COUNTY OF HUMBOLDT

For the meeting of: 2/6/2025

File #: 25-135

To: Planning Commission

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:
HumSun 3, LLC Conditional Use Permit and Special Permit
Assessor Parcel Numbers: Portion of 217-051-001, portion of 217-052-001, portion of 217-053-002, portion of 217-055-002, portion of 217-056-001, 217-061-001, 217-062-003, 217-213-003, 217-214-001, and 217-253-001 (one separate legal parcel)
Record Number: PLN-12856-CUP
Blocksburg area

A Conditional Use Permit for 3.1 acres of new mixed-light commercial cannabis cultivation, and the development of ancillary structures for cultivation activities, including a 6,000 square-foot dry barn/nursery for drying, curing, and plant stock propagation, and a 1,280 square-foot commercial building for processing product grown on site. Water would be sourced from three wells on the parcel and will be stored in hard tanks totaling 250,000 gallons. A total of eight full-time employees are proposed, with an additional 10 employees needed for peak operations. Energy use would require a proposed electrical upgrade from PG&E and roof-mounted solar on the proposed buildings. While waiting for the PG&E upgrade and prior to build-out of the full mixed-light greenhouses, the Applicant proposes to cultivate the 3.1 acres using light-deprivation or full-sun outdoor cultivation techniques, which would not require artificial lighting for cultivation. A Special Permit is required for project related wetland impacts, creation and enhancement, riparian area creation and enhancement, and the reconnection of a Class III ephemeral drainage. An Initial Study/Mitigated Negative Declaration (Attachment 3) has been prepared for the proposed Project.

RECOMMENDATION(S):
That the Planning Commission:

1. Adopt the resolution (Resolution 25-___), which does the following:

    a) Adopts the Mitigated Negative Declaration prepared for the HumSun 3, LLC project pursuant to Section 15074 of the State CEQA Guidelines; and

b) Finds the proposed Project complies with the General Plan and Zoning Ordinance; and

c) Approves the Conditional Use Permit and Special Permit subject to the conditions of approval.

DISCUSSION:

Project Location:

The project is in the Blocksburg area, on the west side and adjacent to Alderpoint Road, approximately 3.75 miles south from the intersection of Gold Ridge Lane and Alderpoint Road, on the property known as 30855 and 31215 Alderpoint Road.

Present General Plan Land Use Designation:

Agricultural Grazing (AG); Residential Agriculture (RA20,RA40); Timberland (T), Humboldt County General Plan (GP). Density: 20-160 acres per unit, 20 and 40 acres per unit, and 40-160 acres per unit respectively. Slope Stability: Low and High Instability (1,3).

Present Zoning:

Agriculture Exclusive with Special Building Site Combining Zone specifying a 160-acre minimum parcel size (AG-B-5(160)) and Timberland Production Zone (TPZ).

Environmental Review:

An Initial Study/Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000-21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387).

State Appeal:

Project is not appealable to the California Coastal Commission.

Major concerns:

Project related wetland impacts, creation and enhancement, riparian area creation and enhancement, the reconnection of a Class III ephemeral drainage, and impacts to Sensitive Natural Communities.

Executive Summary:

HumSun 3, LLC (Applicant) is proposing to permit 3.1 acres (134,850 square feet [sq ft]) of mixed light cultivation area in approximately 38 greenhouses that would be approximately 30 ft. in width and a range of 70 ft. to 145 ft. in length. The project proposal includes the development of ancillary structures for cultivation activities, including a 60' x 100' dry barn for drying and curing from the summer to fall season and could be shared by the nursery from late winter to early spring, and a 32’ x 40’ commercial building for processing product grown onsite. The 32’ x 40’ commercial processing

building would include an ADA-compliant restroom to be used by employees.

The 1,887-acre parcel has undulating topography, with slopes between 0% and upwards of 30%. All development is slated for slopes of less than 15%. The parcel contains grassland, oak woodlands, early mature and mid mature Douglas fir, and riparian habitats. The project site's historic uses include agricultural, cattle grazing, recreation, residential and timber harvesting operations. Current uses include grazing, residential, and timber harvesting operations. The project parcel is an actively managed timber operation under Cemetery Road Timber Harvest Plan (Record 1-23-00157-HUM) and was logged in 2024. The parcel is under a Williamson Act Contract as an agriculture preserve in which proposed cultivation operations would be considered a compatible use.

The subject property has an existing residence, a permitted septic and leach field system, four (4) permitted wells (identified as Cow Knoll, Jelly Bean, Honey and Meadow Wells), a 5000-gallon hard-sided water tank, and two barns to support the current cattle operations. Cow Knoll, Jelly Bean, and Honey Well would be used for proposed cultivation and employee use whereas the Meadow Well would not be used for cannabis cultivation purposes. An additional well is proposed for cultivation if the well is deemed non-diversionary. There are at least 58.4 acres of prime agricultural soil located on the subject parcel, including on the field proposed for cultivation development. The proposed 3.1 acres of cultivation area will account for approximately 5% of the mapped prime agricultural soils on the parcel.

The subject property is located within the State Responsibility Area and Alderpoint Volunteer Fire Company response area for fire protection. Proposed improvements include management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines. The project proposes a designated emergency turnaround and one (1) 5,000-gallon water tank dedicated to SRA emergency response.

In addition to the *Agent in Charge, Lead Cultivator, and Assistant Cultivator*, up to five (5) full-time staff would be required for a total of eight (8) full-time staff. The project would require up to ten (10) seasonal labor positions for peak seasonal events (e.g., planting and harvesting) at regular intervals, typically between May through December to occur approximately four (4) months out of the year. During peak operational periods, the operation may require up to eighteen (18) employees. Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) will generally occur during daylight hours. All other activities such as harvesting and drying will typically occur no earlier than 7 AM and extend no later than 8 PM.

A temporary portable toilet and handwashing station will be provided onsite and serviced by the provider until the proposed processing facility is constructed and the associated onsite wastewater treatment is installed. Cultivation employees will have access to anti-bacterial liquid soap and paper hand towels. The onsite wastewater treatment system would be constructed for a proposed 18

employees. The proposed processing facility will be required to adhere to California Building Code standards that include access and restroom facilities that meet ADA standards. A Septic Suitability Memorandum has been prepared by NorthPoint Consulting Group, Inc (Attachment 3 - Appendix 2Z). Sufficient treatment would be provided for up to 20 employees, which would support more than the maximum 18 employees at any one time. Work will occur at a distance no greater than 1,250 ft from the restroom facility. The property is accessed through an entry gate that always remains locked. Cultivation facilities (greenhouses, storage sheds, drying facility) will only be accessible through the locked gate. Access to the area is limited to employees and approved personnel including agency staff, consultants, and distributors.

Project Background:
The application was first submitted to Humboldt County Planning and Building Department on December 29, 2016. The original application (referred to as the "Original Project Scope", or "OPS") was for approximately twelve (12) acres of cannabis cultivation, across the entire project parcel. In addition to the twelve (12) acres of cannabis cultivation, the original application included numerous new ponds, buildings, and accessory structures across the parcel. Due to potential significant and unavoidable impacts to Aesthetics, Biological Resources, Cultural Resources, Energy, Hydrology and Water Quality, Noise, and Tribal Cultural resources, preparation of an EIR was initiated, and the County issued a Notice of Preparation of an EIR for the Original Project Scope on November 22, 2022.

Since that time, the Proposed Project has been revised and is significantly condensed and it has been determined that the revised Proposed Project would not have any significant and unavoidable impacts; all impacts are either less than significant, or can be mitigated to be less than significant, based on the analysis in the Initial Study/Mitigated Negative Declaration (IS/MND). As such, it has been determined that a Mitigated Negative Declaration is sufficient. The EIR for the Original Project Scope was never completed.

Numerous technical studies were conducted for the Original Project Scope. Therefore, some of the technical studies referenced herein refer to a larger scope of work and greater impacts than the currently Proposed Project, and some information is no longer relevant. However, many of the technical studies are still relevant to the current Proposed Project and applicable information has been sourced from these studies to evaluate impacts throughout the IS/MND.

Water Resources:
In total, combining irrigation and non-irrigation water, the Proposed Project would utilize a maximum potential volume of 1,720,250 gallons per year. Estimated annual irrigation water demand for the Proposed Project is 1.575 million gallons per year (MGPY) and employee water use (drinking water and sink use) would be approximately 145,250 gallons per year. Water for the Proposed Project would be served by three permitted, non-diversionary groundwater wells and 250,000 gallons of associated storage (Attachment 1D - Site Plans). The estimated yield of the wells was 43,200 gallons per day at Jelly Bean Well, 43,200 gallons per day at Cow Knoll Well, and 14,400 gallons per day at Honey Well.

Water would be pumped using existing solar on the wells and gravity fed to the water storage tanks. Water for fire suppression would be stored in one (1) 5,000-gallon water tank dedicated to “Fire Use Only”.

Drinking water would be sourced from the three existing wells on the property and available from the sink in the employee break room and external taps/spigots. Using the standard 35 gallons per person per shift (Humboldt County Local Agency Management Program, 2017), the estimated total employee water use would be 145,250 gallons per year. This is a conservative (high) estimate, considering that the numbers used are maximum employee counts, and currently no shower is proposed in the onsite ADA-restroom. Employee drinking water and water use would be an estimated 67,760 gallons for eight (8) full-time employees during eight (8) months out of the year and 77,490 gallons for the maximum eighteen (18) employees on site during the peak season four (4) months out of the year.

In August 2023, Lindberg Geologic Consulting assessed the hydrologic connectivity of the Jelly Bean, Cow Knoll, and Honey wells with any adjacent wells, wetlands, and/or surface waters and if pumping the well would significantly impact nearby wells, wetlands, and/or surface waters (Hydrologic Isolation from Surface Waters Reports for Jelly Bean, Cow Knoll, and Honey Wells, respectively, (Attachment 3 - Appendices 2V, 2W, and 2X). According to the Reports, the aquifer for all three wells would be recharged by water infiltrating through the soil and mélange bedrock from source areas proximal to the well site and also ephemeral streams in the vicinity when they flow during runoff generating storm events in the winter wet season. Mean annual precipitation listed by the NRCS is between 49 to 90 inches per year. Cow Knoll, Jelly Bean, and Honey well are set within well-drained soils with a depth to the water table greater than 80 inches (Burgsblock-Coolyork-Tannin complex).

According to the Hydrologic Isolation from Surface Waters Reports, if, during the wet season, ten percent (10%) of the low end of mean annual precipitation, 49 inches, is absorbed by the soils/bedrock and does not run off or be lost to evapotranspiration, then approximately 162 to 235 acre-feet, or 52 to 76 MGPY, would be expected to recharge the local aquifers below the three wells. Recharge is estimated to be more than 29 acre-feet, or 9.5 MGPY within the 1000-foot radius of each well. Water use for the Proposed Project is estimated to be 1,720,250 gallons per year based on the irrigation demand (1,575,000 gallons per year) and annual employee water use (145,250 gallons per year). Therefore, groundwater recharge estimates would be greater than the Proposed Project water demand.

The Upper Larabee Creek sub watershed is 30,546 acres located within the greater Lower Eel River watershed and has a drainage area of 3,684 square miles. Projected total water demand for the proposed commercial cannabis cultivation is 1,575,000 gallons per year. Lindberg Geologic Consulting assessed the potential for hydrologic connectivity for the Cow Knoll, Jelly Bean, and Honey wells. All three resulted in a low likelihood of being diversionary in a way that would affect adjacent wells, wetlands, or surface waters in the vicinity.

The Proposed Project is not within any basin subject to the Sustainable Groundwater Management Act, and there has been no Groundwater Sustainability Agency established with authority over the area where the three permitted wells for the proposed cultivation are sited

Therefore, the Proposed Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Impacts would be less than significant, and no mitigation would be necessary.

Since the wells were found to not be likely hydrologically connected to surface waters, the wells do not require water rights from the State Water Resources Control Board and are not subject to forbearance or water storage requirements and are also not likely to interfere with the Public Trust or substantially impair the public rights to navigation, fisheries, or water related activities or access.

The parcel is bisected by a central roughly northwest-southeast trending ridge, with a series of small ravines and ephemeral streams flowing east and northeast into Larabee Creek or southwest into Coleman Creek. The property is split along this ridge into two (2) watersheds. The cultivation area and eastern portion of the ranch is located in the Upper Larabee Creek watershed, and the western portion of the ranch is located in the Basin Creek-Eel River watershed.

Larabee Creek, a perennial Class I watercourse and a tributary of the main stem of Eel River, flows through the eastern boundary of the parcel and crosses under Alderpoint Road twice within the parcel road frontage. Coleman Creek, a perennial watercourse and also a tributary of the main stem Eel River, originates in part within the western half of the parcel. Cooper Creek, a perennial Class I stream, flows from east of the parcel, south of the Project area, and continues west to a confluence with Larabee Creek. Additional intermittent and ephemeral watercourses, tributary to these perennial streams, are located across the property. All onsite watercourses are tributaries to the main stem of Eel River. An appropriate buffer from watercourses has been designated for the watercourses in accordance with County and State requirements.

The Proposed Project would create approximately 3.4 acres of new, impervious surface, including greenhouses, buildings, and water tanks, and would create approximately 6 acres of land disturbance in the Agriculture Exclusive zone on the 1,887-acre property, representing less than 1% of the Project Parcel.

The estimated 3.4 acres of impervious surface created by the Proposed Project represents 0.2% of the total parcel size (1,887 acres) and approximately 0.01% of the Upper Larabee Creek watershed (30,546 acres). The increase in runoff due to the new impermeable surfaces would be minimal. Stormwater would be collected from new impervious surfaces and treated through a proposed bio-filtration swale.

The Proposed Project would take place in the existing flats on slopes less than 10%. Stormwater would be collected from new impervious surfaces and conveyed to a designated stormwater treatment area located on the northwest area of the field. A Grading and Drainage Plan (Attachemt 3 - Appendix 1B) has been developed to address proposed onsite grading and stormwater runoff for the development of the site. Existing and proposed structures would be located outside of all appropriate watercourse setbacks, including the SWRCB General Order watercourse setbacks of 150 ft. from a Class I stream, 100 ft. from a Class II stream, and 50 ft. from a Class III stream, measured from the top of bank, in addition to the Streamside Management Areas and Wetlands Ordinance (SMAO) watercourse buffers of 100 ft. from a perennial stream and 50 ft. from an intermittent stream, measured by riparian drip line, not to exceed 200 ft. measured horizontally from the top of stream bank. The Site Grading and Drainage Plan includes erosion and sediment BPTCs designed to prevent, contain, and reduce sources of sediment.

HumSun 3, LLC would be required to enroll with the State Water Resources Control Board (SWRCB) for Tier 2, Low Risk under the Cannabis General Order prior to commencing cultivation operations. The Tier 2, Low Risk discharger status reflects the proposed operations of dischargers who disturb more than one (1) acre of land. The Applicant's proposal would be required to keep all cultivation activities out of riparian and wetland setbacks to obtain, and maintain, Low Risk status with SWRCB. Within 90 days of enrollment in the Cannabis General Order, a Site Management Plan (SMP) would be developed utilizing BPTC measures in accordance with the SWRCB's recommendations in the Cannabis General Order and Policy. The SMP would include erosion prevention and sediment control BPTC Measures designed to prevent, contain, and reduce sources of sediment. The SMP also includes corrective actions to reduce sediment delivery and prevent erosion. Additional filings, monitoring, and furnishing of supporting documents once the Proposed Project is fully approved and developed would be coordinated with the SWRCB.

A Lake and Streambed Alteration Agreement (LSAA) was issued for timber operations on the property under EPIMS-HUM-47015-R1 (Attachment 8). The LSAA was for the maintenance, replacement, or installation of stream-crossing culverts on the existing ranch road that leads to the ridgetop wells. The crossings included in the LSAA have since been addressed.

A new LSAA will be required for the realignment of the Class III ephemeral drainage or any other activities that divert or obstruct the natural flow or substantially change the bed, bank or channel of any stream onsite. This is included as a condition of approval.

Biological Resources:
Numerous biological, botanical, and waters/wetland studies have been conducted for this site, most of which were conducted for the Original Project Scope (OPS). Authors included GHD, Natural Resources Management (NRM), ICF, NorthPoint Consulting Group, and J. Regan Consulting. Table 1 displays a summary of these reports conducted for the Proposed Project Parcel, and further described in detail in the IS/MND. The table denotes whether the study was conducted across the entire parcel

for the previously proposed OPS or if the study was prepared for the currently Proposed Project Area. The purpose of these studies was to identify areas with potential environmental resource values that would require protection and to make recommendations for avoidance and protection measures.

Table 1: Index of Biological, Botanical, and Waters/Wetland Surveys and Reports conducted for the OPS and the Proposed Project.

Category	Title	Author	Date	Scope	IS/MND Appendix
Botanical	Botanical Resources Report	GHD	January 2020	Parcel-wide for OPS	2E
Botanical	Memo - Review of GHD Botanical Resources Report	ICF	March 18, 2021	Parcel-wide for OPS	2F
Botanical	2021 Supplemental Botanical Survey Report	NRM	July 1, 2021	Parcel-wide for OPS	2G
Botanical	Impacts Botanical Resources Sensitive Natural Communities: *Festuca idahoensis-Danthonia californica* Herbaceous Alliance (2022a)	NRM	December 2020 Rev. 3/17/2021 Rev. 9/28/2022	Parcel-wide for OPS	2H
Botanical	2022 Supplemental Botanical Survey Report: Sensitive Natural Communities (2022b)	NRM	September 28, 2022	Parcel-wide for OPS	2I
Botanical	Update to *Festuca idahoensis- Danthonia californica* Herbaceous Alliance Impacts and Mitigation	NorthPoint Consulting	August 29, 2024	Proposed Project	2J
Biological	Wildlife Resources Report	GHD	January 2020	Parcel-wide for OPS	2K
Biological	Golden Eagle Survey Report #1	NRM	February 2021	Parcel-wide for OPS	2L
Biological	Golden Eagle Survey Report #2	NRM	March 2022	Parcel-wide for OPS	2M
Biological	Northern Spotted Owl (NSO) Report	NRM	September 7, 2022	Parcel-wide for OPS	2N

Waters/ Wetland	Aquatic Resources Report	GHD	September 18, 2019	Parcel-wide for OPS	2O
Waters/ Wetland	Supplemental Waters Investigation	NRM	February 16, 2021	Parcel-wide for OPS	2P
Waters/ Wetland	Proposal and Justification for the Development of a Compensatory Mitigation and Monitoring Plan	NRM	September 28, 2022	Parcel-wide for OPS	2Q
Waters/ Wetland	Wetland Mitigation Summary	J. Regan Consulting	August 30, 2024	Proposed Project Area	2S

The ISMND used this data and analysis to develop measures to protect sensitive habitat areas and threatened species. Mitigation Measures BIO-1 through BIO-8 focus on 1. protecting the locally rare Howell's yampah, 2. prohibition of the use of anticoagulant rodenticides, 3. protection of nesting birds, 4. noise monitoring associated with protection of nesting Northern Spotted Owl, 5. protection of amphibian and reptile species, 6. protection of bats, Sonoma Tree Vole, and West Coast DPS Fisher, 7. wetland and riparian mitigation, and 8. California oat grass mitigation. All mitigation measures have been specifically developed based on site-specific surveys to avoid impacts to threatened and endangered species and prevent impacts to sensitive and critical habitat and are included in the Mitigation Measures, Monitoring, and Reporting Program (Attachment 1B), which implementation and adherence to is a condition of project approval.

Sensitive Natural Communities

Between the various botanical surveys described above, a total of four (4) Sensitive Natural Communities were identified within or near the Proposed Project Area. Of those, two (2) impacted Sensitive Natural Communities, Dense sedge marshes (*Carex densa*) Provisional Herbaceous Alliance and *Festuca idahoensis - Danthonia californica* Herbaceous Alliance, would be impacted by the Proposed Project. Mitigation Strategies for these two (2) communities are discussed further, below.

The dense sedge marsh provisional alliance has a state rarity rank of S2. A community ranked as a S2 is "at high risk of extirpation in the jurisdiction due to restricted range, few populations or occurrences, steep declines, severe threats, or other factors". The question mark after the S2 rank denotes an inexact numeric rank because there are insufficient samples over the full expected range of this community type, but existing information points to this rank. GHD categorized this alliance as a "Provisional Sensitive Natural Community." Dense sedge marshes are present within the field proposed for cultivation development and would be impacted by the Proposed Project. Impacts would be reduced to less than significant through wetland mitigation (creation and enhancement), incorporated as Mitigation Measure BIO-7.

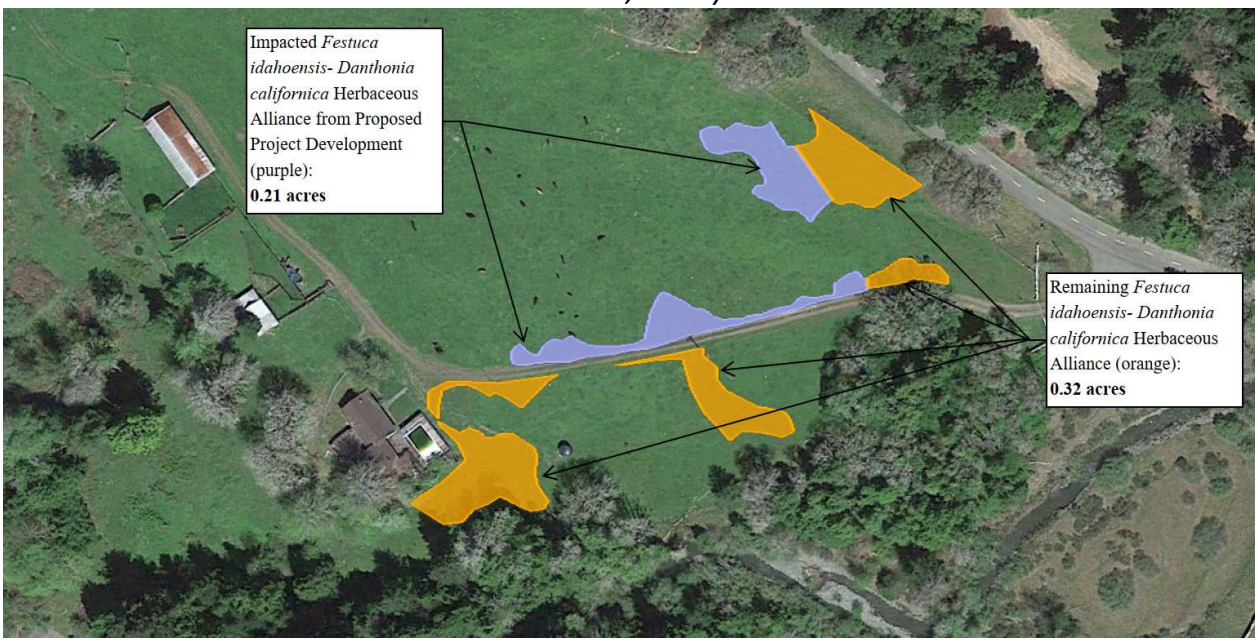
The California oat grass prairie alliance is designated as a S3 (vulnerable) community. The alliance is

characterized by California oat grass being dominant or codominant in the herbaceous layer. California oat grass prairies are threatened by intensive livestock grazing, non-native grass invasions, and fire suppression. However, California oat grass is known to respond favorably to moderate grazing and dry season burning under the right conditions. As further mapped by NRM in 2021 and 2022, approximately 0.53 acres of California oat grass is present in the southeastern/eastern areas of the Proposed Project Area.

Due to development of cultivation activities in the field, the Proposed Project would impact this species. A Memorandum titled "Update to *Festuca idahoensis- Danthonia californica* Herbaceous Alliance Impacts and Mitigation" (Attachemt 3 - Appendix 2J) provided updated impacts from the Proposed Project, given the reduction in scope from the original mitigation memorandum (Attachemt 3 - Appendix 2I)

The OPS of 12-acres would have impacted 8.05 acres of the *Festuca idahoensis - Danthonia californica* Herbaceous Alliance across the 1,887-acre ranch. In reducing the Proposed Project by condensing all impacts to the Lower Field site, impacts to this Sensitive Natural Community have been greatly reduced, and a total of 0.21 acres are now proposed to be impacted, leaving 0.32 acres intact on the Lower Field site (Figure 1).

Figure 1: Impacted (purple) and remaining (orange) Danthonia californica stands on the Lower Field Site as a result of the Proposed Project (Source: Google Earth mapping derived from NRM-delineated stands, 2024)



NRM (Attachemt 3 - Appendix 2H) categorized three California oat grass stands (*Festuca idahoensis* - Danthonia californica herbaceous alliance) based on the CNPS relevé protocol: "high quality" (~0-30% non-native), "moderately invaded" (~31-60% non-native), and "heavily invaded" (~61-90% non-

native). They proposed that mitigation sites would be enhanced within existing "moderately invaded" and "heavily invaded" stands to bring the stands to a category of "high quality" by using a combination of weeding out invasive species and excluding cattle and feral pigs.

In NRM's report (Attachment 3 - Appendix 2I), a 1:1 acre ratio of mitigation to impacts was proposed for the Original Project Scope. In consultation with the California Department of Fish and Wildlife (CDFW) for the Proposed Project, CDFW recommended a 2:1 mitigation ratio where impacts cannot be avoided (Attachemt 3 - Appendix 2R). Accordingly, to address the potential impact to 0.21 acres of *Festuca idahoensis*-Danthonia californica herbaceous alliance, a minimum 2:1 ratio of compensatory mitigation is proposed to enhance at least 0.42 acres of *Festuca idahoensis*-Danthonia californica that are currently designated as moderately invaded (~31-60% non-native) and/or heavily invaded (~61-90% non-native) (Mitigation Measure BIO-8). The recommended mitigation area is the Mid-Ridge Site with 7.76 acres of mapped *Festuca-idahoensis* - Danthonia californica stands. This area was identified as a low to moderate quality stand due to presence of invasive species and cattle/pig impacts.

Due to the difficulty of planting *Festuca idahoensis* - Danthonia californica and considering the compensatory mitigation at least 0.42 acres, mitigation for the Proposed Project will focus on a combination of invasive species management and cattle and feral pig exclusion. If, given unforeseen circumstances, greater than 0.42 acres of the Sensitive Natural Community were impacted, the success criteria would adjust accordingly at a 2:1 mitigation ratio. Invasive species management emphasis will be placed on any invasive species with a California Invasive Plant Council (Cal-IPC) rank of High or Moderate, and any weedy species of non-native plants threatening the successful establishment of any natural recruits. Target invasive species will include yellow star thistle and weedy perennial grasses. Excluding cattle and pigs from mitigation areas will be accomplished with fencing installed around the protected stand to prevent cattle and pigs from accessing the area. Additional management of feral pigs would be through hazing, licensed sport hunting, depredation permits, or a combination thereof.

Enhancement would occur until the success criteria of establishment of a minimum 0.42-acre "high quality" *Festuca idahoensis*-Danthonia californica stand with a minimum of 30% Danthonia californica cover and no greater than 10% invasive species cover. A Monitoring Report would be conducted each year by a qualified botanist, documenting the progress toward the success criteria, and the results would be furnished to the Humboldt County Planning and Building Department annually by December 31st. Monitoring would occur until the success criteria was met, with a minimum of three (3) years. This has been incorporated as Mitigation Measure BIO-8.

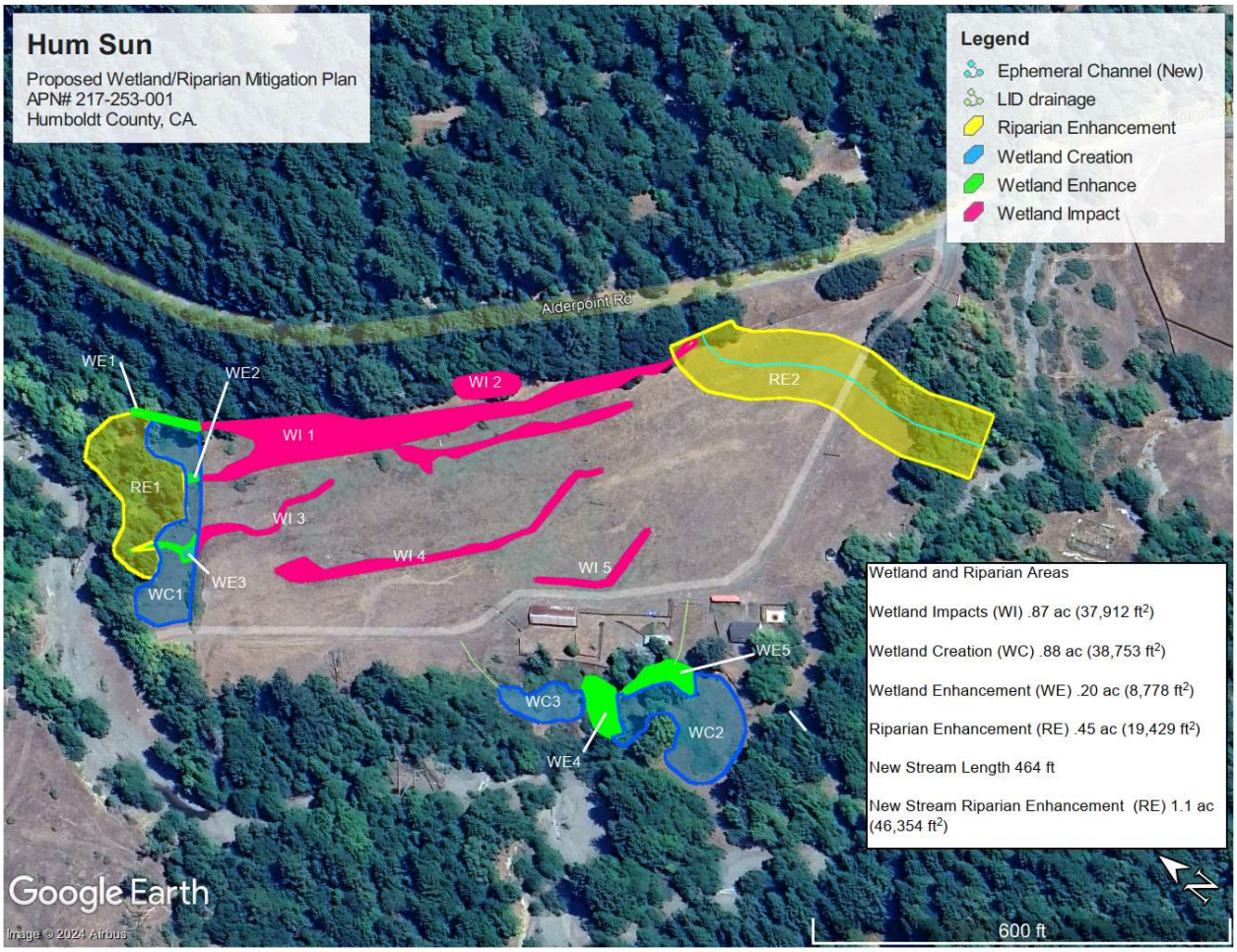
Wetlands and Riparian Areas

As described above, numerous wetland delineations have occurred across the Project Parcel for development of the OPS. Over 2.8 acres of wetlands have been delineated across the Parcel, per NRM and GHD delineations. Since these reports, the entire scope of the project has been significantly reduced in size and intensity. The OPS has been reduced from 12 acres of cannabis cultivation and

numerous proposed rainwater catchment ponds with property-wide impacts, to 3.1 acres of cannabis cultivation in a centralized location on the existing agricultural field used for grazing.

Approximately 1.59 acres of seasonal wetlands have been delineated on or near the Proposed Project Area on the agricultural field. Of those, the Proposed Project would directly impact approximately 0.87 acres of seasonal wetlands (Figure 2). According to the Wetland Mitigation Summary (Attachemt 3 - Appendix 2S), the impacted wetlands are “low-quality”.

Figure 2: Wetland Impacts, Creation, Enhancement, and Riparian Enhancement within the Proposed Project Area (Source: Wetland Mitigation Summary, J. Regan Consulting, August 2024 - Attachemt 3 - Appendix 2S)



The Wetland Mitigation Summary proposes an overall mitigation ratio of 3:1 resulting in 2.63 acres (114,563 sq. ft.) of wetland mitigation for the 0.87 acres of impacted seasonal wetlands. The Wetland Summary proposes 0.88 acres (38,753 sq. ft.) of new, wetland creation (greater than a 1:1 ratio of wetland creation, with no net loss), 0.20 acres (8,778 sq. ft.) of wetland enhancement and approximately 0.45 acres (19,602 sq. ft.) of enhancing existing riparian area, and 1.1 acres (46,354 sq. ft.) of new riparian area (Figure 2).

Per the Wetland Mitigation Summary, wetland creation areas (38,753 sq. ft., or 0.88 acres) are proposed adjacent to existing wetlands, at the northwestern end of the Proposed Project Area (WC-1), and southwest of the existing residence (WC-2, WC-3). In these areas, new wetlands would be created by shaping the ground to capture runoff from the upslope areas and stormwater treatment areas. Plantings in these zones would include the following species: slough sedge (*Carex obnupta*), small flowered bullrush (*Scirpus microcarpus*), and lamp rush (*Juncus effusus*) which may be installed in the bottom and lower side slopes of the wetlands. In addition, Arroyo willow (*Salix lasiolepis*), Oregon ash (*Fraxinus latifolia*), and California bay (*Umbellularia californica*) would be planted on wetland edges and in the transition to riparian forest areas.

Wetland enhancement areas are areas of existing onsite wetlands that could be enhanced through management of invasive species. These areas include existing wetlands on the northwestern end of the Proposed Project Area (WE-1, WE-2, WE-3), and southwest of the existing residence (WE-4, WE-5). Invasive Species, particularly the Himalaya berry *(Rubus armeniacus)* would be removed using hand-tools. Native species plantings (same species to wetland creation areas) would be planted to bolster the vegetation community and assist with slope stability.

With regard to riparian habitat, the Proposed Project includes reconnection of an existing Class III ephemeral drainage and creation of additional riparian habitat. The Class III ephemeral drainage currently runs through a county-maintained culvert under Alderpoint Road and discharges into the agricultural field, currently flowing westerly across the northeast edge of the agricultural field proposed for development. No existing defined channel connects this water to Larabee Creek or Cooper Creek. The Proposed Project would re-route this channel to the east, allowing the water to re-connect and flow to Cooper Creek. As part of this riparian enhancement, riparian species would be planted along the re-routed channel, creating new riparian habitat that currently does not exist onsite. Riparian enhancement of this stream would occur in accordance with the Wetland Mitigation Summary and has been incorporated as part of Mitigation Measure BIO-7. Restoration and enhancement of this Class III drainage would provide an additional 1.1 acres of riparian habitat.

Riparian enhancement areas are located at the northwestern end of the Proposed Project Area, adjacent to Larabee Creek (RE-1), and along the newly created proposed Class III watercourse reconnection (RE-2). Within RE-1, enhancement activities would include removal of invasive species, including the Himalaya berry and sapling Douglas fir (*Pseudotsuga menziesii*) trees, which can negatively impact oak woodland and hardwood trees. No trees over 8 inches in diameter would be removed; implementation of this mitigation measure would not constitute mature tree removal. Erosion control and soil stabilization measures would be implemented in Area RE-1, as needed. In RE-2, a new area of riparian habitat would be created as a part of reconnection of a currently disconnected Class III watercourse. The area would be graded and lowered to provide a defined stream channel for water to be conveyed to Cooper Creek. Herbaceous wetland species (listed above) would be planted, in addition to coyote brush (*Bacharris pilularis*), Oregon white oak (*Quercus*

garryana var. *garryana)* or black oak (*Quercus kelloggii*), and along with the Oregon ash and California bay. This mitigation has been included as Mitigation Measure BIO-7.

The original project was referred to CDFW in 2016 and no response was received. In May of 2024 CDFW conducted a site visit with the project agent. On May 29, 2024, CDFW provided a letter to the project agent identifying recommendations to be considered in the preparation of the IS/MND (Attachment 3 - Appendix 2R). Included were wetland mitigation recommendations, cattle exclusion recommendations, recommendations regarding the stream reconnection, sensitive natural community mitigation recommendations, Northern Spotted Owl (NSO) mitigation recommendations, and stormwater management mitigation recommendations. All CDFW's recommendations have been incorporated into the analysis in the IS/MND except for two (2) recommended NSO conditions regarding limitations on the use of emergency backup generators and construction activities. CDFW has since withdrawn their request for these conditions to be required as Mitigation Measure BIO-4 addresses the potential for noise associated with long-term operation by requiring noise monitoring at the edge of forested habitat (Attachment 6).

During the CEQA circulation period, CDFW contacted staff and requested that two additional conditions of approval be added to the project regarding wetland mitigation and fencing of mitigation areas. (Attachment 5). They are as follows: 1) Implementation of Mitigation BIO-7 shall follow the guidelines and recommendations in the Wetland Mitigation Summary (J. Regan, 2024) and shall follow the monitoring and success criteria outlined in the Wetland Impacts Resulting from Proposed Development Project (NRM, 2022). By Monitoring Year 5, the wetland mitigation will be considered successful if it includes the following: (1) of 85% survival of native plantings, (2) less than 10% total absolute cover of invasive species, (3) favorable site hydrology for development of wetland soils, and (4) at least 0.09 acres of dense sedge marsh.", and 2) Fencing shall be installed around all botanical, wetland, and riparian mitigation/enhancement areas to prevent cattle and pigs from accessing these areas and shall remain installed for the duration of any associated monitoring period. These have been added as conditions of approval.

Invasive Species Control:
Once proposed cultivation activities commence, the cultivation area will be monitored for invasive species. If invasive species are located, hand tools (shovels, weed wrenches, trowels, or hand saws) may be used to remove them. The exact rate and method of invasive species removal will be determined based on the species identified. The areas of disturbance shall be surveyed and maintained twice each year, at a minimum, as part of the invasive species control plan.

Materials and Waste Management Plan:
Employees of the Proposed Project would be trained in usage and handling procedures of associated equipment and cleaning procedures. Chemicals and hazardous materials will only be used with equipment as recommended by manufacturers. Cleaning would occur regularly with instructions based on the manufacturer's recommendations. All cleaning materials would be put away and stored

properly within secondary containment when not in use and hazardous containers would be properly disposed of. Additionally, there would be a spill kit with sorbent pads that will be accessible for spill cleanup.

All agricultural chemicals would be properly stored in accordance with the County Agricultural Commissioner, the California Department of Pesticide Regulation (CDPR), and the Cannabis General Order No. WQ 2019-0001-DWQ (General Order). On-site inventory would be kept for all chemicals, and chemicals would be used and stored based on manufacturer's recommendations and requirements. Any materials required for the use of chemicals would be provided to employees. The material safety data sheets (MSDS) would be kept on site and accessible to employees.

All hazardous waste would be stored within secondary containment in a storage shed. Additionally, a hazardous waste materials log would be kept onsite to keep track of and account for hazardous waste quantities. Fertilizers and pesticides would be stored in a separate location from petroleum products. No rodenticides would be used on site. At the end of the season, any unused liquid products would be stored in secondary containment to be applied the following year. Appropriate BPTC measures would be used when storing, handling, mixing, applying, and disposing of all fertilizers, pesticides, herbicides, or any other hazardous materials. Each year an inventory would be conducted prior to the beginning of cultivation and necessary products would be delivered to the site as needed.

Waste generated from employee activities would be stored in wildlife-proof garbage cans. Organic cultivation-related waste, including root balls, branches, and leaves will be hauled off site to a green waste management facility as needed. Trash and recycling from cannabis operations, including empty soil or fertilizer bags, liquid fertilizer bottles, cultivation supplies, etc., will be taken to the nearest waste management facility as needed, likely one every two weeks. The nearest waste management facility is the Redway Transfer Station.

Soils Management Plan:
The Applicant is proposing to plant all cultivation in raised beds, soil bags, or directly in the ground within the greenhouse structures. The Applicant will account for and keep records of annual and seasonal volumes of soil imported and exported on and off site. Any purchased soils will be reamended for use the following year. During the wet season, any soil piles will be located in a flat area outside of riparian setbacks and winterized, likely with a tarp underneath the pile and straw wattles located around the pile to prevent leachate from entering surface waters. Potential spent soil will be properly disposed of off-site at an appropriate facility.

Light Pollution Control:
New outdoor security lighting for the Project will be shielded to prevent light from going outside of the Project boundary. In addition, lighting for mixed-light cultivation will not be turned on until greenhouse blackout curtains have been drawn to prevent light from escaping between sunset and sunrise.

Energy Use:
Energy use would require a proposed electrical upgrade from PG&E and roof-mounted solar on the proposed buildings. Power would be purchased through the local utility Redwood Coast Energy Authority (RCEA) Community Choice Energy, Repower Plus Program (or similar renewable energy program). While waiting for the PG&E upgrade and prior to build-out of the full mixed-light greenhouses, the Applicant proposes to cultivate the 3.1 acres using light deprivation or outdoor cultivation techniques, which would not require artificial lighting for cultivation (Mitigation Measure EN-1 within the Mitigation Measures, Monitoring, and Reporting Program). An on-site generator would be kept for backup purposes only; use of any on-site generators would be limited to power outage events and would follow all guidelines set by Humboldt County and the State of California.

Access:
The Project area is accessed from an existing driveway entrance off Alderpoint Road (a Category 4 roadway). Parking is proposed to be located near the proposed dry barn and commercial processing building. A total of eighteen (18) parking spaces would be available, including a minimum of one (1) required ADA-parking space, or as required by the California Building Code. At full build-out, the Proposed Project would result in an average of sixteen (16) daily trips by full-time employees, twenty (20) trips by seasonal contract laborers during peak seasonal events, and approximately one (1) average daily truck trip for deliveries. Thus, at peak season during full build out, the maximum daily vehicle trips would be approximately thirty-seven (37). The maximum trips per day corresponds to peak seasonal events, which is anticipated to be less than four (4) months out of the year

Cultural Resources:
The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria. NWIC recommended further study and consultation with local Tribes. A Phase 1 Cultural Resource Inventory Report was prepared for the Original Project Scope by Archaeological Research and Supply Company in March 0f 2020. The investigation included a records search through the California Historical Resources Information System's regional NWIC, Native American Heritage Commission inquiry, coordination with local tribes, and pedestrian survey of the site.

The survey resulted in the recordation of two new precontact sites (HS-S1; HS-S2) and thirty-three isolated artifacts. A field assessment indicates that both HS-S1 and HS-S2 are likely eligible for the California Register of Historic Resources. Extended Phase 1 sub-surface testing at HS-S1 indicates it is likely eligible for the National Register of Historic Places. Coordination with the Bear River Band of the Rohnerville Rancheria determined that site protective mitigation measures (CUL-1 and CUL-2) within the Mitigation Measures, Monitoring, and Reporting Program are appropriate and necessary for site protection and as a condition for the issuance of a cannabis cultivation permit within the Area of Potential Effect.

Williamson Act:

The subject property is under Williamson Act contract. The Applicant plans to maintain this compatible agricultural use and Williamson Act enrollment. The County's Williamson Act Advisory Committee reviewed the project at its June 20, 2018, meeting (Attachment 7) and found the project to be consistent with the County's Williamson Act Guidelines and the Land Conservation Contract for the property.

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43:
Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is in the Lower Eel Planning Watershed, which under Resolution 18-43 is limited to 336 permits and 116 acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 80 and the total approved acres of cultivation would be 38.97.

Environmental Review:
Environmental review for the proposed project included the preparation of an Initial Study/ Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000-21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387). The IS/MND was circulated for from October 23, 2024, to November 21, 2024, at the State Clearinghouse. The California Department of Cannabis Control (DCC) commented on the IS/MND stating that "*The IS/MND would be improved if it referenced DCC's requirements that all outdoor lighting for security purposes must be shielded and downward facing, and that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare (Cal. Code Regs., tit. 4 §§ 16304 (6) and (7)"* (Attachment 5). This comment has been considered by staff and does not change the conclusions of the IS/MND as this is a requirement of County Code. CDFW contacted staff during the circulation period and requested that two additional conditions of approval be added to the project regarding wetland mitigation and fencing of mitigation areas. These have been added as conditions of approval. Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff is confident that the Applicant has submitted evidence in support of making all the required findings for approving the Project.

OTHER AGENCY INVOLVEMENT:
The project was referred to responsible agencies and all responding agencies have either responded with no comment, recommending approval, or recommending conditional approval (Attachment 6).

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to add or delete conditions of approval. The Planning Commission could deny approval if unable to make all the required findings. Staff is confident that the required findings in support of the proposal can be made. Consequently, staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
    A. Conditions of Approval
    B. Mitigation Measures, Monitoring, and Reporting Program
    C. Cultivation and Operations Manual
    D. Site Plans
2. Location Map
3. Draft Initial Study and Mitigated Negative Declaration and Appendices
4. Applicant's Evidence in Support of the Required Findings
5. CEQA Circulation Comments
6. Referral Agency Comments and Recommendations
7. Williamson Act Committee Meeting Minutes June 20, 2018
8. Lake or Streambed Alteration Agreement EPIMS-HUM-47015-R1
9. Watershed Map

APPLICANT, OWNER, AGENT AND PLANNER INFORMATION:

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