests.

**c. Integrated Pest Management Plan**

See appendix.

---

**8. Processing Plan****a. Processing Location**

Cannabis is cut from the cultivation areas and hung in the harvest processing building (HP) to cure. Once the cannabis reaches an ideal moisture content it is processed, placed into bins and labeled. All cannabis waste is processed in the onsite composting area (CW).

**b. Processing Practices**

The following Processing Practices shall be implemented on-site at all times:

1. Great care is taken to maintain a clean working environment during all stages of processing. Work surfaces, and equipment, are kept in a clean and sanitary condition with the use of rubbing alcohol. Protocols to prevent contamination of cannabis product with mold or mildew are followed at all times. Workers shall clean hands sufficiently when handling cannabis or use gloves.
2. During harvest cannabis plants are cut down to approximately 18 inch lengths of stem and transported from the cultivation area to the harvest storage area to be hung for drying. Large water leaves are also removed during this process. All work is performed while wearing gloves using sheers or clippers.
3. Bud sections are hung in the on-site harvest storage area for 5-7 days. Fans and dehumidifiers are employed as necessary to help facilitate the drying process. During the drying process, the buds are carefully monitored for moisture content and mold growth.
4. Once it is determined that buds have reached the desired moisture content, stems and smaller leaves are removed and flowers are cured in open bins.
5. The cannabis is processed based on contractual agreements and in accordance to local and State laws.
6. All cannabis waste is processed in the onsite composting area.

---

**9. Power Use**

Property is connected to Pacific Gas and Electric (PG&E) service.

---

## 10. Employee Practices

This project at this time does not require any employees. If in the future employees are necessary they will commute to the project site daily. There is no onsite residences for employees. Employees will be trained in the required safety protocols as outlined in the Safety Practices (Sec. 11.a-e). Employees will be subcontracted through a third-party and governed based on local and State labor laws. Restrooms with approved hand washing stations will be onsite.

---

## 11. Safety Practices

### a. Performance Standards

Applicant will follow all performance standards outlined in Humboldt County's Commercial Medical Marijuana Land Use Ordinance ("CMMLUO") with respect to cultivation activities, including developing safety protocols which include: 1) an emergency action response plan and spill prevention protocols; 2) accident reporting and investigation policies; 3) fire prevention policies; 4) maintenance of Material Safety Data Sheets (MSDS); 5) materials handling policies; 6) job hazard analyses; and 7) personal protective equipment policies. Applicant will ensure that all safety equipment is in good and operable condition. Applicant will post and maintain an emergency contact list which includes: 1) operation manager contacts; 2) emergency responder contacts; and 3) poison control contacts. All cultivation activities will be charted and calendared and visibly posted in the cultivation facilities.

### b. Cal-OSHA

If employees are required then one supervisor and at least one employee will complete an authorized Cal-OSHA 30-hour general industry outreach course.

### c. Safety Equipment

Each garden site and/or harvest storage area will have the following emergency equipment:

1. Personal protective equipment including gloves and respiratory protection are provided where necessary.
2. Fire extinguisher.
3. First Aid kit.
4. Eye washing station.

### d. Emergency Contacts

Operations and processing facilities shall visibly post and maintain an emergency contact list which includes at a minimum:

- Land Owner / Applicant Contact(s)
- Emergency Responder Contact(s):
  - EMERGENCY CALL 911
  - Nonemergency Sheriff: (707) 445-7251
  - Garberville Fire Department: (707) 923-2761
- Poison Control Contact(s):
  - EMERGENCY CALL 911

- Poison Control Centers (800) 222-1222

### **e. Security Plan**

Applicant has implemented security measures to safeguard the premises and prevent nuisance from occurring on the property. To ensure the non-diversion of product the applicant has enrolled in a track and trace program at the State level. There are lockable security gates on all access roads to the property. There are "No Trespassing," and "Private Property," signs posted. All doors and windows on the property are lockable. All finished cannabis product is stored in a locked facility.

This security plan has been developed to incorporate best practices suggested by security industry professionals and law enforcement personnel. The security plan will be continually updated and improved as further information becomes available.

- Few people have access to the property, which lowers the probability of breach of security measures.
- A neighborhood watch is in place to identify and alert land owners of possible suspicious activity or vehicles.
- A locked gate is used to accesses the property.
- 'No Trespassing' signs are posted on the single-access road.
- Operations shall be discreet and not draw attention.
- Cultivation sites can not be viewed from public roads or neighboring parcels.
- Dogs are onsite to alert the owner.
- Motion lights are installed.

---

## **12. Road Use**

### **a. Access Roads**

The property is accessed by Alder Point Rd. which is maintained by the Humboldt County Roads Department and Main Dr. which is maintained by a road association. The driveway accessing the project site has been evaluated and will meet county and CalFire standards for width, turnarounds, turnouts, materials and fuel modification. The road will be monitored and maintained to ensure that it is in good condition and not a source of sediment. The road is graded annually or as needed. A Site Management Plan has been established to monitor and maintain the road condition and stream crossings. Road use is expected to be five vehicles twice per day (morning and evening) with periodic deliveries that will be scheduled so as to not impact road use during higher traffic times.

### **b. SRA Standards**

Modifications to the road accessing the project site will include upgrades to stream crossings (culverts), turnouts, turn-arounds, fuel modifications, fire water storage and non-skid aggregate surfacing. The project site has a turn-around with a radius of 40-feet. Fire water storage (FW, 5,000-gallons) is onsite.

**c. Parking**

There is sufficient parking for vehicles at the project site with developed parking for five vehicles. The parking area does not impede any of the designated areas for SRA standards.

---

**13. Waste and Materials Management****a. Cannabis Waste Management Plan**

Cannabis vegetative waste will be composed onsite (CW) in compliance with the California Code of Regulations (CCR), Title 3, Division 8, Chapter 1, Section 8108. The compost facility is within 50-feet of the cultivation site, in a shaded location to facilitate proper moisture and temperature levels and contained.

**b. Solid Waste Management**

Solid waste disposal, storage, compost and recycling will be conducted in compliance with Humboldt County Municipal Code. The applicant delivers solid waste as needed to the Redway Transfer Station. The solid waste is stored based on specific materials protocols. Domestic waste and recyclables are stored and disposed of at the Redway Transfer Station. All materials are secured from wildlife.

**c. Hazardous Materials Management**

Hazardous waste would be restricted to the materials outlined in the fertilizers, amendments, and pesticides data and use table as well as materials associated with domestication and property management. All hazardous waste is hauled to the Redway Transfer Station. The applicant does not manufacture cannabis at the site. Fertilizers would be natural or organic if possible, and future use of repellants, insecticides, and fungicides will include products that are exempt from tolerance requirements, per California Food and Agriculture Code, Division 6 Pest Control Operations and Division 7 Agriculture Chemical; Chapter 1 – 3.6 and California Code of Regulations, Division 6 Pest Control Operations.

**d. Spill Prevention Protocols**

1. Hazardous materials will be transported in approved containers with secondary containment.
2. Hazardous materials will be transferred by individuals who are familiar with the specific MSDS requirements.
3. Hazardous materials must be stored in a secure structure. Agricultural-based materials must be stored in a separate facility from gas, oil and other domestic based chemicals.
4. Materials Safety Data Sheets must be posted and appropriate spill kits must be stored in the corresponding storage facility.
5. All hazardous materials must be stored in secondary containment.
6. Power equipment that requires gas/oil should be kept in good working condition. The refueling and maintenance of power equipment should take place in the corresponding storage or maintenance facility.
7. Power equipment such as gasoline/diesel generators must be placed in certified secondary containment under a secure structure.

8. Appropriate fire suppression must be associated with all material storage facilities that store flammable materials.

**e. Spill Clean Up Protocol (liquids)**

1. Applicator should wear gloves, safety goggles, and a dust mask during cleanup.
2. Reference the associated MSDS for specific cleanup protocols.
3. Confine the leaking or spilled container to secondary containment.
4. Spread clay-based, "clumping kitty-litter" on the spill site at a rate of 1/2"-thick.
5. Allow litter to dry.
6. Use a flat-nosed shovel and broom to pickup the dry litter and double bag it.
7. Take to a licensed hazardous waste disposal facility.

**f. Spill Clean Up Protocol (solids)**

1. Applicator should wear gloves, safety goggles, and a dust mask during cleanup.
2. Reference the associated MSDS for specific cleanup protocols.
3. Confine the leaking or spilled container to secondary containment.
4. Use a flat-nosed shovel and broom to pickup the dry material.
5. Repackage materials that are safe to still use or take to a licensed hazardous waste disposal facility.

**g. Bulk Agricultural Materials**

The following protocols identify how bulk materials will be stored, mixed, applied and how empty containers will be disposed of.

1. Areas will be outside of the minimum setbacks from surface water.
2. Materials for containment, covering and the clean up of bulk materials will be onsite prior to delivery.
3. Individuals responsible for receiving deliveries, storing, mixing and applying materials will be familiar with the specific MSDS requirements.
4. Materials will be stored, mixed and applied per manufactures recommendations.
5. Delivery sites will be cleaned and secured after materials are deployed per specific clean up protocols.
6. Empty containers will be returned, recycled or disposed of based on manufacturers recommendations.

**h. Onsite Wastewater Treatment System**

Wastewater generated onsite is contained and processed in an OWTS. The existing system has a Tier 0 Certification by a Registered Environmental Health Specialist.

## **Appendices**

1. Appendix A: Property Diagram
2. Appendix B: Premises Diagram

**State Water Resources Control Board  
DIVISION OF WATER RIGHTS**

**INITIAL STATEMENT OF WATER DIVERSION AND USE**

A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT  
READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM  
FURTHER INFORMATION CAN BE FOUND IN WATER CODE, SECTIONS 5100-5107

Diverter Information			
Diverter Name(s) Nate Pollette			
Mailing Address P.O. Box 2426	City Redway	State CA	Zip 95560
Phone Number (707) 601-9586	Email Address (if available) punanate@hotmail.com		

Person Filing Statement			
(If different from diverter information above)			
Person Filing Statement Name Laura L. Hall			
Mailing Address P.O. Box 544	City Bella Vista	State CA	Zip 96008
Phone Number (530) 440-0999	Email Address (if available) laurahallconsulting@gmail.com		

Land Owner Name			
Land Owner Name Glenna Pollette			
Mailing Address 5059 West M-4	City Quartz Hill	State CA	Zip 93536
Phone Number (661) 722-5708	Email Address (if available)		

Mail Receiver:	
(Select one only)	
<input type="radio"/> Diverter	<input checked="" type="radio"/> Person Filing Statement

Checklist for Submission of an Initial Statement of Water Diversion and Use
<input checked="" type="checkbox"/> Answer each question completely
<input checked="" type="checkbox"/> Attach map referenced in Section 4 with outline of Place of Use. Include Point of Diversion location if not identified in Section 3
<input checked="" type="checkbox"/> Sign and Date form

UPON COMPLETION OF THIS STATEMENT, ATTACH ALL SUPPORTING DOCUMENTATION AND MAPS AND MAIL TO:

State Water Resources Control Board  
Division of Water Rights  
PO Box 2000  
Sacramento, CA 95812-2000

Or email to

DWR-statements@waterboards.ca.gov

Additional copies of this form, instructions on how to complete this form, and water right information can be obtained at  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/).

Revised March 2017

Initial Statement of Water Diversion and Use  
Page 2 of 4

Section 1: Type of Claim	
(Select all that apply to the type of claim(s) under which you are diverting water)	
<input type="checkbox"/> Riparian <input type="checkbox"/> Pre-1914 <input type="checkbox"/> Court Decree* <input type="checkbox"/> Pending Appropriative Application* <input type="checkbox"/> Pueblo <input type="checkbox"/> Other*: <u>deeded right</u>	
*If you checked Court Decree, Pending Appropriative Application, or Other, list the Decree Number, Application ID Number or Status or provide an explanation	
List any related existing water rights, if applicable (e.g. Appropriative Water Right ID: A012345) <u>deeded right</u>	

Section 2: Water Course Description	
Water Course Name at the Point of Diversion (POD) <u>Springs</u>	Water Course is tributary to <u>Dean Creek</u>

Section 3: Point of Diversion and Legal Land Description	
Provide the location of the POD using one of the following methods (check one box and enter data if applicable)	
<input checked="" type="checkbox"/> Latitude/Longitude Measurements:                      Latitude: <u>40°07.310'</u> Longitude: <u>-123.757254° (POU) -123</u>	
<input type="checkbox"/> California Coordinate System (NAD1983)                      North: _____                      East: _____                      Zone: _____	
<input type="checkbox"/> USGS Topographic Map with Point of Diversion labeled on map (if checked, map must identify Point of Diversion)	
Assessor's Parcel Number (APN) where Point of Diversion is located (if APN has been assigned) <u>223-291-003-000</u>	County <u>Humboldt</u>
Provide Public Land Description to nearest 40 acres (if assigned) _____ ¼ of the _____ ¼ of Section _____ Township <u>4S</u> Range <u>4E</u> B&M <u>Humboldt</u>	

Section 4: Place of Use Description	
(Check boxes indicating each map to be provided)	
Identify the location of the place of use on a specific United States Geological Survey (USGS) Topographic Map, or County Assessor's parcel map or any other maps with identifiable landmarks. If assigned, provide the public land description to the nearest 40-acre subdivision and the assessor's parcel number.	
<input checked="" type="checkbox"/> USGS Topographic Map <input type="checkbox"/> County Assessor's Parcel Map <input type="checkbox"/> Map with identifiable landmarks	
Provide a general description of the area in which the water was used (e.g. Domestic water supply for house, and irrigated crops, campground, etc.) <u>Irrigation for domestic use and commercial cannabis</u>	
Assessor's Parcel Number(s), where the water was used (if APNs have been assigned) <u>223-261-005-000</u>	

Section 5: Purpose of Use Description			
(Select all that apply)			
<input checked="" type="checkbox"/> Irrigation Number of acres: <u>0.125</u>	<input checked="" type="checkbox"/> Domestic Maximum number of persons served: <u>3</u>	<input checked="" type="checkbox"/> Stock watering Number and type of stock: <u>4 dogs, 12 chicker</u>	<input type="checkbox"/> Other Explain: _____

**Initial Statement of Water Diversion and Use**

Section 6: Special Use	
(If you have selected Yes to the question below, please fill out <b>Special Use Attachment</b> at the end of this form)	
During the previous calendar year, were you using any water diverted under this statement for the cultivation of cannabis?	<input checked="" type="radio"/> Yes <input type="radio"/> No

Section 7: Diversion Works Description	
Name of Diversion Works, if you wish to name (e.g. Bob's Pump)	Year in which diversion began, to the best of your knowledge. (Specify single year) 2005
Type of Diversion Facility.(Select one only)* *A separate Initial Statement of Water Diversion and Use must be filed for EACH diversion	
<input checked="" type="radio"/> Gravity <input type="radio"/> Water Course Pump <input type="radio"/> Well Pump <input type="radio"/> Other: _____	
Direct Diversion Information	
Do you directly divert water? (Direct refers to water taken and used immediately)	If Yes, identify Direct Diversion Works flow rate and Unit
<input type="radio"/> Yes <input type="radio"/> No	Rate: <u>5</u> <input type="radio"/> Cubic Feet per Second <input checked="" type="radio"/> Gallons per Minute <input type="radio"/> Gallons per Day
Storage Diversion Information	
Do you divert to storage? (If no, skip to Section 8)	If Yes, identify type of Storage
<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="checkbox"/> On-stream Storage (if on-stream, fill in Subsection A below) <input checked="" type="checkbox"/> Off-stream Storage (if off-stream, fill in subsections A and B below)
(A) Capacity of Storage Tank(s) or Reservoir identified in Acre-Feet or Gallons	
Quantity: <u>17,100</u>	<input checked="" type="radio"/> Gallons <input type="radio"/> Acre-Feet
(B) Maximum Diversion Rate of Storage Diversion Works	
Rate: <u>5</u>	<input type="radio"/> Cubic Feet per Second <input checked="" type="radio"/> Gallons per Minute <input type="radio"/> Gallons per Day

Section 8: Quantity of Water Diverted												
(Provide the quantity of water diverted each month of the prior calendar year for all purposes)												
Data being provided for calendar year: <u>2016</u>						Measurement provided in: <input checked="" type="radio"/> Gallons <input type="radio"/> Acre-Feet						
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
17,731	17,731	17,731	17,731	17,731	17,731	17,731	17,731	17,731	17,731	17,731	17,731	212,783

Section 9: Maximum Rate of Diversion per month												
(If data is available)												
Data being provided for calendar year: _____						Measurement provided in: <input type="radio"/> Cubic Feet per Second <input type="radio"/> Gallons per Minute <input type="radio"/> Gallons per Day						
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	

Section 10: Recent Water Use	
Provide data of annual water use in recent years	Minimum: <u>212,783</u> <input checked="" type="radio"/> Gallons <input type="radio"/> Acre-Feet
	Maximum: <u>212,783</u> <input checked="" type="radio"/> Gallons <input type="radio"/> Acre-Feet

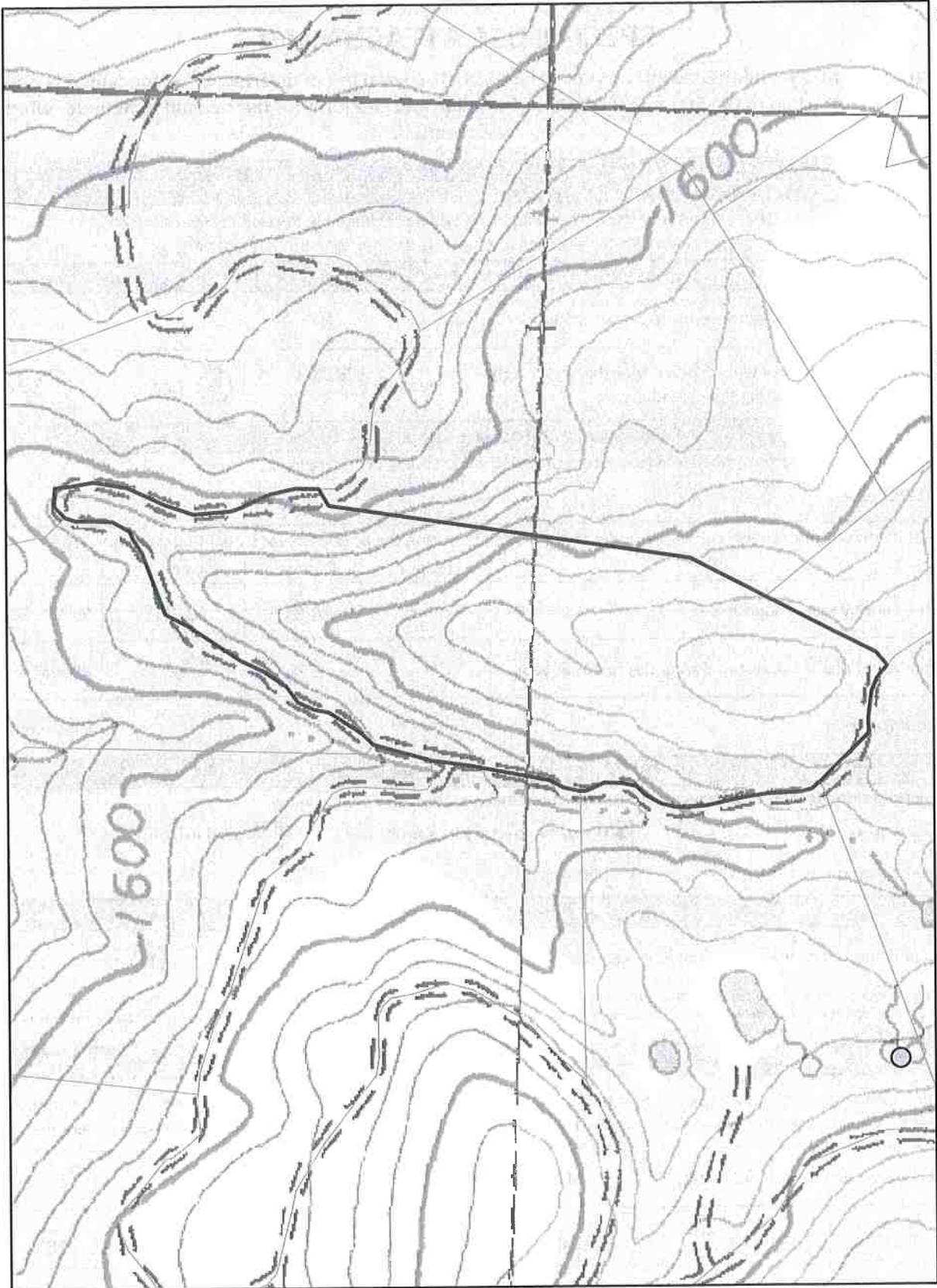


**State Water Resources Control Board  
DIVISION OF WATER RIGHTS  
INITIAL STATEMENT OF WATER DIVERSION AND USE  
SPECIAL USE ATTACHMENT**

This attachment is for additional information related to the special use of diverted water for cannabis cultivation, and must be attached to the Statement of Water Diversion and Use form for the claimed right under which water was diverted.

Cannabis Cultivation Information												
(This section should only be filled out if Yes was selected in Section 6: Special Use regarding the prior year usage of diverted water for cannabis cultivation)												
Subsection 1: Special Use												
Provide the calendar year associated with reporting under this water right:      20 <u>16</u>												
Provide the total amount of water used under this water right for cannabis cultivation during the calendar year      Quantity <u>208,953</u> <input checked="" type="radio"/> Gallons <input type="radio"/> Acre-Feet												
Subsection 2: Cultivation Size and Lighting Conditions												
Provide the APN(s) for all parcel(s) where cannabis is cultivated with water used under this right: 223-261-005-000												
Provide the amount of cannabis cultivated under this water right during the calendar year by lighting condition type.												
	Indoor	Outdoor	Mixed Light									
Cultivated canopy size in square feet	_____	20,817	2,400	Square Feet 23,217								
Total number of plants harvested during the calendar year	_____	928	96	Plants harvested								
Number of Harvests	_____	1	3	Harvests 4								
Subsection 3: Watering Method												
Check all irrigation methods that have been used to cultivate cannabis? (Check all that apply)												
<input checked="" type="checkbox"/> Hand water <input checked="" type="checkbox"/> Drip/micro-spray irrigation <input type="checkbox"/> Flood Irrigation <input type="checkbox"/> Row Irrigation <input type="checkbox"/> Other: _____												
Subsection 4: Commercial Use												
Is your cultivation of cannabis a commercial cannabis activity? <input checked="" type="radio"/> Yes <input type="radio"/> No												
<i>If you intend to apply for a license under California Department of Food and Agriculture's Medical Cannabis Cultivation Program, your response will help the State Water Board to efficiently coordinate with the California Department of Food and Agriculture to verify your water source as required under Business and Professions Code section 19332.2.</i>												
Subsection 5: Quantity of Water Diverted for the Purpose of Cannabis Cultivation												
Provide monthly diversion data specific to the cultivation of cannabis. If this is the same data as identified in the Initial Statement of Water Diversion and Use: Section 8: Quantity of Water Diverted, check this box <input checked="" type="checkbox"/> and leave the rest of this subsection blank.												
Data being provided for calendar year: <u>2016</u> Measurement provided in: <input checked="" type="radio"/> Gallons <input type="radio"/> Acre-Feet												
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2850	2850	2850	2850	17,412	43,532	43,532	43,532	43,532	17,412	2850	2850	208,953

USGS Topographic Map:  
Place of Use: APN 223-261-005-000  
Point of Diversion: APN 223-291-003-000



Source: California Department of Fish and Wildlife, 2016; Humboldt County, 2016. Prepared by: Laura Hall Consulting, June 12, 2017.

□ place of use    ○ point of diversion

**State Water Resources Control Board  
DIVISION OF WATER RIGHTS  
INITIAL STATEMENT OF WATER DIVERSION AND USE**

A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT  
READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM  
FURTHER INFORMATION CAN BE FOUND IN WATER CODE, SECTIONS 5100-5107

Diverter Information			
Diverter Name(s) Nate Pollette			
Mailing Address P.O. Box 2426	City Redway	State CA	Zip 95560
Phone Number (707) 601-9586	Email Address (if available) punanate@hotmail.com		

Person Filing Statement			
(If different from diverter information above)			
Person Filing Statement Name Laura L. Hall			
Mailing Address P.O. Box 544	City Bella Vista	State CA	Zip 96008
Phone Number (530) 440-0999	Email Address (if available) laurahallconsulting@gmail.com		

Land Owner Name			
Land Owner Name Nate Pollette			
Mailing Address P.O. Box 2426	City Redway	State CA	Zip 95560
Phone Number (707) 601-9586	Email Address (if available) punanate@hotmail.com		

Mail Receiver:	
(Select one only)	
<input type="radio"/> Diverter	<input checked="" type="radio"/> Person Filing Statement

Checklist for Submission of an Initial Statement of Water Diversion and Use
<input checked="" type="checkbox"/> Answer each question completely
<input checked="" type="checkbox"/> Attach map referenced in Section 4 with outline of Place of Use. Include Point of Diversion location if not identified in Section 3
<input checked="" type="checkbox"/> Sign and Date form

UPON COMPLETION OF THIS STATEMENT, ATTACH ALL SUPPORTING DOCUMENTATION AND MAPS AND MAIL TO:

**State Water Resources Control Board  
Division of Water Rights  
PO Box 2000  
Sacramento, CA 95812-2000**

Or email to

**DWR-statements@waterboards.ca.gov**

Additional copies of this form, instructions on how to complete this form, and water right information can be obtained at  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/).

Initial Statement of Water Diversion and Use  
Page 2 of 4

Section 1: Type of Claim	
(Select all that apply to the type of claim(s) under which you are diverting water)	
<input type="checkbox"/> Riparian <input type="checkbox"/> Pre-1914 <input type="checkbox"/> Court Decree* <input type="checkbox"/> Pending Appropriative Application* <input type="checkbox"/> Pueblo <input checked="" type="checkbox"/> Other*: <u>deeded right</u>	
*If you checked Court Decree, Pending Appropriative Application, or Other, list the Decree Number, Application ID Number or Status or provide an explanation	
List any related existing water rights, if applicable (e.g. Appropriative Water Right ID: A012345) <u>deeded right</u>	

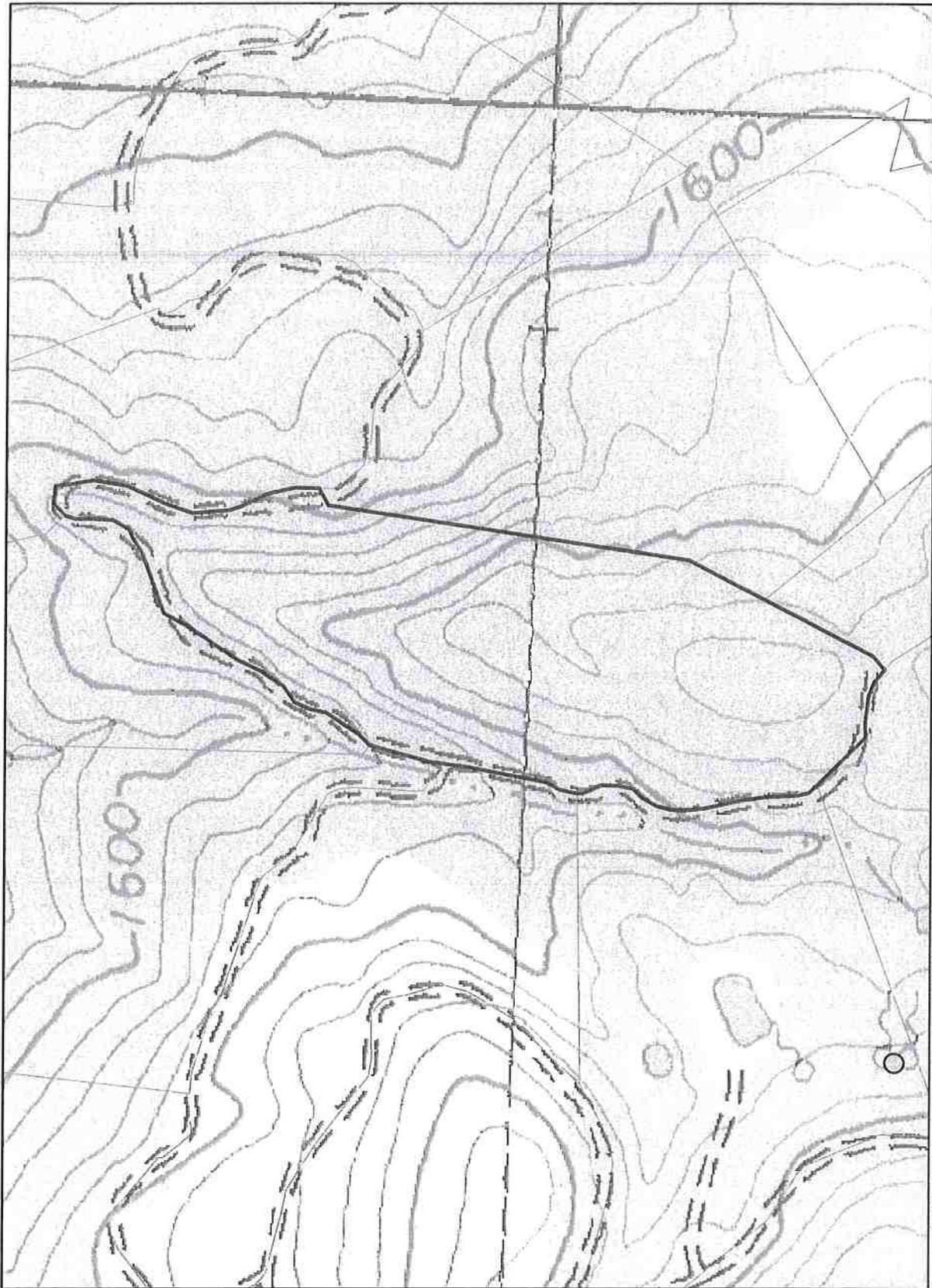
Section 2: Water Course Description	
Water Course Name at the Point of Diversion (POD) <u>Springs</u>	Water Course is tributary to <u>Dean Creek</u>

Section 3: Point of Diversion and Legal Land Description	
Provide the location of the POD using one of the following methods (check one box and enter data if applicable)	
<input checked="" type="checkbox"/> Latitude/Longitude Measurements:                    Latitude: <u>40°07.310'</u> Longitude: <u>-123°45.654'</u>	
<input type="checkbox"/> California Coordinate System (NAD1983)                    North: _____                    East: _____                    Zone: _____	
<input type="checkbox"/> USGS Topographic Map with Point of Diversion labeled on map (if checked, map must identify Point of Diversion)	
Assessor's Parcel Number (APN) where Point of Diversion is located (if APN has been assigned) <u>223-291-003-000</u>	County <u>Humboldt</u>
Provide Public Land Description to nearest 40 acres (if assigned) _____ ¼ of the _____ ¼ of Section _____ Township <u>4S</u> Range <u>4E</u> B&M <u>Humboldt</u>	

Section 4: Place of Use Description	
(Check boxes indicating each map to be provided)	
Identify the location of the place of use on a specific United States Geological Survey (USGS) Topographic Map, or County Assessor's parcel map or any other maps with identifiable landmarks. If assigned, provide the public land description to the nearest 40-acre subdivision and the assessor's parcel number.	
<input checked="" type="checkbox"/> USGS Topographic Map <input type="checkbox"/> County Assessor's Parcel Map <input type="checkbox"/> Map with identifiable landmarks	
Provide a general description of the area in which the water was used (e.g. Domestic water supply for house, and irrigated crops, campground, etc.) <u>Irrigation for domestic use and commercial cannabis</u>	
Assessor's Parcel Number(s), where the water was used (if APNs have been assigned) <u>223-261-005-000</u>	

Section 5: Purpose of Use Description			
(Select all that apply)			
<input checked="" type="checkbox"/> Irrigation Number of acres: <u>1 (can.)/ 0.125 (do)</u>	<input checked="" type="checkbox"/> Domestic Maximum number of persons served: <u>3</u>	<input checked="" type="checkbox"/> Stock watering Number and type of stock: <u>4 dogs, 12 chicker</u>	<input type="checkbox"/> Other Explain: _____

USGS Topographic Map:  
Place of Use: APN 223-261-005-000  
Point of Diversion: APN 223-291-003-000



Source: California Department of Fish and Wildlife, 2016; Humboldt County, 2016. Prepared by: Laura Hall Consulting, June 12, 2017.

□ place of use ○ point of diversion

## **Water Resources Protection Elements Parcel 223-261-005-000**

### **Overview**

The following recommendations are based on site specific conditions related to the management of waste discharge on cannabis farms. The intention of these design elements is to protect water quality while enhancing ecologic resources.

### **Composting System (CS)**

Agricultural activities produce a resource of organic material as a byproduct to the target crop species. This material can be composted to provide plant nutrition for the following season's crop. The use of onsite compost reduces the need and transportation requirements of offsite amendments as well as increasing the water holding capacity of soils. Compost systems can be a concentrated point of discharge to water resources. Site systems in locations that do not pose a threat to water quality and where the microclimate can be managed to avoid increased maintenance of the system such as maintaining proper moisture levels. Cannabis byproducts can not be burned per *Unified Air Quality Management* and *CalFire* regulations.

### **Forest Restoration (FR)**

Forest should be managed for a healthy matrix of hard and soft woods as well as vertical integration from canopy to ground cover. This includes the processing of forest side cast materials from grading and increased solar insolation activities. The plan must include protocols for managing the presence invasive species as well as their immigration from restoration activities (day-lighting, disturbed soil). The management of buffers beyond the restoration site and prior to the riparian zone must be of natural slope and native vegetation. This will facilitate a tertiary system of discharge protection from surface waters. Utilize large woody debris as velocity dissipators and natural areas of depression as infiltration sites. The infiltration of rainwater is a key component in recharging groundwater supplies that can have positive, cumulative effects on forest health and in-stream flows. A professional restorationist is recommended for establishing a management plan and some sites may be within the Stream Side Management Area which requires specific protocols to management.

### **Groundwater Recharge (GRS)**

On-contour swales (linear ditches) that evenly distribute water throughout the length of the system due to their on-contour (same elevation, level bed) design. Swale size is determined by the infiltration rate of the native soil (high infiltration rate, smaller volume; low infiltration rate, larger volume). All on-contour swales require redundant, armored overflow points to facilitate discharge during high stormwater events. The material removed to create the swale is deposited on the downslope side to act as a berm with its downslope side shaped to match the natural slope and contour of the land. The newly exposed soil should be protected with mulch as soon as possible and a revegetation plan based on seasonal timeline implemented. The infiltration of rainwater is a key component in recharging groundwater supplies that can have positive,

cumulative effects on forest health and in-stream flows while reducing the demand of irrigation water for agriculture.

### **Integrated Pest Management (IPM)**

In an effort to reduce and ultimately eliminate the need for pesticides - chemical, natural, organic or otherwise - it is recommended that the cultivation site buffers be planted with native and analog plant species that attract and host pest predator species of invertebrates and birds. It is further recommended that habitat be created to attract and host reptile species that also prey on agricultural pests. Through the management of microclimates the need for fungicides can be reduced and ultimately eliminated. See attached document *California Native Plant Species for Integrated Pest Management for a comprehensive list of species including plant matrix, habitat niche and bloom dates.*

### **On-Contour Swales (OCS)**

Linear ditches that evenly distribute water throughout the length of the system due to their on-contour (same elevation, level bed) design. Swale size is determined by the infiltration rate of the native soil (high infiltration rate, smaller volume; low infiltration rate, larger volume). All on-contour swales require redundant, armored overflow points to facilitate discharge during high stormwater events. The material removed to create the swale is deposited on the downslope side to act as a berm with its downslope side shaped to match the natural slope and contour of the land. The berm is an ideal location to plant *Integrated Pest Management (IPM)* species. The infiltration of rainwater is a key component in recharging groundwater supplies that can have positive, cumulative effects on forest health and in-stream flows while reducing the amount of irrigation requirements for cultivated sites.

### **Road Management (RM)**

Roads must be managed to prevent the destabilization of slopes, the sedimentation of watercourses and minimize the footprint of forest disturbance. A road assessment by a licensed professional is recommended to identify discharge strategies (i.e. outsloping, inboard ditch with relief culvert, etc.), frequency and location of discharge points and surfacing with high grade aggregate material. Road management should also include fuel modification zones along each shoulder. The margins between the road and stream banks require discharge protection, revegetation and riparian zone management. See *Standard Conditions Compliance Requirements* for more recommendations and seek the advice of a professional restorationist.

### **Rainwater Catchment System (RWCS) (FF)**

Agricultural building is approximately 1,500ft<sup>2</sup> with a metal roof. This can supply 900-gallons per 1-inch of precipitation. The adjacent greenhouse is approximately 2,400ft<sup>2</sup> and can supply 1,500-gallons per 1-inch of precipitation. There is sufficient stable ground adjacent to the structure for a first-flush mechanism (FF). This catchment system is upslope of the storage (R1) so pumps are not required for conveyance.

### **Water Conservation Margin (WCM)**

Exposed, lined ponds experience increased levels of evaporation, algae growth and poor water quality. It is recommended that an upper canopy be established on the south aspect of the pond (R1) to decrease evaporation and algae growth rates and increase water quality. It is further recommended that an egress structure be established to protect wildlife.

### **Other Recommended Water Resource Protection Elements**

#### **Ecological Offsets**

Soils compaction, forest fragmentation and water resource extraction are the results of roads, developed sites and cultivation activities. In the interest of offsetting the impacts to the natural environment it is recommended that forest management, groundwater recharge and habitat restoration plans be implemented by a ratio of 2:1 (two square feet of offsets for every one square foot of disturbance).

#### **Water Conservation**

In an effort to reduce the irrigation requirements for the cultivation site and thus the forbearance storage and demand on surface water diversions the following water conservation strategies are recommended. Increase the organic material in the potting soil to enhance the water holding capacity of the medium. Protect the soil surface from direct insolation through the use of natural and/or living mulches. Irrigate less frequently and at a greater depth to encourage wide and deep root growth. Utilize offseason protocols such as living soil methods that increase the biological and moisture levels to facilitate plant growth with reduced irrigation requirements.

The above are recommendations and not prescriptions of method and manner. Your WRPP provides short term strategies to prevent the discharge of sediment and cultivation related wastes from entering surface waters until permanent systems can be deployed during the appropriate time of year. All features should be engineered and implemented by licensed professionals where applicable.

Standard Conditions Compliance Requirements - 2017

Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
<b>1. Site Maintenance, Erosion Control and Drainage Feature</b>						
RM	Roads Satellite Road	Road Maintenance Other Corridors	<p><b>Triage Items</b></p> <ul style="list-style-type: none"> <li>• Full road assessment by a licensed professional.</li> </ul> <p><b>Monitoring, Maintenance and Protocols</b></p> <ul style="list-style-type: none"> <li>• Hand-dig water bars at frequent intervals to discharge road runoff into protected discharge points.</li> <li>• Lay straw-flake checkdams or straw wattles at frequent intervals to discharge road runoff into protected discharge points.</li> <li>• Seed margins and discharge points with erosion mix per manufacturers instructions and mulch with straw.</li> <li>• Clear in-board ditches and the head of relief culverts of accumulated sediment dams and only enough vegetative debris to facilitate functionality.</li> <li>• Install small, rock checkdams in in-board ditches as a sediment control device.</li> <li>• Install trash-rack at the head of the relief culvert.</li> </ul> <p><b>Design</b></p> <ul style="list-style-type: none"> <li>• See <i>Water Resources Protection Elements</i> document.</li> <li>• See attached documents for more information related to <i>short term strategies for protecting water quality</i>.</li> <li>• See attached documents for information related to <i>monitoring requirements</i>.</li> </ul> <p><b>Permanent Strategies</b></p> <ul style="list-style-type: none"> <li>• Implement road drainage, discharge and maintenance per licensed professional's assessment.</li> <li>• Road elements to include but not limited to:                             <ul style="list-style-type: none"> <li>• Shape and grade road to outslope to continually shed stormwater so as not to overwhelm in-board drainage features.</li> <li>• Increase number of rolling dips and/or other discharge strategies.</li> <li>• Upgrade size of ditch relief culvert per assessment.</li> <li>• Surface road with appropriate, high quality rock.</li> <li>• Revegetate margins with native species.</li> </ul> </li> </ul>	4		
					October 2017	

RM	Roads Satellite Road	Discharge Points	<p><b>Triage Items</b></p> <ul style="list-style-type: none"> <li>• Assessment by a licensed professional.</li> </ul> <p><b>Monitoring, Maintenance and Protocols</b></p> <ul style="list-style-type: none"> <li>• Utilize riprap or large woody debris at points of discharge to prevent erosion and disperse flow to promote infiltration.</li> <li>• Install straw bales or straw wattles per erosion prevention protocol.</li> <li>• Establish revegetation protocol.</li> </ul> <p><b>Design</b></p> <ul style="list-style-type: none"> <li>• See <i>Water Resources Protection Elements</i> document.</li> <li>• See attached documents for more information related to <i>short term strategies for protecting water quality</i>.</li> <li>• See attached documents for information related to <i>monitoring requirements</i>.</li> </ul>	4	
RD	Developed Sites		<p><b>Permanent Strategies</b></p> <ul style="list-style-type: none"> <li>• Implement discharge strategies per licensed professional's assessment.</li> <li>• Discharge elements to include but not limited to: <ul style="list-style-type: none"> <li>• Armor the outflow end of discharge point and install a velocity dissipater.</li> <li>• Replace waterbars with rolling dips.</li> <li>• Increase frequency of discharge points.</li> <li>• Install infiltration basins at points of discharge.</li> <li>• Install on-contour swales to promote infiltration and surface flow disconnection.</li> </ul> </li> <li>• Implement revegetation protocol.</li> <li>• Temporary erosion control strategies must be implemented before and immediately after earthworks.</li> </ul>		October 2017
MS	Cultivation Site				
OG					
GH					

RM	Roads Satellite Road	Hydrologic Disconnection	<p><b>Triage Items</b></p> <ul style="list-style-type: none"> <li>Assessment by a licensed professional.</li> </ul> <p><b>Monitoring, Maintenance and Protocols</b></p> <ul style="list-style-type: none"> <li>Reestablish connectivity with designed discharge strategy (i.e. install waterbar to reconnect road runoff with in-board ditch).</li> <li>Protect discharge point with checkdam, straw flakes, large woody debris, etc. to slow the flow of discharge and allow sediment to fall out of suspension.</li> <li>Hand-dig water bars at frequent intervals to discharge road runoff into protected discharge points.</li> <li>Lay straw-flake checkdams or straw wattles at frequent intervals to discharge road runoff into protected discharge points.</li> <li>Establish straw-flakes or straw wattles along the entire perimeter of developed or cultivated sites (flats) at all potential points of hydrologic connectivity.</li> </ul> <p><b>Design</b></p> <ul style="list-style-type: none"> <li>See <i>Water Resources Protection Elements</i> document.</li> <li>Establish revegetation protocol.</li> <li>See attached documents for more information related to <i>short term strategies for protecting water quality</i>.</li> <li>See attached documents for information related to <i>monitoring requirements</i>.</li> </ul>	4	
RD MS	Developed Sites				
OG GH	Cultivation Site		<p><b>Permanent Strategies</b></p> <ul style="list-style-type: none"> <li>Implement hydrologic disconnection strategies per licensed professional's assessment.</li> <li>Disconnection elements to include but not limited to: <ul style="list-style-type: none"> <li>Replace waterbars with rolling dips.</li> <li>Install infiltration basins at points of discharge.</li> <li>Increase frequency of discharge points.</li> </ul> </li> <li>Regrade flats to shed stormwater into protected infiltration areas.</li> <li>Implement revegetation protocol.</li> </ul>		October 2017

MS	Materials Storage	Stockpiled Materials	Triage Items	Action Priority	Permanent Strategy	Completion Date
			<ul style="list-style-type: none"> <li>Place all petroleum-based materials in secondary containment (put gas and oil containers into totes) within a secure structure.</li> </ul> <p><b>Monitoring, Maintenance and Protocols</b></p> <ul style="list-style-type: none"> <li>Utilize secure structure for potentially hazardous materials (materials that pose a threat to water quality).</li> <li>Organize benign materials (materials that do not pose a threat to water quality).</li> <li>Remove refuse and other unwanted materials from the property and dispose of offsite at an appropriate disposal facility.</li> <li>Process byproducts related to road/site maintenance.</li> </ul> <p><b>Design</b></p> <ul style="list-style-type: none"> <li>See attached documents for more information related to <i>short term strategies for protecting water quality</i>.</li> <li>See attached documents for information related to <i>monitoring requirements</i>.</li> </ul>		On Going	
			<p><b>Permanent Strategies</b></p> <ul style="list-style-type: none"> <li></li> </ul>			
2. Stream Crossing Maintenance						
Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
	Culverts Fords Topographical Drainages	Hydrologic Calculations Organism Passage Functionality	<p><b>Triage Items</b></p> <ul style="list-style-type: none"> <li><b>Monitoring, Maintenance and Protocols</b></li> <li><b>Design</b></li> </ul> <p><b>Permanent Strategies</b></p> <ul style="list-style-type: none"> <li></li> </ul>		NA	

Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
<b>3. Riparian and Wetland Protection and Management</b>						
OG GH	Cultivation Site Crossing Grading Unstable Feature	Setbacks Buffers Hydrologic Disconnection Functionality	<p><b>Triage Items</b></p> <ul style="list-style-type: none"> <li>• Soil nutrition testing to guide feeding regiment to prevent the overuse of fertilizers and amendments thus preventing excessive leaching.</li> </ul> <p><b>Monitoring, Maintenance and Protocols</b></p> <ul style="list-style-type: none"> <li>• Mulch all exposed and disturbed soil including pathways, slope faces and pads or deploy other forms of erosion prevention.</li> </ul> <p><b>Design</b></p> <ul style="list-style-type: none"> <li>• See <i>Water Resources Protection Elements</i> document.</li> <li>• See attached document <i>Cannabis Cultivation Site Matrix, Cannabis Cultivation Buffers</i>, and <i>Site Design for Cannabis Cultivation</i> for more information.</li> <li>• See attached documents for more information related to <i>short term strategies for protecting water quality</i>.</li> <li>• See attached documents for information related to <i>monitoring requirements</i>.</li> </ul> <p><b>Permanent Strategies</b></p> <ul style="list-style-type: none"> <li>•</li> </ul>			
Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
<b>4. Spoils Management</b>						
CS  OG GH	Soil and Spoils Processing Site  Cultivation Site	Discharge Setbacks Forest Side Cast	<p><b>Triage Items</b></p> <ul style="list-style-type: none"> <li>•</li> </ul> <p><b>Monitoring, Maintenance and Protocols</b></p> <ul style="list-style-type: none"> <li>• Contain used soil pile with a straw bale or wattle perimeter.</li> <li>• Seed and mulch or tarp used soil pile.</li> <li>• Contain non-compostable byproducts, such as rock-wool rooting medium, to be disposed of properly offsite.</li> </ul> <p><b>Design</b></p> <ul style="list-style-type: none"> <li>• See attached document <i>Cannabis Cultivation Buffers</i> for more information.</li> <li>• See attached documents for more information related to <i>short term strategies for protecting water quality</i>.</li> <li>• See attached documents for information related to <i>monitoring requirements</i>.</li> </ul>			

		<p><b>Permanent Strategies</b></p> <ul style="list-style-type: none"> <li>• Establish a 3-tiered composting system for vegetative byproducts.</li> <li>• Rip compacted soils prior to placing spoils to promote the infiltration of tailwater.</li> <li>• Install remediation buffer at all downslope points of discharge to riparian zones. Terminate swale at an infiltration basin.</li> <li>• Plant remediation buffer berm and infiltration basin with appropriate management species.</li> <li>• Remove forest side cast material from slopes and forest margin. Chip branch material and incorporate into water conservation or remediation strategies. Process large woody debris appropriately.</li> </ul>		On Going
--	--	---	--	----------

Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
<b>5. Water Storage and Use</b>						
POD	Point of Diversion	Water Quality	<p><b>Triage Items</b></p> <ul style="list-style-type: none"> <li>Assessment of storage pond (levee and slope stability, spillway) by a licensed professional.</li> <li>Install an appropriate organism exclusion device at the point of diversion that includes 3/32" stainless steel screen.</li> <li>Install a water meter and collect monthly data. Separate domestic use from agricultural use.</li> <li>Install pressure gauge to monitor conveyance system for leaks.</li> <li>Remove all old plumbing from nonuse water systems.</li> </ul> <p><b>Monitoring, Maintenance and Protocols</b></p> <ul style="list-style-type: none"> <li>Monitor take rates to not exceed 10-gallons per minute and 10% of the stream flow.</li> <li>Check organism exclusion device for functionality.</li> <li>Divert water to storage during the wet months (Jan-Apr).</li> <li>Check pressure gauge to monitor conveyance system for leaks.</li> <li>Mulch all exposed soil to reduce evaporative rates.</li> </ul> <p><b>Design</b></p> <ul style="list-style-type: none"> <li>See <i>Water Resources Protection Elements</i> document.</li> <li>Assessment for microclimate enhancement plan.</li> <li>Assess total water volume required for full forbearance period.</li> <li>Assess an alternative source of water such as rainwater catchment.</li> <li>Assessment for <i>Living Soils</i> style of cultivation to reduce irrigation.</li> <li>See attached documents for more information related to <i>short term strategies for protecting water quality</i>.</li> <li>See attached documents for information related to <i>monitoring requirements</i>.</li> </ul>	5		
TT	Transfer Tank	Wetland Protection				
RI T	Water Storage	Water Conservation				
OG GH	Cultivation Site					

Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date	
<b>6. Irrigation Runoff</b>							
OG GH	Cultivation Site	Discharge	<p><b>Permanent Strategies</b></p> <ul style="list-style-type: none"> <li>• Increase water storage to meet a full period of forbearance (May 15 - November 15).</li> <li>• Armor valves and conveyance.</li> <li>• Install irrigation system so that water is applied at the root zone to promote deep, wide root growth.</li> <li>• Replace plastic valves at tank with metal gate valves.</li> <li>• Manifold tanks greater than 3,000-gallons internally.</li> <li>• Install rainwater catchment system at all structures and plumb to main storage.</li> <li>• Install rainwater harvesting systems on the upslope perimeter and within the cultivation site to recharge groundwater supplies.</li> <li>• Implement microclimate enhancement plan.</li> <li>• Implement <i>Living Soils</i> design plan.</li> </ul> <p><b>Triage Items</b></p> <ul style="list-style-type: none"> <li>• Monitor irrigation volumes to avoid runoff.</li> </ul> <p><b>Monitoring, Maintenance and Protocols</b></p> <ul style="list-style-type: none"> <li>• Soil nutrition testing to guide feeding regimen to prevent the overuse of fertilizers and amendments thus preventing excessive leaching.</li> <li>• Maintain and update irrigation system to prevent leaks.</li> <li>• Employ rain-triggered shutoff devices for automated irrigation systems.</li> <li>• Mulch all exposed soil including planting areas, pathways and pads.</li> </ul> <p><b>Design</b></p> <ul style="list-style-type: none"> <li>• See <i>Water Resources Protection Elements</i> document.</li> <li>• See attached documents for more information related to <i>short term strategies for protecting water quality</i>.</li> <li>• See attached documents for information related to <i>monitoring requirements</i>.</li> </ul> <p><b>Permanent Strategies</b></p> <ul style="list-style-type: none"> <li>• Install remediation buffer at all downslope points of discharge.</li> </ul>			June 2018	

Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
<b>7. Fertilizers and Soil Amendments</b>						
OG GH MS	Cultivation Site Materials Storage	Discharge Secure Storage Inventory and Application Rates	<p><b>Triage Items</b></p> <ul style="list-style-type: none"> <li>Utilize a secure storage facility for all cultivation related materials.</li> </ul> <p><b>Monitoring, Maintenance and Protocols</b></p> <ul style="list-style-type: none"> <li>Place all liquid-based materials in secondary containment (totes).</li> <li>Products shall be labeled properly and applied according to the label.</li> <li>Periodically calibrate application equipment.</li> <li>Post inventory of cultivation related materials with application rates.</li> <li>Store spill-kit at each storage facility.</li> </ul> <p><b>Design</b></p> <ul style="list-style-type: none"> <li>Assessment for <i>Living Soils</i> style of cultivation to reduce offsite inputs.</li> <li>See attached documents for more information related to <i>short term strategies for protecting water quality</i>.</li> <li>See attached documents for information related to <i>monitoring requirements</i>.</li> </ul> <p><b>Permanent Strategies</b></p> <ul style="list-style-type: none"> <li>Establish a secure storage facility for all cultivation related materials.</li> <li>Install remediation basin for fertigation system discharge/clean-out.</li> <li>Install anti-backflow devices on fertigation systems.</li> <li>Implement <i>Living Soils</i> design plan.</li> </ul>	1		August 2017

Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
<b>8. Pesticides and Herbicides</b>						
OG GH	Cultivation Site	Discharge	<p><b>Triage Items</b></p> <ul style="list-style-type: none"> <li>Utilize a secure storage facility for all cultivation related materials.</li> </ul> <p><b>Monitoring, Maintenance and Protocols</b></p> <ul style="list-style-type: none"> <li>Place all liquid-based materials in secondary containment (totes).</li> <li>Products shall be labeled properly and applied according to the label.</li> <li>Periodically calibrate application equipment.</li> <li>Post inventory of cultivation related materials with application rates.</li> <li>Store spill-kit at each storage facility.</li> </ul> <p><b>Design</b></p> <ul style="list-style-type: none"> <li>Develop an <i>Integrated Pest Management</i> program to replace packaged products.</li> <li>See attached documents for more information related to <i>short term strategies for protecting water quality</i>.</li> <li>See attached documents for information related to <i>monitoring requirements</i>.</li> </ul>			
MS	Materials Storage	Secure Storage Inventory and Application Rates				
<b>9. Petroleum Products and Other Chemicals</b>						
MS	Materials Storage	Discharge Secure Storage Inventory Spill Protocol	<p><b>Triage Items</b></p> <ul style="list-style-type: none"> <li>Utilize a secure storage facility for all petroleum-based materials.</li> <li>Store spill-kit at each storage facility.</li> <li>Provide appropriate fire prevention strategies and fire suppression equipment at each facility.</li> </ul> <p><b>Monitoring, Maintenance and Protocols</b></p> <ul style="list-style-type: none"> <li>Place all liquid-based materials in secondary containment (totes).</li> <li>Assess solar battery system for leaks.</li> </ul> <p><b>Design</b></p> <ul style="list-style-type: none"> <li>Assess alternative sources of power such as solar, wind or propane.</li> <li>See attached documents for more information related to <i>short term strategies for protecting water quality</i>.</li> <li>See attached documents for information related to <i>monitoring requirements</i>.</li> </ul>	2	On Going	

Site Code	Map Point Description	Standard Condition	Permanent Strategies	Action Priority	Permanent Strategy	Completion Date
<b>10. Cultivation Related Wastes</b>						
CS	Soil and Spoils Processing Site	Discharge Processing	<p><b>Triage Items</b></p> <ul style="list-style-type: none"> <li>Establish a 3-tiered composting system for vegetative byproducts.</li> </ul> <p><b>Monitoring, Maintenance and Protocols</b></p> <ul style="list-style-type: none"> <li>Contain used soil pile with a straw bale or wattle perimeter.</li> <li>Seed and mulch or tarp used soil pile.</li> <li>Contain non-compostable byproducts such as rock-wool rooting medium to be disposed of properly offsite.</li> </ul> <p><b>Design</b></p> <ul style="list-style-type: none"> <li>Establish a soil management plan for the purpose of reducing off-site soil.</li> <li>See attached documents for more information related to <i>short term strategies for protecting water quality</i>.</li> <li>See attached documents for information related to <i>monitoring requirements</i>.</li> </ul>	3		
OG GH	Cultivation Site		<p><b>Permanent Strategies</b></p> <ul style="list-style-type: none"> <li>Rip compacted soils prior to placing spoils to promote the infiltration of tailwater.</li> <li>Install remediation buffer at all downslope points of discharge to riparian zones. Terminate swale at an infiltration basin.</li> <li>Plant remediation buffer berm and infiltration basin with appropriate management species.</li> <li>Implement <i>living-soils</i> management for the purpose of eliminating the need for off-site soil.</li> </ul>		August 2017	

Site Code	Map Point Description	Standard Condition	Recommendations	Action Priority	Permanent Strategy	Completion Date
<b>11. Refuse and Human Waste</b>						
RD	Residence	Discharge	<b>Triage Items</b> <ul style="list-style-type: none"> <li>Utilize a secure storage facility for all refuse to be disposed of offsite.</li> </ul> <b>Design</b> <ul style="list-style-type: none"> <li>See attached documents for more information related to <i>short term strategies for protecting water quality.</i></li> <li>See attached documents for information related to <i>monitoring requirements.</i></li> </ul>			
MS	Materials Storage	Containment		<b>Permanent Strategies</b> <ul style="list-style-type: none"> <li></li> </ul>		On Going

RECEIVED  
APR 8 2018

Water Resources Protection Elements  
Nate Pollette  
APN: 223-261-005-000

- Legend
- CS: Compost System
  - FF: First-Flush
  - FR: Forest Restoration
  - GRS: Groundwater Recharge
  - IPM: Integrated Pest Management
  - OCS: On-Contour Swales
  - RI: Pond
  - RM: Road Management
  - RWCS: Rainwater Catchment
  - WCM: Water Conservation Margin



500 ft



---

**North Coast Regional Water Quality Control Board**

November 15, 2019

WDID:1\_12CC418285

HIGH COUNTRY FARMS, INC  
ATTN: NATE POLLETTE  
PO BOX 96  
GARBERVILLE, CA 95560

Subject: Notice of Applicability - Waste Discharge Requirements Water Quality  
Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov).

Sincerely,

Matthias St. John  
Executive Officer  
North Coast Regional Water Quality Control Board

191115\_2L\_1\_12CC418285\_1B171264CHUM\_High\_Country\_Farms\_NOA\_TW

**NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, HIGH COUNTRY FARMS, INC, HUMBOLDT COUNTY APN(s) 223-261-005-000**

High Country Farms, Inc (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on June 26, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1\_12CC418285**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B171264CHUM.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person or entity with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA.

**1. FACILITY AND DISCHARGE DESCRIPTION**

All dischargers enrolled under the North Coast Regional Water Board’s Order (R1-2015-0023) or the Central Valley Regional Water Board’s Order (R5-2015-0113) as of October 17, 2017, (the adoption date of the General Order) may retain the reduced setbacks applicable under the appropriate Regional Water Board order unless the Executive Officer for the appropriate Regional Board determines that the reduced setbacks applicable under their regional order are not protective of water quality. However, sites that expand their cannabis cultivation area or other cannabis related activities must comply with the riparian setbacks in the General Order.

The information submitted by the Discharger states the disturbed area is equal to or greater than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 2 Low Risk.

**2. SITE-SPECIFIC REQUIREMENTS**

The Policy and General Order are available on the Internet at:

[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_quality.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

Currently, the direct link to that application is as follows:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/190403/180731\\_031616\\_401\\_WQ2017-0023-Application.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf)

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/water\\_quality\\_certification/#401\\_calc](https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc)

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

### **3. TECHNICAL REPORT REQUIREMENTS**

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by September 23, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

### **4. MONITORING AND REPORTING PROGRAM**

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below. [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2019/wq2019\\_0001\\_dwq.pdf#page=32](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wq2019_0001_dwq.pdf#page=32).

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

[https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2019/19\\_0023\\_Regional%20Supplement%2013267%20Order.pdf](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf).

## **5. ANNUAL FEE**

According to the information submitted, the discharge is classified as Tier 2 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$1,000, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at [FeeBranch@waterboards.ca.gov](mailto:FeeBranch@waterboards.ca.gov) or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

## **6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION**

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov) so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board,  
[dwq.cannabis@waterboards.ca.gov](mailto:dwq.cannabis@waterboards.ca.gov)  
Cheri Sanville, California Department of Fish and Wildlife,  
[cheri.sanville@wildlife.ca.gov](mailto:cheri.sanville@wildlife.ca.gov)  
Cliff Johnson, Humboldt County Planning and Building,  
[cjohnson@co.humboldt.ca.us](mailto:cjohnson@co.humboldt.ca.us)

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

RECEIVED

AUG 24 2018

CDFW - EUREKA



**STREAMBED ALTERATION AGREEMENT**  
NOTIFICATION No. 1600-2017-0491-R1  
Unnamed Tributary to Springs Creek, Tributary to Dean Creek,  
Tributary to the South Fork Eel River, Tributary to the Eel River and the  
Pacific Ocean

Nate Pollette  
PO Box 2426  
Redway, CA 95560  
Pollette Water Diversion and Pond Project  
2 Encroachments

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

#### RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on July 26, 2017, revised on March 30, 2018, that the Permittee intends to complete the project described herein.

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

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

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

#### PROJECT LOCATION

The project to be completed is located within the Eel River watershed, approximately 3 miles east of the town of Redway, County of Humboldt, State of California. The project is located in Section 8, T4S, R4E, Humboldt Base and Meridian; in the Harris U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 223-261-005-000, and 223-291-003-000; latitude 40.1217 N and longitude -123.7609 W at the point of diversion (POD).

**PROJECT DESCRIPTION**

The project is limited to 2 encroachments (Table 1). One encroachment is for water diversion from unnamed tributaries to Dean Creek. Water is diverted from a cistern type spring box. The spring box has three PVC distribution lines, a 1.25 and a 1.5 that are used by the parcel owner where the cistern is located and a 2 inch used by the permittee on a separately owned parcel. This Agreement conditions the use of the 2 inch PVC distribution line at the Cistern. The 2 inch PVC then travels to a 250 gallon tank from which 3 additional owners receive water supply. Any distribution of water below the Cistern originating from the 2 inch line is conditioned by this Agreement. Water is used for domestic household use and fire suppression. A second encroachment is to line an existing pond and install a 12 inch spillway culvert and rock armor the outflow. Work for the water diversion and spillway will include use and maintenance of the infrastructure.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD-1	40.1217, -123.7609	Water diversion from an unnamed spring cistern through a 2" PVC pipe to storage for domestic household and fire suppression use
Pond-	140.1227, -123.7572	Line an existing pond and install a spillway with rock armoring.

**PROJECT IMPACTS**

Existing fish or wildlife resources the project could substantially adversely affect include: coastal tailed frog (*Ascaphus Truei*), Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), steelhead trout (*O. mykiss*), foothill yellow-legged frog (*Rana boylei*), and other amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

**Impacts to water quality:**

- increased water temperature
- reduced instream flow
- temporary increase in fine sediment transport

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

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

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

- cumulative effect when other diversions on the same stream are considered
- diversion of flow from activity site

- direct and/or incidental take
- indirect impacts
- impediment of up- or down-stream migration
- water quality degradation
- damage to aquatic habitat and function

## **MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES**

### **1. Administrative Measures**

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site.** The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site.** The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations.** All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations.** If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions.** The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry.** The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the

inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

- 1.7 **CDFW Notification of Work Initiation and Completion.** The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.

## **2. Avoidance and Minimization Measures**

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

- 2.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on July 16, 2017 and revised on March 30, 2018, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Incidental Take.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

### **Project Timing**

- 2.3 **Work Period.** All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of dry weather. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.4 **Work Completion.** The proposed work shall be completed by no later than **October 1, 2019**. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.
- 2.5 **Extension of the Work Period.** If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.

### **Vegetation Management**

- 2.6 **Minimum Vegetation Removal.** No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to

requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

### **Water Diversion Infrastructure**

- 2.13 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.14 Intake Structure Placement. Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.
- 2.15 Intake Screening. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.15.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.
- 2.15.2 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
- 2.15.3 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.
- 2.15.4 The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be placed in pool habitat.
- 2.16 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.17 Exclusionary Devices. Permittee shall keep the diversion structures (e.g. cistern) covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.

achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.

- 2.7 **Vegetation Management.** Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of stream crossing or diversion infrastructure placement/maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides.

### **Water Diversion**

- 2.8 **Maximum Diversion Rate.** The maximum instantaneous diversion rate from the water intake shall not exceed three (3) gallons per minute (gpm) at any time.
- 2.9 **Bypass Flow.** The Permittee shall pass 80% of the flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.10 **Seasonal Diversion Minimization.** No more than 150 gallons per day shall be diverted during the low flow season from May 15 to October 31 of each year. Water shall be diverted only if the Permittee can adhere to conditions 2.8 and 2.9 of this Agreement.
- 2.11 **Measurement of Diverted Flow.** Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.11.1 A log including the date, time and quantity of water diverted from the POD.
- 2.11.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
- 2.11.3 Permittee shall make available for review at the request of the Department the diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).
- 2.12 **Water Management Plan.** The Permittee shall submit a Water Management Plan no later than sixty days from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow

- 2.18 Diversion Intake Removal. Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- 2.19 Heavy Equipment Use. No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

### **Diversion to Storage**

- 2.20 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.
- 2.21 Water Storage Maintenance. WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. The Permittee shall install any other measures necessary to prevent exorbitant use or waste of water. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
- 2.22 Limitations on Impoundment and Use of Diverted Water. The Permittee shall impound and use water in accordance with a valid water right, including any limitations on when water may be impounded and used, the purpose for which it may be impounded and used, and the location(s) where water may be impounded and used.
- 2.23 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.24 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:  
[http://www.swrcb.ca.gov/waterrights/publications/forms/forms/docs/sdu\\_registration.pdf](http://www.swrcb.ca.gov/waterrights/publications/forms/forms/docs/sdu_registration.pdf).

### **Reservoirs**

- 2.25 No Stocking. Stocking of fish, wildlife, or plant of any kind, in any Waters of the State, including reservoirs, shall be prohibited without written permission from the department pursuant to Section 6400 of the Fish and Game Code.

**2.26 Invasive Species Management for Reservoirs.** Permittee shall implement an invasive species management plan prepared by a Biologist for any existing or proposed reservoir. The plan shall include, at a minimum, an annual survey for invasive aquatic species, including the American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*). The Biologist, if appropriate, shall implement eradication measures if invasive aquatic species are identified as part of the survey.

**2.26.1 Bullfrog Management Plan.** If bullfrogs are observed, they shall be appropriately managed. Management of bullfrogs, including annual draining and drying of ponds, shall follow the guidelines in Exhibit A. A copy of the annual monitoring report, shall be submitted to CDFW in accordance with the reporting measures described in Exhibit A and below (Reporting Measure 3.4)

**2.27 Off-stream reservoirs.** Shall be appropriately designed, sized, and managed to contain any diverted water in addition to precipitation and storm water runoff, without overtopping. The Permittee shall install an overflow spillway that will withstand a 100-year flood event, 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. The spillway shall be designed and placed to allow for a minimum of two-feet of freeboard.

**2.28 Seasonal Diversion Minimization.** To minimize adverse impacts to native pond breeding amphibians (when present) the following diversion minimizations apply: From November 1 to March 31, the Permittee shall divert water at a rate no greater than the rate of water flowing into the pond (i.e., water diversion shall not decrease the pond depth). From April 1 – September 1, when native larval amphibians are present, the Permittee shall cease diverting water once the pond volume is one third of the maximum pond volume. To comply with this measure; the Permittee shall establish a fixed visual marker(s) (e.g., stage plate) in the pond as a reference for water level thresholds.

**2.29 Wildlife Entrapment Prevention.** The Permittee shall install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, made of solid material (e.g. wood), and be a minimum length of 1.5 times the radius of the pond. A notice of completed work, with supplemental pictures, shall be submitted to CDFW by December 31, 2018.

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

## **Erosion Control and Pollution**

- 2.31 Erosion Control.** Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.
- 2.32 Erosion Control.** Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.
- 2.33 Seed and Mulch.** Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.
- 2.34 Erosion and Sediment Barriers.** Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment and/or replacement of damaged sediment fencing, coir logs, coir rolls, and/or straw bale dikes. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.
- 2.35 Prohibition on Use of Monofilament Netting.** To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- 2.36 Waste Containment and Disposal.** Permittee shall contain all operation associated refuse in enclosed, wildlife proof, storage containers, at all times, and relocate refuse to an authorized waste management facility, in compliance with State and local laws, on a regular and ongoing basis. All refuse shall be removed from the site and properly disposed of, at the close of the cultivation season and/or when the parcel is no longer in use. Photo documentation of newly installed storage containers shall be included in the Work Completion Report (condition 2.4).
- 2.37 Site Maintenance.** Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and

ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable.

**2.38 Cover Spoil Piles.** Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.

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

### **3. Reporting Measures**

**3.1 Work Completion.** The proposed work shall be completed by no later than **October 1, 2019**. A notice of completed work (condition 2.4), with supplemental photos, shall be submitted to CDFW **within seven (7) days** of project completion.

**3.2 Measurement of Diverted Flow.** Copies of the **Water Diversion Records** (condition 2.11) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2018**.

**3.3 Water Management Plan.** The Permittee shall submit a **Water Management Plan** (condition 2.12) within **60 days** from the effective date of this agreement. The **Water Management Plan** shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

**3.4 Invasive Species Management for Reservoirs.** The Permittee shall submit all required documents described in the **Invasive Species Management for Reservoirs** (condition 2.26) including subsection 2.26.1, **Bullfrog Management Plan** (Exhibit A) no later than **December 31** of each year. The **Bullfrog Management Plan** shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

**3.5 Wildlife Entrapment Prevention.** A notice of completed work, with supplemental pictures, shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, by **December 31, 2019**.

**3.6 Project Inspection.** The Permittee shall submit the **Project Inspection Report** (condition 2.30) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

## CONTACT INFORMATION

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

### To Permittee:

Nate Pollette  
PO Box 2426  
Redway, CA 95560  
(707) 601-9586  
[punanate@hotmail.com](mailto:punanate@hotmail.com)

### To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2017-0491-R1

## LIABILITY

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

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

## SUSPENSION AND REVOCATION

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

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

limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

## **ENFORCEMENT**

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

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

## **OTHER LEGAL OBLIGATIONS**

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

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

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

## **AMENDMENT**

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

The Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittee. To request an amendment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 600.5).

## TRANSFER AND ASSIGNMENT

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

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

## EXTENSIONS

In accordance with FGC section 1605(b), the Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, the Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

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

## EFFECTIVE DATE

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

## TERM

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

**AUTHORITY**

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

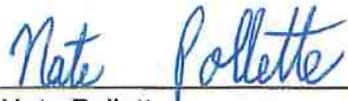
**AUTHORIZATION**

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

**CONCURRENCE**

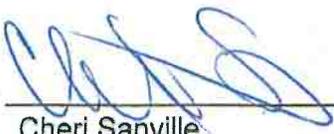
The undersigned accepts and agrees to comply with all provisions contained herein.

**FOR Nate Pollette**

  
\_\_\_\_\_  
Nate Pollette

8-22-18  
\_\_\_\_\_  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

  
\_\_\_\_\_  
Cheri Sanville  
Senior Environmental Scientist Supervisor

8/28/18  
\_\_\_\_\_  
Date

Prepared by: T.O. Smith, June 29, 2018

## **EXHIBIT A.**

### **BULLFROG MONITORING AND MANAGEMENT PLAN FOR 1600-2017-0491-R1**

#### **GENERAL BULLFROG INFORMATION**

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California and poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to be prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

#### **MONITORING**

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of five total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey effort must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night\* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of five total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

\*Day time monitoring can also be conducted to aid detection but is not required under this plan.

#### **SUCCESS CRITERIA**

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successfully implemented if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going

efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

## OPTIONS FOR MANAGEMENT

Two management methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Scientist T.O. Smith at [timothy.smith@wildlife.ca.gov](mailto:timothy.smith@wildlife.ca.gov)

### Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of *five* efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

### Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

### **Pond Dewatering**

Pond dewatering may be appropriate if the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

### **REPORTING**

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

### **APPENDIX A. BULLFROG REFERENCE PHOTOS**



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).



The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and the underside of the bullfrogs hind legs are not shaded pink or red.



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: High Country Farms, Inc. APN: 223-261-005-000

Planning & Building Department Case/File No.: 12552

Road Name: Main Dr. (complete a separate form for each road)

From Road (Cross street): Alderpoint Rd

To Road (Cross street): 717 Main Dr. (gate)

Length of road segment: 0.54 miles Date Inspected: 9/28/18

Road is maintained by:  County  Other Road Association  
(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.

9/28/18

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Nate Pollette

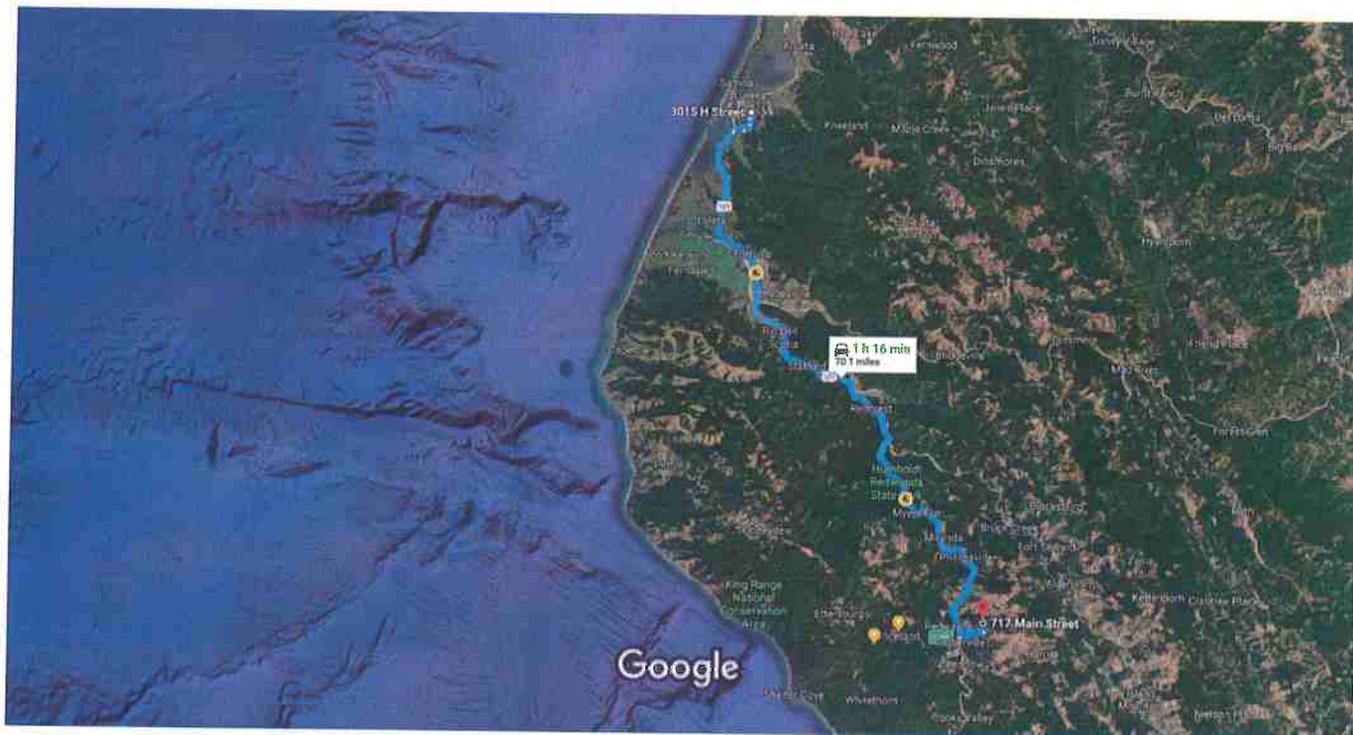
\_\_\_\_\_  
Name Printed

**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.



3015 H Street, Eureka, CA to 717 Main St, Garberville, CA 95542

Drive 70.1 miles, 1 h 16 min



Imagery ©2018 Landsat / Copernicus, Data SIO, NOAA, U.S. Navy, NGA, GEBCO, Data LDEO-Columbia, NSF, NOAA, Map data ©2018 Google 5 mi

### 3015 H St

Eureka, CA 95501

#### Get on US-101 S from H St, F St, Fairway Dr and Herrick Ave

- ↑ 1. Head west on Wood St toward H St 7 min (3.2 mi)
- ↶ 2. Turn left at the 1st cross street onto H St 125 ft
- ↷ 3. Turn right onto Willow St 0.6 mi
- ↶ 4. Turn left onto F St 0.1 mi
- ↑ 5. Continue onto Fairway Dr 0.5 mi
- ↑ 6. Continue onto Herrick Ave 0.9 mi
- ↶ 7. Turn left to merge onto US-101 S 0.9 mi
- 0.2 mi

**Follow US-101 S to Redwood Dr in Garberville. Take exit 639B from US-101 S**

58 min (62.8 mi)

**▲** 8. Merge onto US-101 S

62.6 mi

**↘** 9. Take exit 639B toward Redway

0.2 mi

**Take Alderpoint Rd to Main Dr**

10 min (4.1 mi)

**↘** 10. Turn right onto Redwood Dr

0.2 mi

**↘** 11. Turn right onto Alderpoint Rd

3.1 mi

**↙** 12. Turn left onto Main Dr

0.8 mi

**717 Main St**

Garberville, CA 95542

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.



## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Comments	On file
Division Environmental Health	✓	Approval	<b>Attached</b>
Public Works, Land Use Division	✓	Conditional Approval	<b>Attached</b>
Cal Fire		No response	
California Department of Fish & Wildlife	✓	Comments	<b>Attached</b>
Northwest Information Center	✓	Further Study	On file and confidential
Humboldt County Sheriff	✓	Approval	On file
Southern Humboldt School District		No response	
Garberville Fire Protection District		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	

**Batten, Blake**

---

**From:** Dolf, Benjamin  
**Sent:** Friday, February 7, 2020 8:44 AM  
**To:** Cannabis Services Division  
**Subject:** Apps 12552 DEH Condition Satisfied

Good morning,

This email is in regards to Apps 12552 – High Country Farms. DEH has receive a septic system inspection report that satisfies the conditional approval for this project. Please let me know if you need anything else to release this condition.



**Benjamin W. Dolf, R.E.H.S.**

**Senior Environmental Health Specialist**

DHHS Division of Environmental Health, Land Use Program :: 100 H St. Eureka, CA 95501 :: (707) 268-2235



DEPARTMENT OF PUBLIC WORKS  
**C O U N T Y O F H U M B O L D T**

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

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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  
BUSINESS 445-7652  
ENGINEERING 445-7377  
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 267-9540  
PARKS 445-7651  
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Meghan Ryan, Planner, Planning & Building Department  
FROM: Kenneth M. Freed, Assistant Engineer   
DATE: 05/30/2019

<b>RE:</b>	<b>Applicant Name</b>	<b>HIGH COUNTRY FARMS, INC.</b>
	<b>APN</b>	<b>223-261-005</b>
	<b>APPS#</b>	<b>PLN-12552-CUP</b>

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"**

**Note:** Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

**No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 9/28/2018, with Part A – Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12552

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: (AT ALDERPOINT ROAD)

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 //



**California Department of Fish and Wildlife**  
**CEQA: Project Referral Comments**

Applicant: High Country Farms Inc.		Date: 7/15/2019	
APPS No.: 12552	APN: 223-261-005	DFW CEQA No.: 2018-0352	
<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Mixed-light (SF): 4,360 <input checked="" type="checkbox"/> Outdoor (SF): 16,977		

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)*

- CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for Project approval.
- 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 pre-existing cultivation area does not appear consistent with measurements outlined in the CAV. The polygons outlining the cultivation area appear to incorporate considerably more area than what was under cultivation, and thus appear inconsistent with the definitions outlined in the CMMLUO. Aerial imagery analysis conducted by CDFW personnel measured approximately 13,000SF of cannabis cultivation on the subject parcel prior to the CEQA Baseline.
- All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation, 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.

- ☒ 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.
- ☒ A Final Lake or Streambed Alteration Agreement (1600-2017-0491-R1) has been issued to the applicant.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as 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