



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: March 17, 2022

To: Humboldt County Planning Commission

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

Subject: **Elders Road, LLC, Conditional Use Permit and Special Permit**
Record Number: PLN-12802-CUP
Assessor's Parcel Number (APN): 216-271-019
17070 Alderpoint Road, Alderpoint area

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	8
Maps	
Topo Map	15
Zoning Map	16
Aerial Map	17
Site Plan	18
Attachments	
Attachment 1: Recommended Conditions of Approval	24
Attachment 2: CEQA Addendum	33
Attachment 3: Applicant's Evidence in Support of the Required Findings	37
Attachment 4: Referral Agency Comments and Recommendations	86

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

AGENDA ITEM TRANSMITTAL

Hearing Date March 17, 2022	Subject Conditional Use Permit and Special Permit	Contact Megan Marruffo
---------------------------------------	---	----------------------------------

Project Description: A Conditional Use Permit for 17,755 square feet (SF) of existing outdoor cannabis cultivation of which 4,429 SF is full-sun outdoor and 13,326 SF is outdoor that is cultivated using light deprivation techniques in fourteen (14) greenhouses, with 1,775 SF of ancillary propagation proposed in a separate greenhouse. Irrigation water is sourced from a Class II spring diversion. Existing available water storage is 60,000 gallons in a series of hard-sided tanks, with an additional 90,000 gallons proposed, for a total of 150,000 gallons of onsite water storage. Estimated annual water usage is 155,000 gallons. Drying, curing, and bucking occurs onsite within a 600 SF building, with all other processing currently occurring off-site at a licensed processing or manufacturing facility; however, onsite processing is anticipated in the future. A maximum of three (3) employees will be onsite during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E), with two (2) 3,000-watt generators utilized for backup power only. The proposed project also includes a Special Permit for development within the Streamside Management Area for continued use and maintenance of the point of diversion.

Project Location: The project is located in the Alderpoint area, on the west side of Alderpoint Road, approximately 0.45 miles south from the intersection of 6th Street and Alderpoint Road, on the property known as 17070 Alderpoint Road.

Present Plan Land Use Designations: Rural Community Center (RCC) Density: 2.5 acres per dwelling unit without services, Slope Stability: Low instability (1).

Present Zoning: Forestry Recreation with 5 Acre Minimum Special Building Site Combining Zone (FR-B-5(5))

Record Number: PLN-12802-CUP

Assessor's Parcel Number: 216-271-019

Applicant

Elders Road, LLC
C/O Veronica Clayton
P.O. Box 1705
Mendocino, CA 95460

Owner

Trevor Eldridge
17070 Alderpoint Road
Alderpoint, CA 95511

Agent

Elevated Solutions
Lesley Doyle
3943 Walnut Drive, Suite E
Eureka, CA 95503

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

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

Major Issues: None.

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 (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit and adopt the Resolution approving the Elders Road, LLC, project as recommended by staff subject to the recommended conditions.

Executive Summary: Elders Road, LLC, seeks a Conditional Use Permit to allow the continued cultivation of 17,755 square feet (SF) of outdoor cannabis and 1,775 SF of proposed ancillary propagation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). A Special Permit is also requested for development within the Streamside Management Area (SMA) for continued use and maintenance of a point of diversion. The site is designated as Rural Community Center (RCC) in the Humboldt County 2017 General Plan Update and zoned Forestry Recreation with a 5-acre minimum special building site combining zone (FR-B-5(5)). Cultivation takes place in the southern and eastern portions of the site and includes 4,429 SF of full-sun outdoor cultivation and 13,326 SF of outdoor cultivation that is cultivated using light deprivation techniques within fourteen (14) greenhouses. A maximum of 1,775 SF of ancillary propagation is proposed onsite within two (2) areas. Per the Cultivation and Operations Plan (Attachment 3), the applicant proposes to use an indoor propagation area for mother plants and propagation of clones, which will occur in the 600 SF (20'x30') drying and curing structure, during winter and early spring until weather permits the clones to be moved into the proposed 1,775 SF outdoor nursery greenhouse. The two (2) propagation areas will not operate simultaneously. Artificial lighting will be used to support the propagation area. One harvest is anticipated annually in the full-sun outdoor areas and up to two harvests for the light deprivation greenhouses for a growing season that extends from February through October.

Drying, curing, and bucking occurs onsite within a 600 SF building. All other processing currently occurring off-site at a licensed processing or manufacturing facility; however, onsite processing is anticipated in the future. A maximum of three (3) employees will be onsite during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E), with two (2) 3,000-watt generators utilized for backup power only. The operation is secured behind a gated access and privacy fence, and utilizes restricted access signs, security lighting, security cameras, and motion alarms.

Onsite Cultivation and Nursery Space

As previously discussed, the applicant is requesting 17,755 SF of outdoor cultivation, in addition to 1,775 SF of ancillary propagation. With the ancillary propagation space included, there is a total of 19,530 SF of onsite cultivation; however, based on the County's cultivation area verification, only 17,755 SF was in existence prior to the CMMLUO environmental baseline date of January 1, 2016. The proposed cultivation space equates to 10% of the cultivation area, which is what Planning staff and the Planning Commission have found allowable in the past. Although the parcel is more than 5 acres in size, cultivation occurs on slopes greater than 15%, a diversionary water source is utilized, and the subject site is not zoned RA, U, FP, DF, AG, or AE, and, as a result, new cultivation cannot be considered on the subject area and the total cultivation area (including the nursery space) is limited to 17,755 SF. As a result, recommended conditions of approval are included to reduce the cultivation areas to a maximum of 15,980 SF of cultivation, to include the proposed nursery space of 1,775 SF, for a total of 17,755 of onsite cultivation (**Conditions of Approval #5 and #6**).

Onsite Relocation

As depicted on the 2019 Site Plan, relocation of five (5) canopy areas [2 full-sun outdoor areas (labeled as "A" and "D" on the Site Plan) and 3 existing greenhouses (labeled as "7", "8", and "9"), respectively] was previously proposed, with the relocated areas to be reconfigured into greenhouses and relocated north and northeast of their prior locations, from an existing open area to another open area. In addition, the 2019 Site Plan indicated that an existing greenhouse (labeled as "1" on the Site Plan) and shed (8'x12') were located within the 30-foot setback from the western property line.

An updated Site Plan, dated August 2020, indicates the relocation and reconfiguration has occurred. Per review of aerial imagery, it appears the reconfigured greenhouses were added between 2016 and 2018. Based on information provided by the applicant's agent in February 2022 (Attachment 3), the prior cultivation areas were located within the SMA and have been relocated to a pre-existing flat onsite (labeled "Ag Exempt 6-13" on the updated Site Plan), with the former area restored. A condition of approval requires the applicant to remove any remaining cultivation-related infrastructure from the former cultivation areas and submit evidence (e.g., photographs, a letter from a qualified professional, etc.) verifying the removal has occurred (**Condition of Approval #7**).

Cultivation Setbacks

The Site Plan shows that four (4) existing 5,000-gallon water tanks are currently located within the 30-foot setback from the western property line. Conditions of approval require these tanks to be relocated outside of the required setback to a previously disturbed area without the use of heavy equipment (**Condition of Approval #8**).

Timber Conversion

A Timber Conversion Report (*Trevor Eldridge Less Than Three Acre Conversion Mitigation Plan*) was prepared by Hohman and Associates Forestry Consultants (not dated; Attachment 3), which indicates the subject property comprises "a matrix of Douglas fir/oak forest and grassland" and that past harvesting has occurred onsite. Per the Report, approximately 1.51 acres of timber conversion occurred onsite to accommodate the project, which is below the three-acre conversion exemption maximum. It is noted in the Report that the initial conversion to create the cultivation areas occurred in 2005 and 2012, and no timber harvesting has occurred in or around the sites in the last ten (10) years. The Report makes note of specific locations that are currently in conflict with the Forest Practice Rules or have potential to cause environmental damage. Specifically, the Report recommends installing waterbars on a steep jeep road with 25%+ grade be installed every 50 to 75 feet, where applicable, at Road Point (RP) #3; draining surface drainage and install a rocked rolling dip at RP #1; clean the inlet and outlet at the existing 18-inch-diameter cross drain and rock line the ditch for 50 feet at RP #2; replace undersized culvert and rock road for 25 feet at RP #4; and drain surface drainage, install rocked rolling dip, and line/cap the dip with rock to divert surface silt and debris off the road prism at RP #7, 8, 10, 11, and 12; and install a culvert, clean inlet and outlet when needed, and line/cap the jeep trail with rock to the left and right of the culvert for 25 feet at RP #9. No additional tree removal is authorized under this permit.

Per comments received from the California Department of Forestry and Fire Protection (CAL FIRE) in November 2019, it was noted that CAL FIRE is supportive of the project, as long as the mitigation measures described in the Report are completed. The project is conditioned to implement any remaining corrective actions detailed in the Timber Conversion Report (**Condition of Approval #19**).

Water Resources

Estimated annual water usage is 155,000 gallons (8.7 gal/SF) with peak demand occurring June through September at approximately 25,000 gallons per month, respectively, per the table below.

Table 3.1 Estimated Annual Irrigation Water Usage (gal/month)											
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
0	0	0	10,000	20,000	25,000	25,000	25,000	25,000	15,000	10,000	0

Total: 155,000 gallons

Water for irrigation is provided by a point of diversion from an unnamed Class II spring on the subject property. A *Right to Divert and Use Water* (Registration ID H508022; Certificate No. H100551) has been issued for use with the spring diversion by the State Water Resources Control Board (SWRCB) in July 2019 (Attachment 3). The *Right to Divert and Use Water* allows for 0.58 acre-feet (or 188,993.5 gallons) of water to be diverted from the unnamed spring that is a tributary to the Eel River, thence the Pacific Ocean, on an annual basis. Storage capacity cannot exceed 0.55 acre-feet (179,218 gallons). The total estimated annual water usage (155,000 gallons) is approximately 82.01% of the appropriated amount allowed under the water right. Existing available water storage is 60,000 gallons in twelve (12) hard-sided tanks, with an additional 90,000 gallons proposed in eighteen (18) additional 5,000-gallon tanks, for a total of 150,000 gallons of onsite water storage. This volume of storage is allowable as described in the appropriative right. To ensure sufficient volume is available to serve the project, a recommended condition of approval has been included to require an addition 5,000 gallons of water storage be added onsite, equal to the estimated annual water use (**Condition of Approval #9**). Additional conditions of approval require the applicant to continue to comply with the terms and conditions of the Right to Divert and Use Water (**Condition of Approval #17**) and to monitor water use from the spring diversion and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs (**Condition of Approval #25**).

The applicant also seeks a Special Permit for development within the Streamside Management Area for continued use and maintenance of the registered point of diversion, as well as for relocation of an existing greenhouse and shed structure, currently located within the 30-foot setback from the western property line, outside of the required setback. A Notification of Lake or Streambed Alteration was submitted to the California Department of Fish and Wildlife (CDFW) for one (1) stream crossing upgrade, a point of diversion, and for site remediation. It is noted in the Notification that associated work may require an excavator, dump truck, tractor, and a grader; however, it is further noted that soil stabilization measures and best management practices (BMPs) would be implemented. The applicant is required to finalize the Streambed Alteration Agreement (SAA) notification submitted to CDFW, adhere to and implement the projects and recommendations contained in the Final SAA, and provide evidence to the Planning Department that the projects included in the Final SAA are completed to the satisfaction of CDFW (**Condition of Approval #16**). By adhering to the terms and conditions of the Right to Use and Divert Water, which limits the amount of water that can be diverted and the and the FSAA, which typically limits the diversion amount and duration in addition to the specifying the use of intake structures that will not impact aquatic species, Planning staff determined that impacts to the watershed are minimized allowing the use of point diversion pursuant to a Special Permit.

As depicted on the Site Plan with respective SMA buffers, two unnamed creeks traverse the southern and southwestern portions of the site, although not depicted on the County's GIS portal. As shown on the Site Plan, all cultivation-related infrastructure is located outside of the required SMA buffers.

A Water Resource Protection Plan (WRPP; WDID 1_12CC401617) was prepared for the site by Six Rivers Construction and Consulting in September 2019 (Attachment 3), which details existing site conditions, how the property is or will meet the provisions and requirements of Order No. R1-2015-0023, and remediation efforts needed to bring the operation into compliance. As noted in the WRPP, the cultivation sites are located more than 100 feet from any watercourse and irrigation is performed at an agronomic rate, so as to not produce any runoff. The WRPP identifies five (5) treatment recommendations to further protect water quality and bring the project into compliance with required standards, including but not limited to: relocating water tanks currently located on unstable location; removing all trash the project site weekly, installing rolling dips and outsloping the road, covering the soil pile with plastic, and performing road upgrades, including processing the road. The project is conditioned to implement all remaining corrective actions detailed in the WRPP to minimize any potential impacts associated with the project and minimize runoff into nearby SMAs (**Condition of Approval #18**) and prepare and submit a Site Management Plan in compliance with the State Water Resources Control Board's (SWRCB) Cannabis Cultivation Policy (**Condition of Approval #20**).

Biological Resources

Review of CDFW's California Natural Diversity Database (CNDDDB) occurred in January 2022. Although there is the potential for one mapped sensitive plant species, beaked tracyina (*Tracyina rostrata*), within the western portion of the subject property, this mapped potential habitat area is located outside of the cultivation areas. The nearest NSO positive sighting is located approximately 3.77 miles from the nearest cultivation area, with the nearest NSO activity center located approximately 4.18 miles away.

An Initial Biological Scoping Report was prepared by Hohman and Associates in February 2019 (attached) which considers the potentially occurring species and communities that could be affected by the project based on available spatial data and habitat requirements. A site visit was not conducted. Vegetation at the subject property is mapped primarily as grasslands, with Oregon white oak woodlands (*Quercus garryana*). The Report notes the project has the potential to impact the following: seven (7) bird species, four (4) reptile and amphibian species, four (4) fish species, and two (2) invertebrate species. Per the Report, it is noted that impacts to special-status fish, amphibians, and reptiles may be avoided by adhering to State and Regional Waterboard guidelines to minimize runoff from cultivation and observing required Streamside Management Area (SMA) buffer distances. Additionally, minimizing light pollution and adhering to International Dark Sky Association standards will minimize potential impacts on birds, bats, and other light-sensitive species, and minimizing noise pollution from generators is important for sensitive birds, bats, and other wildlife. Further, pre-construction surveys, including a bird survey, are also recommended if any construction or vegetation removal is planned, to avoid impacts to nesting birds, which has been included as an ongoing condition of approval in the event of any future development on the subject property (**Ongoing Condition of Approval #24**).

No additional construction is proposed under the project. As previously discussed, relocation of five (5) canopy areas [2 full-sun outdoor areas (labeled as "A" and "D" on the Site Plan) and 3 existing greenhouses (labeled as "7", "8", and "9"), respectively] were previously located on the subject property. Per review of aerial imagery and the Site Plan, it appears the relocated areas were reconfigured into greenhouses and relocated north and northeast of their prior locations, from an existing open area to another open area, between 2016 and 2018. A condition of approval requires the applicant to remove any remaining cultivation-related infrastructure from the former cultivation areas, if not yet already completed (**Condition of Approval #7**).

Power for the site is provided by PG&E, with two (2) generators utilized for emergency back-up. Artificial lighting will be used to support the propagation areas. The conditions of approval require the applicant to implement noise and light attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife (**Conditions of Approval #21, #23, and #24, and Ongoing Conditions of Approval #1 and #2**). As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species. Additionally, no project components are located within SMA buffers and the applicant is required to implement all remaining corrective actions detailed in the WRPP to minimize any potential impacts associated with the project and minimize runoff into nearby SMAs.

Access

Access to the site is via a driveway off Alderpoint Road. Alderpoint Road is a Category 4 County-maintained roadway. Per referral comments received from the Department of Public Works, Land Use Division in October 2019, any existing or proposed driveways to serve as access for the proposed project that connect to a County-maintained road shall be improved to current standards for a commercial driveway, and, as a result, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet where it intersects the County road (Alderpoint Road). Additionally, all driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance) and all fences and gates shall be relocated out of the County right of way. Conditions of approval require the applicant to make the required roadway improvements in accordance with Public Works' comments (**Conditions of Approval #13-#15**).

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 86 permits and the total approved acres would be 42.09 acres of cultivation.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

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

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

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 22-

Record Number: PLN-12802-CUP

Assessor's Parcel Number: 216-271-019

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Elders Road, LLC, Conditional Use Permit and Special Permit request.

WHEREAS, Elders Road, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 17,755 square foot (SF) outdoor cannabis cultivation of which 4,429 SF is full-sun outdoor and 13,326 SF is outdoor that is cultivated using light deprivation techniques in fourteen (14) greenhouses, including 1,775 SF of proposed ancillary propagation space. Existing available water storage is 60,000 gallons in a series of hard-sided tanks, with an additional 90,000 gallons proposed, for a total of 150,000 gallons of onsite water storage. Estimated annual water usage is 155,000 gallons. Drying, curing, and bucking occurs onsite within a 600 SF building, with all other processing currently occurring off-site at a licensed processing or manufacturing facility; however, onsite processing is anticipated in the future. A maximum of three (3) employees will be onsite during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E), with two (2) 3,000-watt generators utilized for backup power only. The proposed project also includes a Special Permit for development within the Streamside Management Area for continued use and maintenance of the point of diversion; and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **March 17, 2022**, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit, and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit to allow an existing 17,755 square foot (SF) outdoor cannabis cultivation of which 4,429 SF is full-sun outdoor and 13,326 SF is outdoor that is cultivated using light deprivation techniques in fourteen (14) greenhouses, including 1,775 SF of proposed ancillary propagation space. Existing available water storage is 60,000 gallons in a series of hard-sided tanks, with an additional 90,000 gallons proposed, for a total of 150,000 gallons of onsite water storage. Estimated annual water usage is 155,000 gallons. Drying, curing, and bucking occurs onsite within a 600 SF building, with all other processing currently occurring off-site at a licensed processing or manufacturing facility; however, onsite processing is anticipated in the future. A maximum of three (3) employees will be onsite during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E), with two (2) 3,000-watt generators utilized for backup power only. The proposed project also includes a Special Permit for development within the Streamside Management Area for continued use and maintenance of the point of diversion.

EVIDENCE: a) Project File: PLN-12802-CUP

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

EVIDENCE:

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Water Resource Protection Plan (WDID 1_12CC401617) was prepared for the site by Six Rivers Construction and Consulting in September 2019, and a Notice of Application has been provided by the applicant to show compliance with the State Water Board Cannabis General Order for Waste Discharge. Conditions of approval require the applicant to submit a Site Management Plan (SMP) and adhere to and implement all recommendations contained in the SMP, as well as and maintain enrollment in the State Cannabis Cultivation Policy for the life of the project.
- d) California Department of Fish and Wildlife Resource Maps indicate there is the potential for one mapped sensitive plant species, beaked tracyina (*Tracyina rostrata*), to occur within the western portion of the subject property. However, this mapped potential habitat area is located outside of the cultivation areas. A review of the California Natural Diversity Database (CNDDB) Spotted Owl Observation Database showed that Northern Spotted Owl habitat exists in the vicinity and the nearest positive sighting is located approximately 3.77 miles from the nearest cultivation area, with the nearest NSO activity center located approximately 4.18 miles away. Power for the site is provided by PG&E, with two (2) generators utilized for emergency back-up. Artificial lighting will be used to support the propagation areas.

An Initial Biological Scoping Report was prepared by Hohman and Associates in February 2019 (on file and confidential), which considers the potentially occurring species and communities that could be affected by the project based on available spatial data and habitat requirements. A site visit was not conducted. Vegetation at the subject property is mapped primarily as grasslands, with Oregon white oak woodlands (*Quercus garryana*). The Report notes the project has the potential to impact the following: seven (7) bird species, four (4) reptile and amphibian species, four (4) fish species, and two (2) invertebrate species. Per the Report, it is noted that impacts to special-status fish, amphibians, and reptiles may be avoided by adhering to State and Regional Waterboard guidelines to minimize runoff from cultivation and observing required Streamside Management Area (SMA) buffer distances. Additionally, minimizing light pollution and adhering to International Dark Sky Association standards will minimize potential impacts on birds, bats, and other light-sensitive species, and minimizing noise pollution from generators is important for sensitive birds, bats, and other wildlife. Further, pre-construction surveys, including a bird survey, are also recommended if any construction or vegetation removal is planned, to

avoid impacts to nesting birds, which has been included as an ongoing condition of approval in the event of any future development on the subject property

The conditions of approval require the applicant to implement noise and light attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. Specifically, conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.

- e) A Timber Conversion Report was prepared by Hohman and Associates Forestry Consultants, which indicates approximately 1.51 acres of timber conversion occurred onsite between 2005 and 2012 to accommodate the project, which is below the three-acre conversion exemption maximum. The Report makes note of specific locations that are currently in conflict with the Forest Practice Rules or have potential to cause environmental damage. Specifically, the Report recommends installing waterbars on a steep jeep road with 25%+ grade be installed every 50 to 75 feet, where applicable, at Road Point (RP) #3; draining surface drainage and install a rocked rolling dip at RP #1; clean the inlet and outlet at the existing 18-inch-diameter cross drain and rock line the ditch for 50 feet at RP #2; replace undersized culvert and rock road for 25 feet at RP #4; and drain surface drainage, install rocked rolling dip, and line/cap the dip with rock to divert surface silt and debris off the road prism at RP #7, 8, 10, 11, and 12; and install a culvert, clean inlet and outlet when needed, and line/cap the jeep trail with rock to the left and right of the culvert for 25 feet at RP #9. The project is conditioned to implement any remaining corrective actions detailed in the Timber Conversion Report. No additional tree removal is authorized under this permit.
- f) A Cultural Resources Investigation was prepared for the project by William Rich and Associates in January 2021, which indicates there are no archaeological, historic, or tribal cultural resources within the limits of the project area that will be impacted by the project. Inadvertent Discoveries Protocol is recommended in the Report, as well as by the Bear River Band of the Rohnerville Rancheria in March 2021, which has been included as an ongoing condition of approval.
- g) Access to the site is via a driveway off Alderpoint Road. Alderpoint Road is a Category 4 County-maintained roadway. Per referral comments received from the Department of Public Works, Land Use Division in October 2019, the existing driveway to serve as access for the proposed project shall be improved to current standards for a commercial driveway, and, as a result, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet where it intersects the County road (Alderpoint Road). Additionally, all driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance) and all fences and gates shall be relocated out of the County right of way. Conditions of approval require the applicant to make the required roadway improvements in accordance with Public Works' comments, which will ensure safe access to and from the project site.

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 Rural Community Center (RCC) 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.

FINDINGS FOR SPECIAL PERMIT

4. FINDING To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.

EVIDENCE Conditions of approval require the applicant to finalize the Streambed Alteration Agreement (SAA) notification submitted to CDFW, adhere to and implement the projects and recommendations contained in the Final SAA, and provide evidence to the Planning Department that the projects included in the Final SAA are completed to the satisfaction of CDFW. Conditions of approval also require the applicant to adhere to the terms and conditions of the Right to Use and Divert Water issued by the State Water Resources Control Board (SWRCB). By implementing permit conditions from the SWRCB and CDFW, impacts to the SMA are minimized.

4. FINDING The proposed development is consistent with the purposes of the existing Forestry Recreation (FR) zone in which the site is located.

EVIDENCE a) The Forestry Recreation or FR Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.

b) All general agricultural uses are principally permitted in the FR zone.

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 17,755 square feet of cultivation on a 21.5-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 FR (HCC 314-55.4.8.2.2).

b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created by an approved and recorded Parcel Map Subdivision (Parcel 2 of Parcel Map 422 of Parcel Map Book 004, Page 033).

- c) Water for irrigation is provided by a point of diversion from an unnamed spring on the subject property. A *Right to Divert and Use Water* (Registration ID H508022; Certificate No. H100551) has been issued for use with the spring diversion by the State Water Resources Control Board (SWRCB) in July 2019 (Attachment 3). The *Right to Divert and Use Water* allows for 0.58 acre-feet (or 188,993.5 gallons) of water to be diverted from the unnamed spring that is a tributary to the Eel River, thence the Pacific Ocean, on an annual basis. Storage capacity cannot exceed 0.55 acre-feet (179,218 gallons). The total estimated annual water usage (155,000 gallons) is approximately 82.01% of the appropriated amount allowed under the water right. Existing available water storage is 60,000 gallons in twelve (12) hard-sided tanks, with an additional 90,000 gallons proposed in eighteen (18) additional 5,000-gallon tanks, for a total of 150,000 gallons of onsite water storage. This volume of storage is allowable as described in the appropriative right. Conditions of approval require the applicant to monitor water use from the spring diversion and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs.
- d) Access to the site is via a driveway off Alderpoint Road. Alderpoint Road is a Category 4 County-maintained roadway. All road segments would be functionally appropriate for the expected traffic with completion of the improvements recommended in the referral comments received from the Department of Public Works, Land Use Division in October 2019, including improvement the existing driveway to current standards for a commercial driveway, maintaining all driveways and private road intersections onto the County road in accordance with County Code Section 341-1 (Sight Visibility Ordinance), and ensuring all fences and gates shall be relocated out of the County right of way.
- e) The slope of the land where cannabis will be cultivated is less than 50%, as indicated on the County's GIS portal.
- f) A Timber Conversion Report was prepared by Hohman and Associates Forestry Consultants, which indicates approximately 1.51 acres of timber conversion occurred onsite between 2005 and 2012 to accommodate the project, which is below the three-acre conversion exemption maximum. The Report makes note of specific locations that are currently in conflict with the Forest Practice Rules or have potential to cause environmental damage. Specifically, the Report recommends installing waterbars on a steep jeep road with 25%+ grade be installed every 50 to 75 feet, where applicable, at Road Point (RP) #3; draining surface drainage and install a rocked rolling dip at RP #1; clean the inlet and outlet at the existing 18-inch-diameter cross drain and rock line the ditch for 50 feet at RP #2; replace undersized culvert and rock road for 25 feet at RP #4; and drain surface drainage, install rocked rolling dip, and line/cap the dip with rock to divert surface silt and debris off the road prism at RP #7, 8, 10, 11, and 12; and install a culvert, clean inlet and outlet when needed, and line/cap the jeep trail with rock to the left and right of the culvert for 25 feet at RP #9. The project is conditioned to implement any remaining corrective actions detailed in the Timber Conversion Report. No additional tree removal is authorized under this permit.
- g) The location of the cultivation complies with most setbacks required in Section 314-55.4.11.d. It is more than 300 feet from any off-site residence and more than 600 feet from any school, church, public park or Tribal Cultural Resource. However, an existing greenhouse (labeled as "1" on the Site Plan) and shed (8'x12') are shown to be within the 30-foot setback from the

western property line. Conditions of approval require these structures to be relocated outside of the required setback to a previously disturbed area without the use of heavy equipment.

6. FINDING

The cultivation of 17,755 square feet 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 located on road that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 3 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a spring diversion that has been registered with the State Water Resources Control Board and California Department of Fish and Wildlife.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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

EVIDENCE

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

8. FINDING

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

EVIDENCE

- a) The project site is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 86 permits and the total approved acres would be 42.09 acres of cultivation.

DECISION

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

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

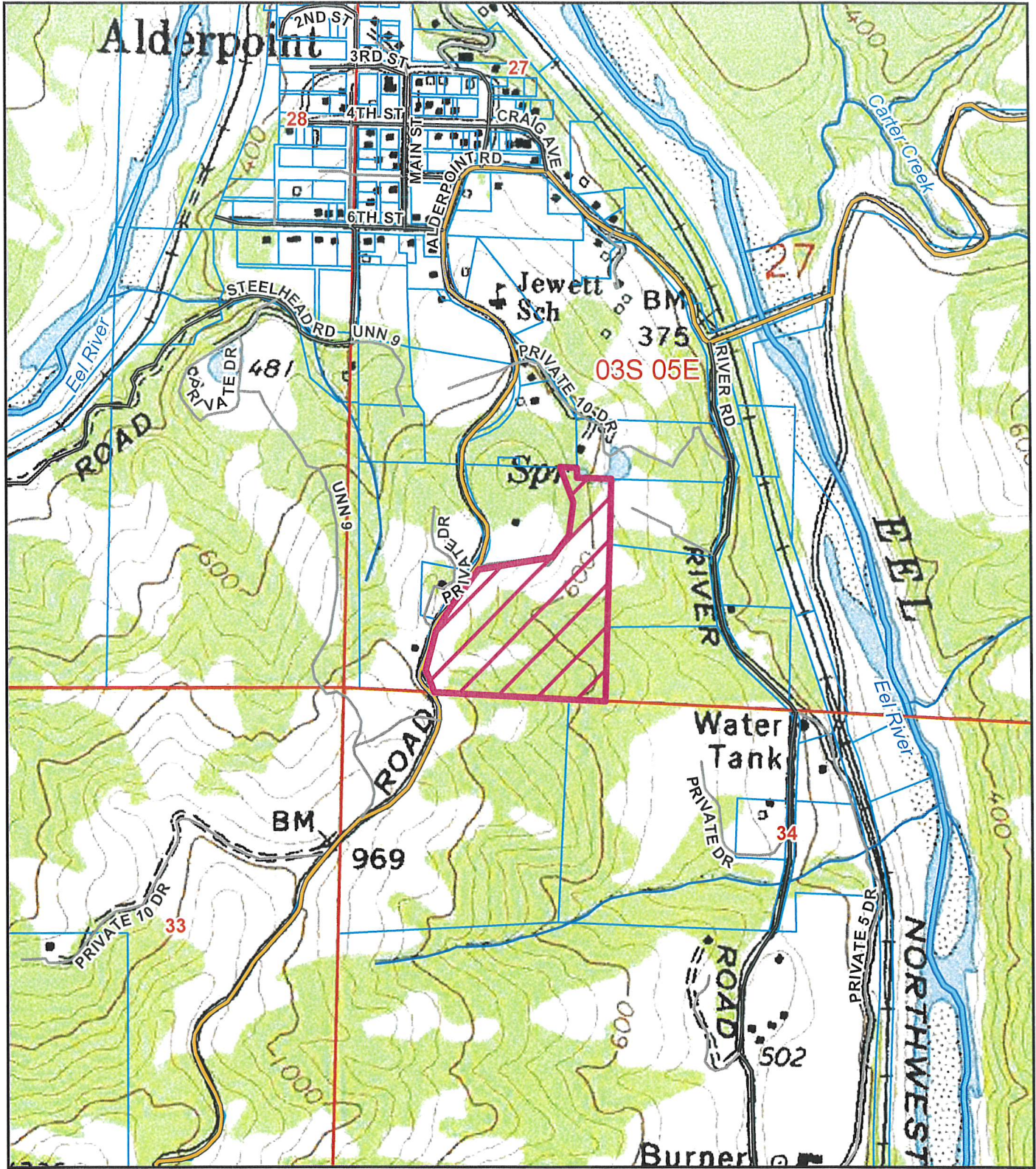
Adopted after review and consideration of all the evidence on **March 17, 2022.**

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

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

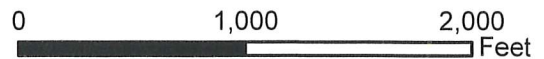
I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

 John Ford, Director
 Planning and Building Department

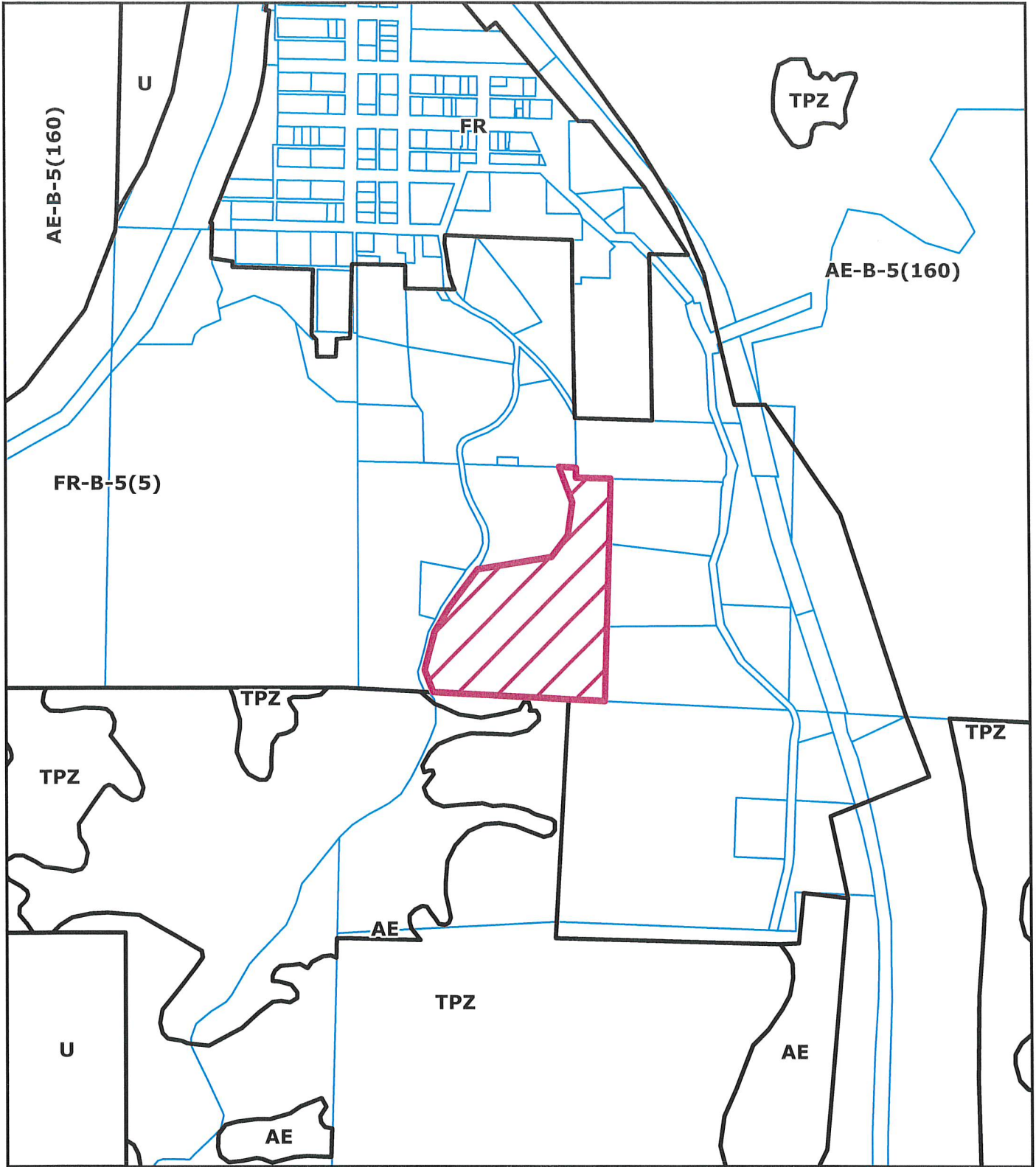


TOPO MAP
PROPOSED ELDERS ROAD
ALDERPOINT AREA
CUP-16-846
APN: 216-271-019-000
T03S R05E S27 HB&M (ALDERPOINT)

Project Area =

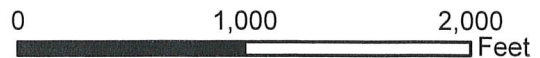


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

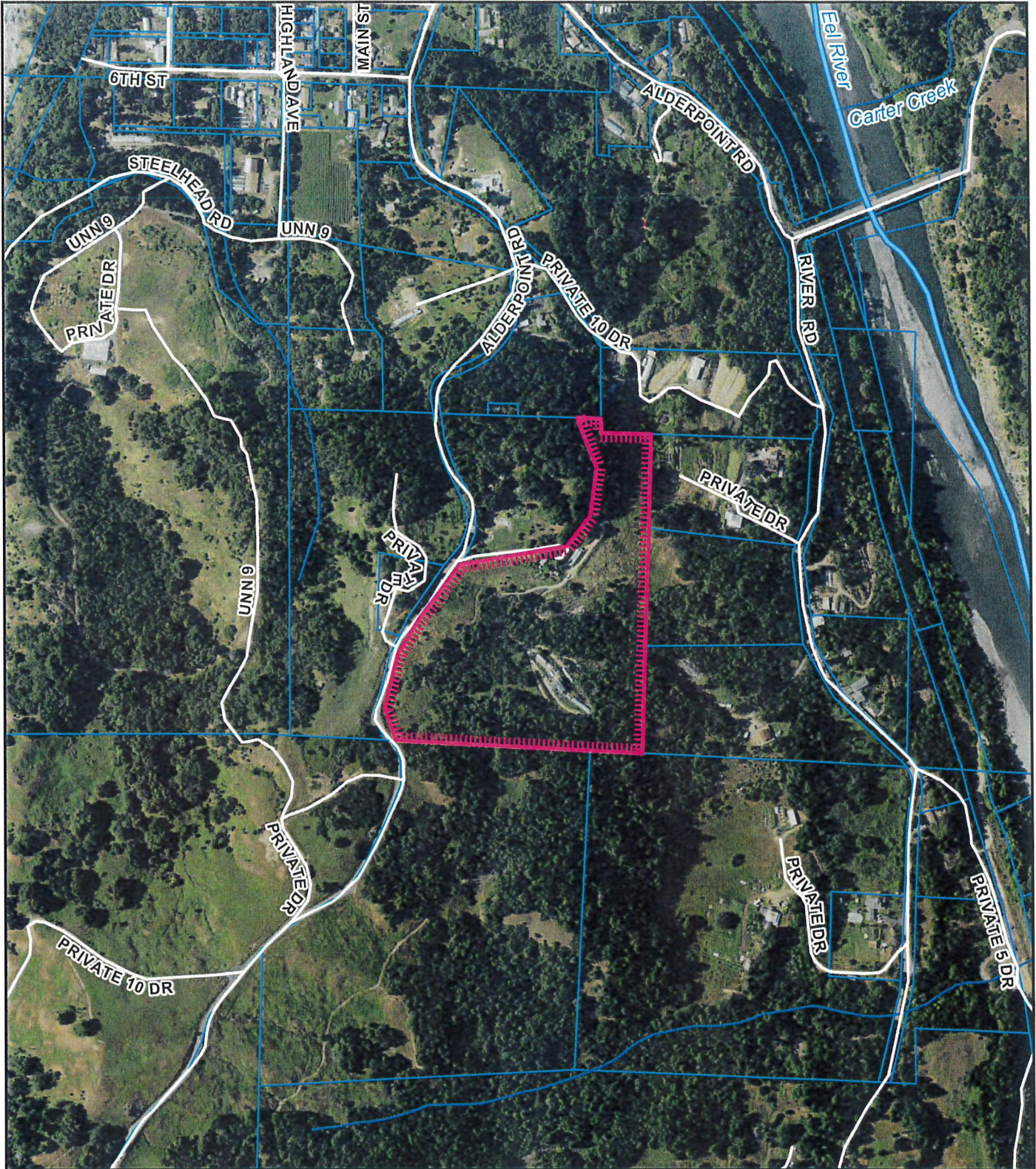


Project Area = 

ZONING MAP
PROPOSED ELDERS ROAD
ALDERPOINT AREA
CUP-16-846
APN: 216-271-019-000
T03S R05E S27 HB&M (ALDERPOINT)



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.

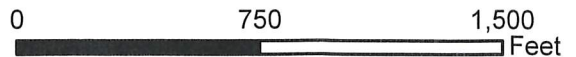


AERIAL MAP
PROPOSED ELDERS ROAD
ALDERPOINT AREA
CUP-16-846
APN: 216-271-019-000
T03S R05E S27 HB&M (ALDERPOINT)

Project Area = 



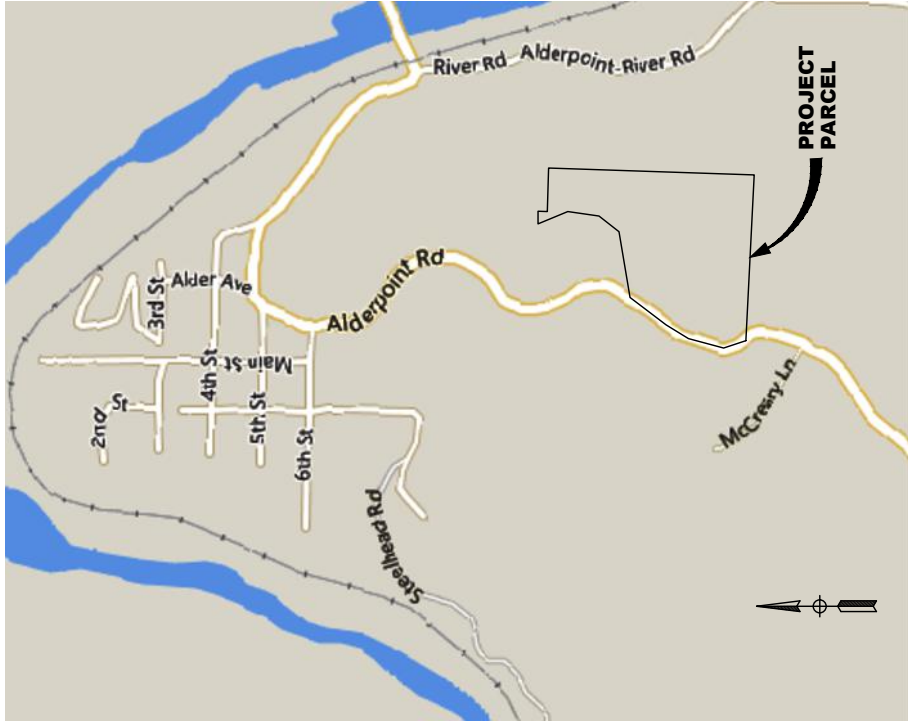
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



ELDERS ROAD LLC

HUMBOLDT COUNTY

APN: 216-271-019



VICINITY MAP
NOT TO SCALE

Sheet Number	Sheet Title
G0.1	PLOT PLAN
G0.2	CONSTRUCTION NOTES
A1.0	AOB FIRST FLOOR PLAN
A1.1	AOB ELEVATIONS
C1.0	GRADING PLAN
C2.0	EROSION AND SEDIMENT CONTROL PLAN

NOTES:

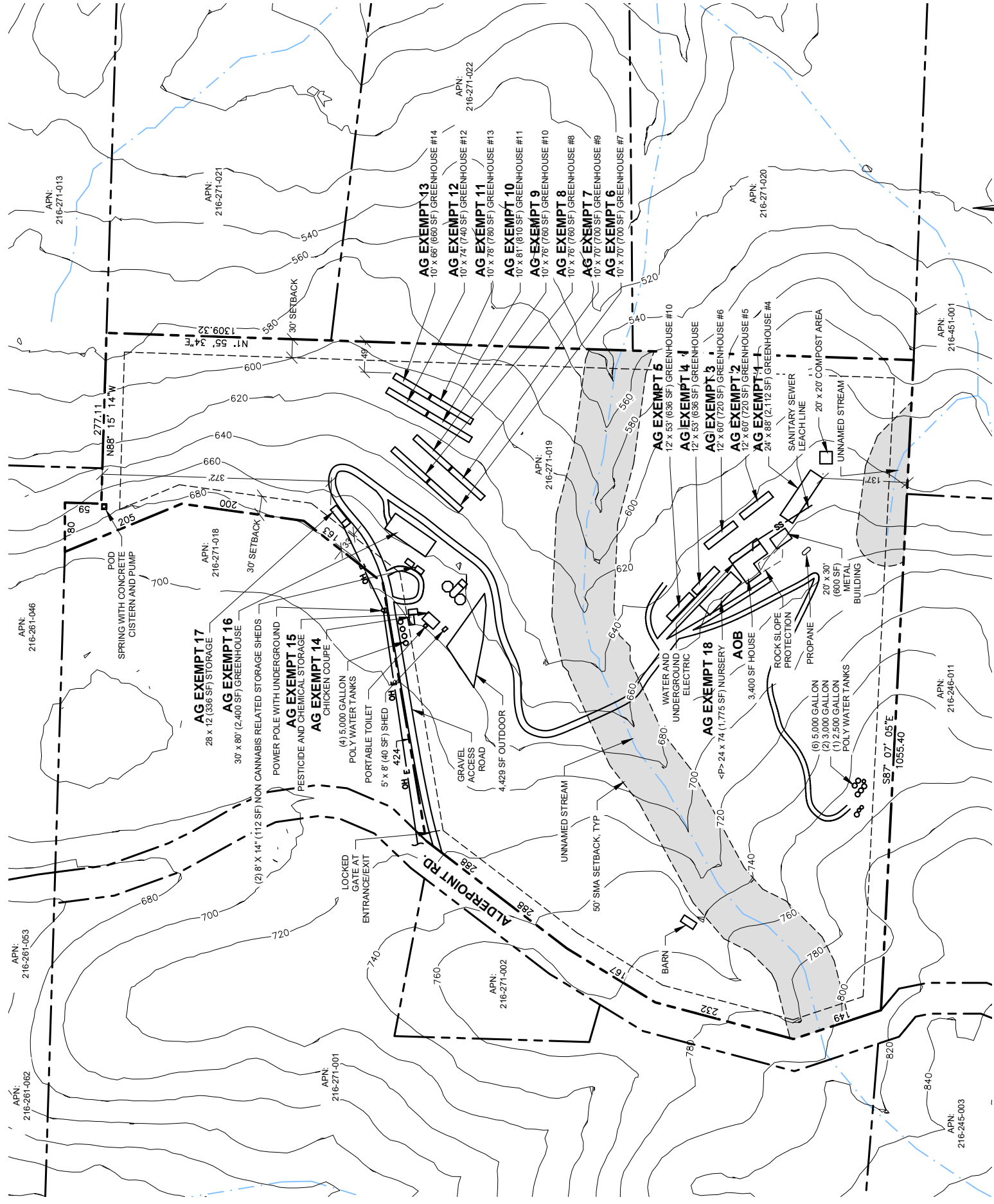
- ALL LOCATIONS ARE APPROXIMATE. NO SURVEY WAS CONDUCTED FOR THIS PROJECT.
- PROPERTY LINES ARE APPROXIMATE.
- CONTOURS SHOWN HEREON ARE FROM NOAA 2016-2019 WILDFIRE SHAPE FILES.
- IMAGE SHOWN HEREON IS FROM BING.
- NO TREES WILL BE REMOVED FOR THIS PROJECT.

OWNER INFORMATION:

OWNER: ELDERS ROAD LLC

SITE INFORMATION:

21.5 ACRES
ZONE FR-B-5(5)
SRA: YES



PLAN
SCALE: 1"=200'



DRAWN	JDB
CHECK	SD
APPROVED	SD
DATE	8-20-2020
JOB NUMBER	8.20.2020
SHEET	G0.1

ELDERS RD LLC
17070 ALDERPOINT RD, 95511
PLOT PLAN
APN: 216-271-019

NO.	HISTORY / REVISION	BY	CHK.	DATE



NOTES:

GENERAL:

1. ENGINEERS LETTER CONFIRMING ALL RECOMMENDATIONS OF SOILS REPORT ARE MET TO BE SUBMITTED TO HDBD FOR APPROVAL.
2. ENGINEER TO CERTIFY FOUNDATION OF COMPLIANCE FOR APPROVED SOILS REPORT.
3. ALL EMERGENCY ESCAPE AND RESCUE OPENINGS SHALL HAVE A MINIMUM CLEAR OPENING OF 5.7 SQUARE FEET WITH A MINIMUM NET CLEAR OPENING WIDTH OF 20 INCHES AND HEIGHT OF 24 INCHES, AND A MINIMUM SILL HEIGHT OF 44" FROM FINISHED FLOOR TO NET CLEAR OPENING OF WINDOW.

ELECTRICAL:

1. ALL KITCHEN, BATHROOM, GARAGE, LAUNDRY AND CLOSET LIGHTING MUST BE HIGH EFFICACY. PER TITLE-24 ENERGY REPORT.
2. ALL 120- VOLT SINGLE PHASE, 15 AND 20 AMPERE BRACH CIRCUITS SUPPLYING OUTLETS OR DEVICES INSTALLED IN DWELLING UNIT KITCHENS, FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, PARLORS, LIBRARIES, DEN'S, BEDROOMS, SUNROOMS, RECREATION ROOMS, CLOSETS, HALLWAYS, LAUNDRY AREAS OR SIMILAR ROOMS OR AREAS SHALL BE PROTECTED BY A LISTED COMBINATION TYPE ARC FAULT CIRCUIT INTERRUPTER, INSTALLED TO PROVIDE PROTECTION OF THE ENTIRE BRANCH CIRCUIT. CEC 210.8.

3. GFCI PROTECTED OUTLETS ARE REQUIRED IN ALL KITCHEN, BATHROOM, GARAGE AND EXTERIOR RECEPTACLES. CEC 210.8.

PLUMBING:

1. PROVIDE WATER HEATER TEMPERATURE/PRESSURE RELIEF VALVE WITH DRAIN TO EXTERIOR OF BUILDING. PROVIDE APPROVED SEISMIC STRAPPING. CPC 504.4, 504.6, 608.5.
2. WHERE WATER HEATER IS IN A SPACE WHERE DAMAGE MAY RESULT FROM A LEAKING WATER HEATER, A WATER TIGHT PAN OF CORROSION RESISTANT MATERIALS SHALL BE INSTALLED BENEATH THE WATER HEATER WITH A MINIMUM THREE QUARTER INCH DIAMETER DRAIN TO THE EXTERIOR. CPC 507.4.

DRAWN	JDB
CHECK	SD
APPROVED	SD
DATE	8-20-2020
JOB NUMBER	8.20.2020
SHEET	

G0.2

ELDERS RD LLC
 17070 ALDERPOINT RD, 95511
 CONSTRUCTION NOTES
 APN: 216-271-019

NO.	HISTORY / REVISION	BY	CHK.	DATE



(707) 601-1558 humboldtdraftingservices@yahoo.com

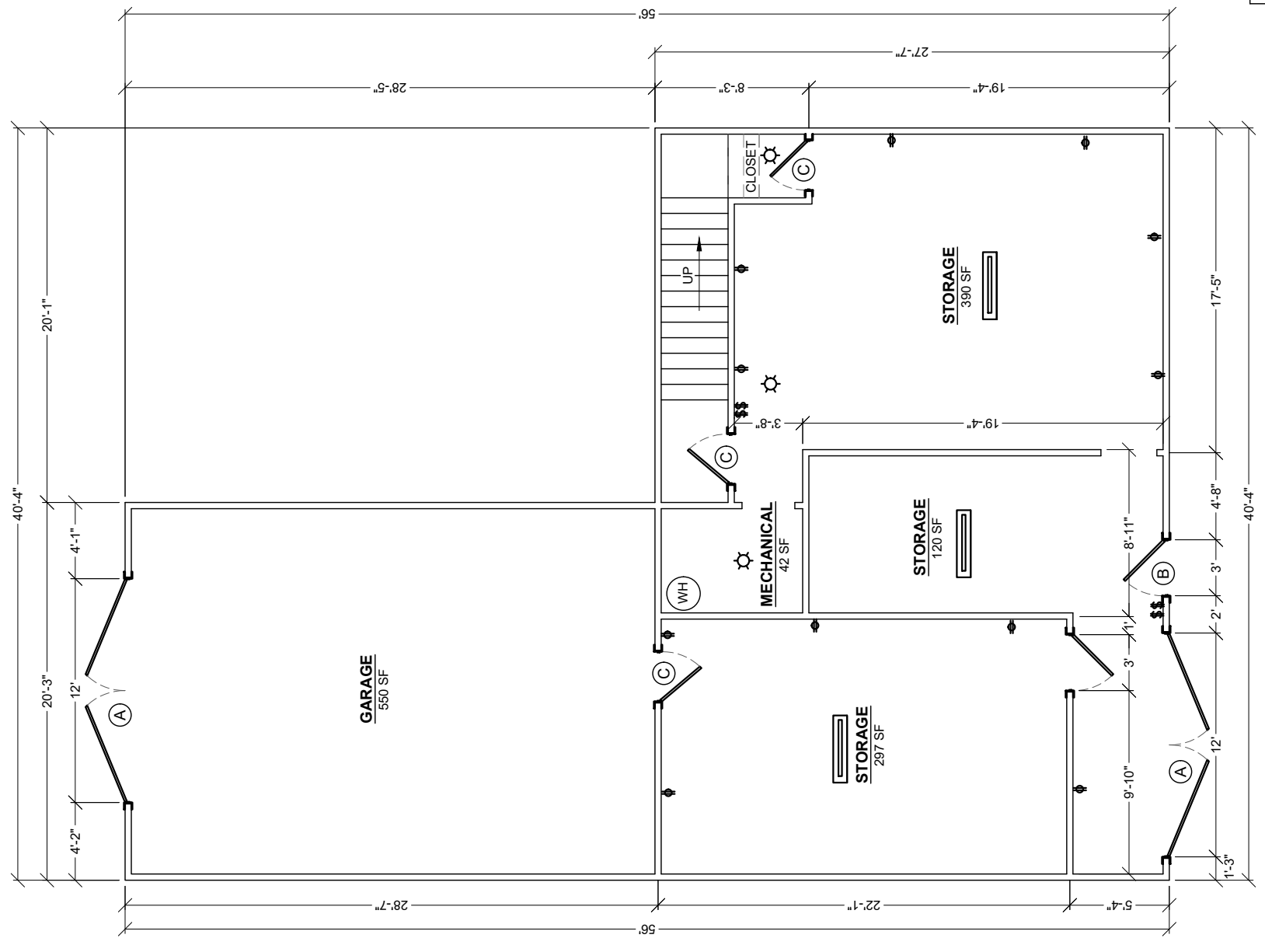
DRAWN	JDB
CHECK	SD
APPROVED	SD
DATE	8-20-2020
JOB NUMBER	8.20.2020
SHEET	A1.0

ELDERS RD LLC
17070 ALDERPOINT RD, 95511
A0B FIRST FLOOR PLAN
APN: 216-271-019

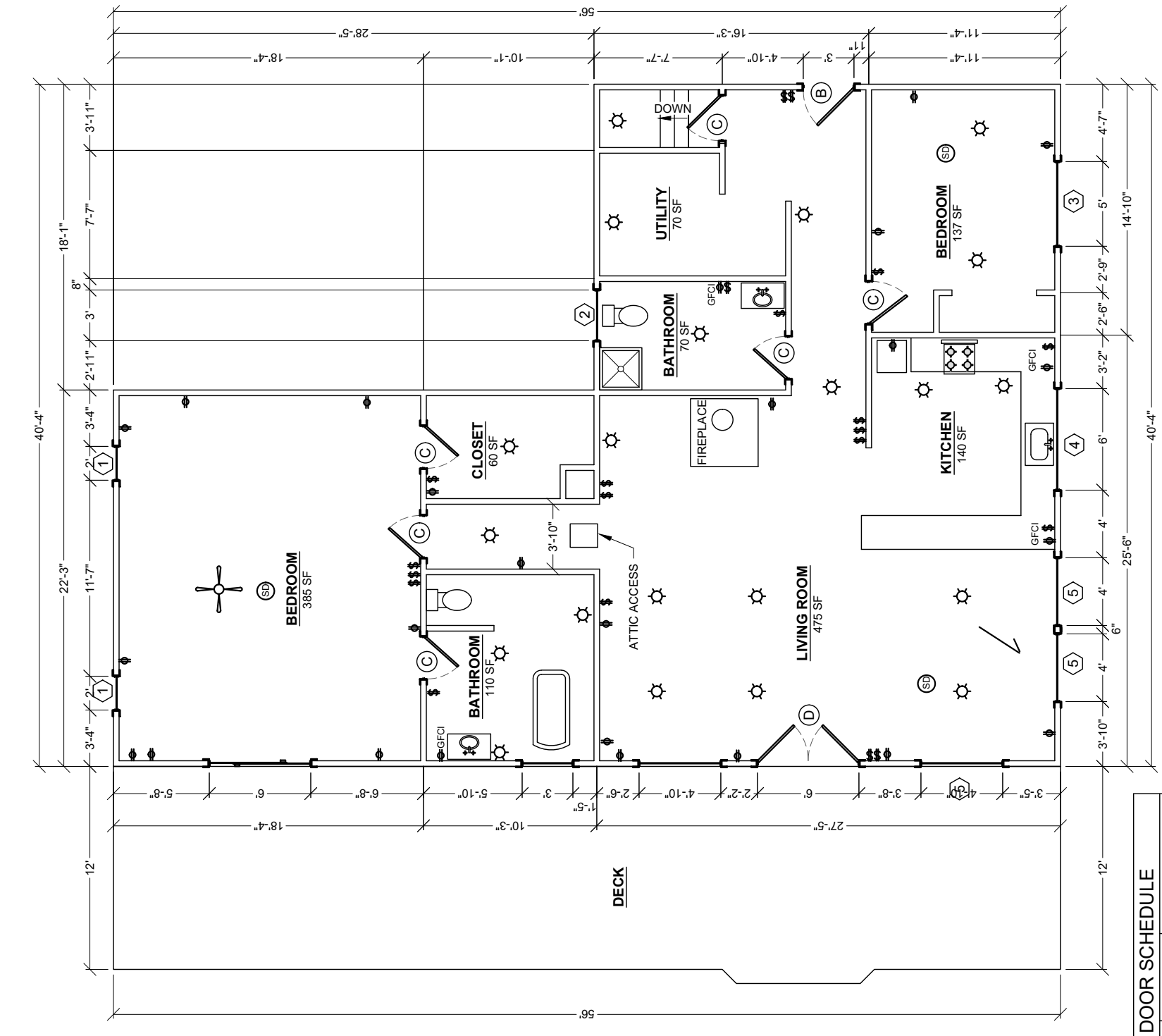


NO.	HISTORY / REVISION
BY	CHK.
DATE	

REUSE OF DOCUMENTS: This document and the ideas and design incorporated herein, as an instrument of professional service, is the property of Humboldt Drafting Services and shall not be reused in whole or part for any other project without express written authorization.



WINDOW SCHEDULE			
SYM	QTY	SIZE WIDTH, HEIGHT	DESCRIPTION
(1)	2	2'-0" x 4'-0"	WHITE VINYL SLIDER
(2)	1	3'-0" x 2'-0"	WHITE VINYL SLIDER
(3)	1	5'-0" x 4'-0"	WHITE VINYL SLIDER
(4)	2	4'-0" x 6'-0"	WHITE VINYL SLIDER



DOOR SCHEDULE			
SYM	QTY	SIZE WIDTH, HEIGHT	DESCRIPTION
(A)	2	12'-0" x 8'-0"	SOLID EXTERIOR DOUBLE DOOR
(B)	2	3'-0" x 6'-8"	EXTERIOR DOOR
(C)	9	2'-8" x 6'-8"	INTERIOR DOOR
(D)	1	6'-0" x 6'-8"	FRENCH DOOR

REUSE OF DOCUMENTS: This document and the ideas and design incorporated herein, as an instrument of professional service, is the property of Humboldt Drafting Services and shall not be reused in whole or part for any other project without express written authorization.

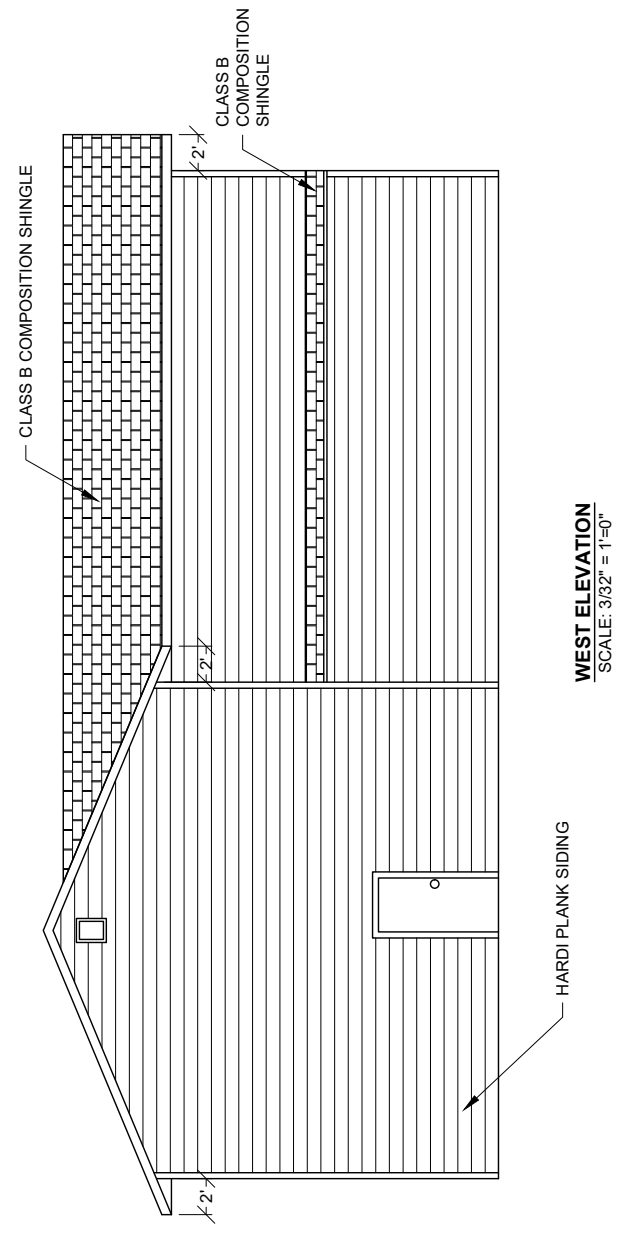
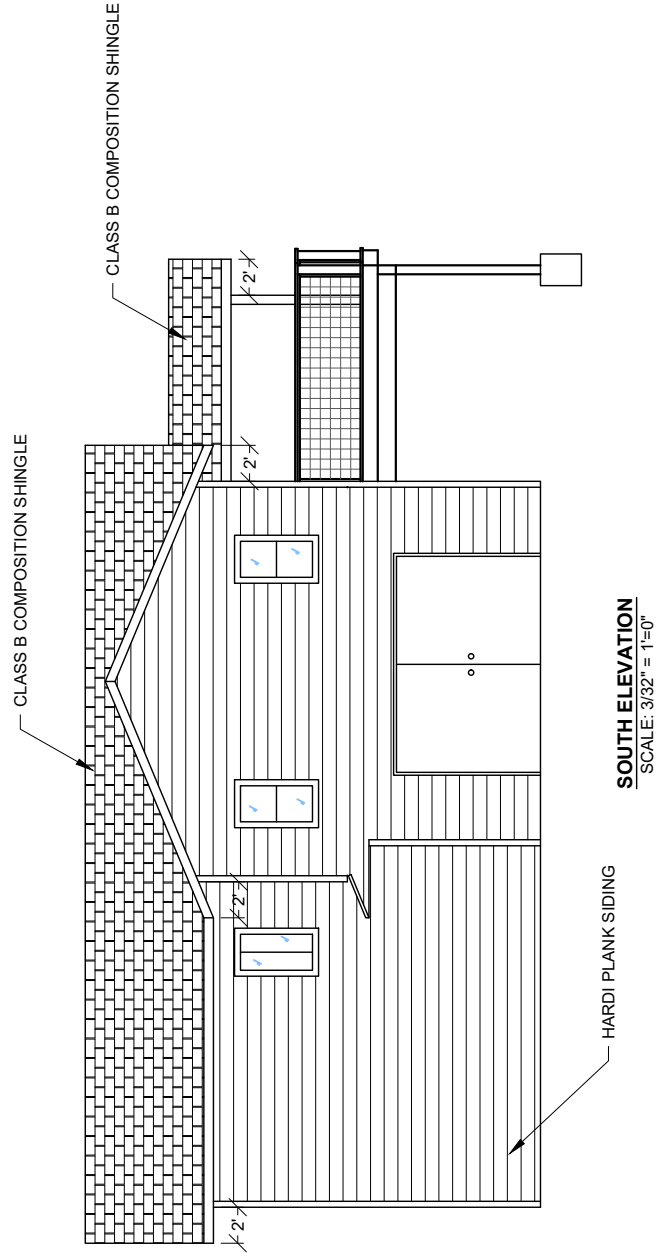
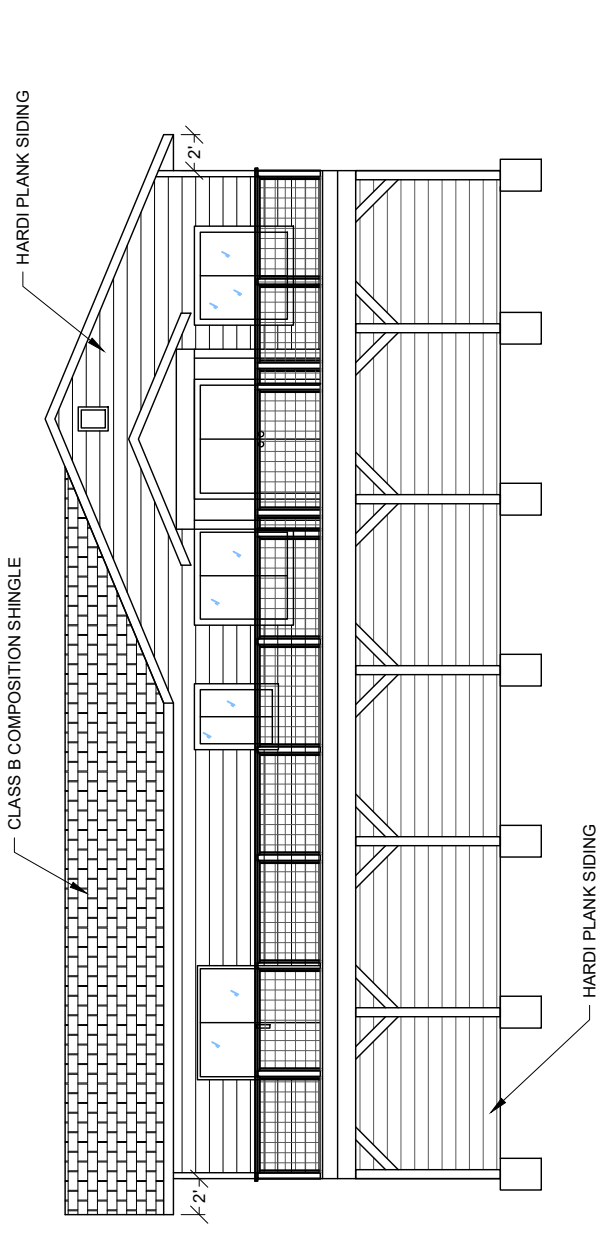
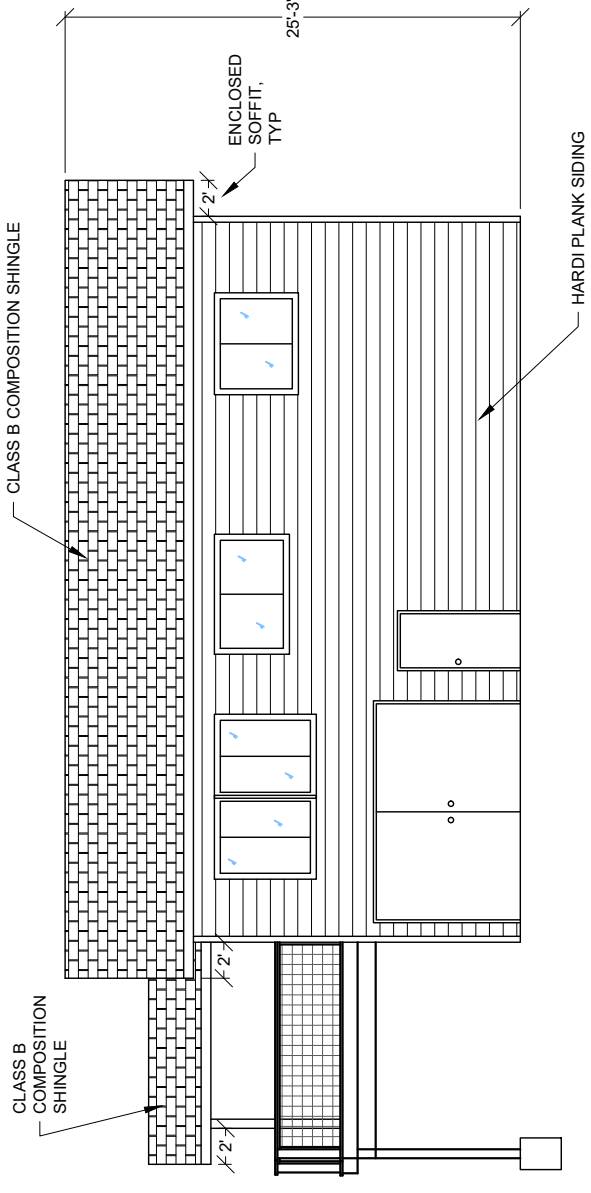


(707) 601-1558 humboldtdraftingservices@yahoo.com

NO.	HISTORY / REVISION	BY	CHK.	DATE

ELDERS RD LLC
 17070 ALDERPOINT RD, 95511
 AOB ELEVATIONS
 APN: 216-271-019

DRAWN	JDB
CHECK	SD
APPROVED	SD
DATE	8-20-2020
JOB NUMBER	8.20.2020
SHEET	A1.1



DRAWN	JDB
CHECK	SD
APPROVED	SD
DATE	8-20-2020
JOB NUMBER	8.20.2020
SHEET	C1.0

ELDERS RD LLC
 17070 ALDERPOINT RD, 95511
 GRADING PLAN
 APN: 216-271-019



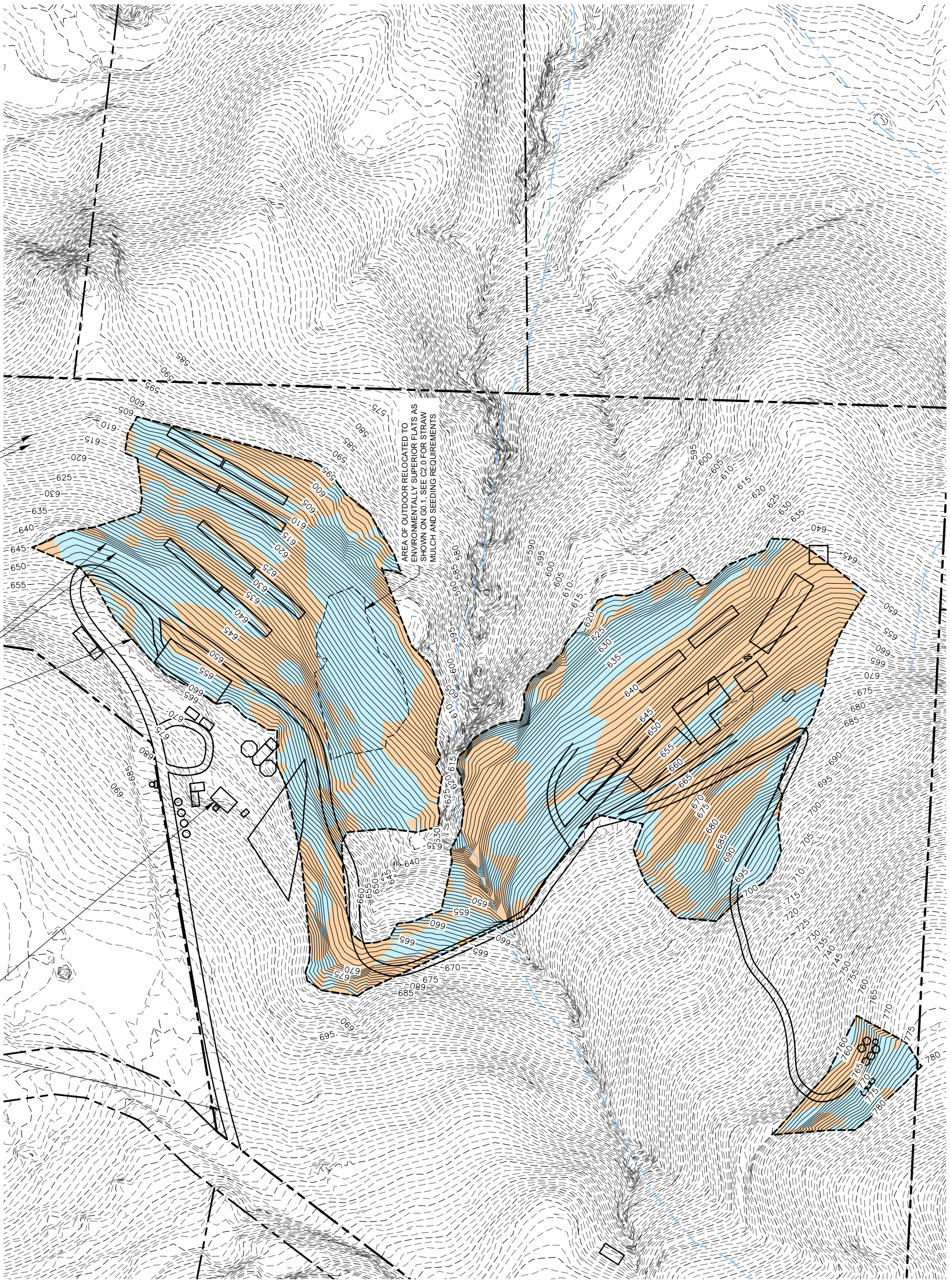
(707) 601-1558 humboldtdraftingservices@yahoo.com

NO.	HISTORY / REVISION	BY	CHK.	DATE

CUT
 FILL

EARTHWORK QUANTITIES

CUT	6,470 CY
FILL	6,470 CY
NET	0 CY NET CUT



REUSE OF DOCUMENTS: This document and the ideas and design incorporated herein, as an instrument of professional service, is the property of Humboldt Drafting Services and shall not be reused in whole or part for any other project without express written authorization.

<E> BUILDING, TYP
 <E> GATED ACCESS ROAD
 LIMITS OF GRADING
 CONTOURS FROM BEFORE EXCAVATION OF PADS AND ROADS
 CONTOURS FROM NOAA 2018 WILDFIRE SHAPE FILES

DRAWN	JDB
CHECK	SD
APPROVED	SD
DATE	8-20-2020
JOB NUMBER	8.20.2020
SHEET	

C2.0

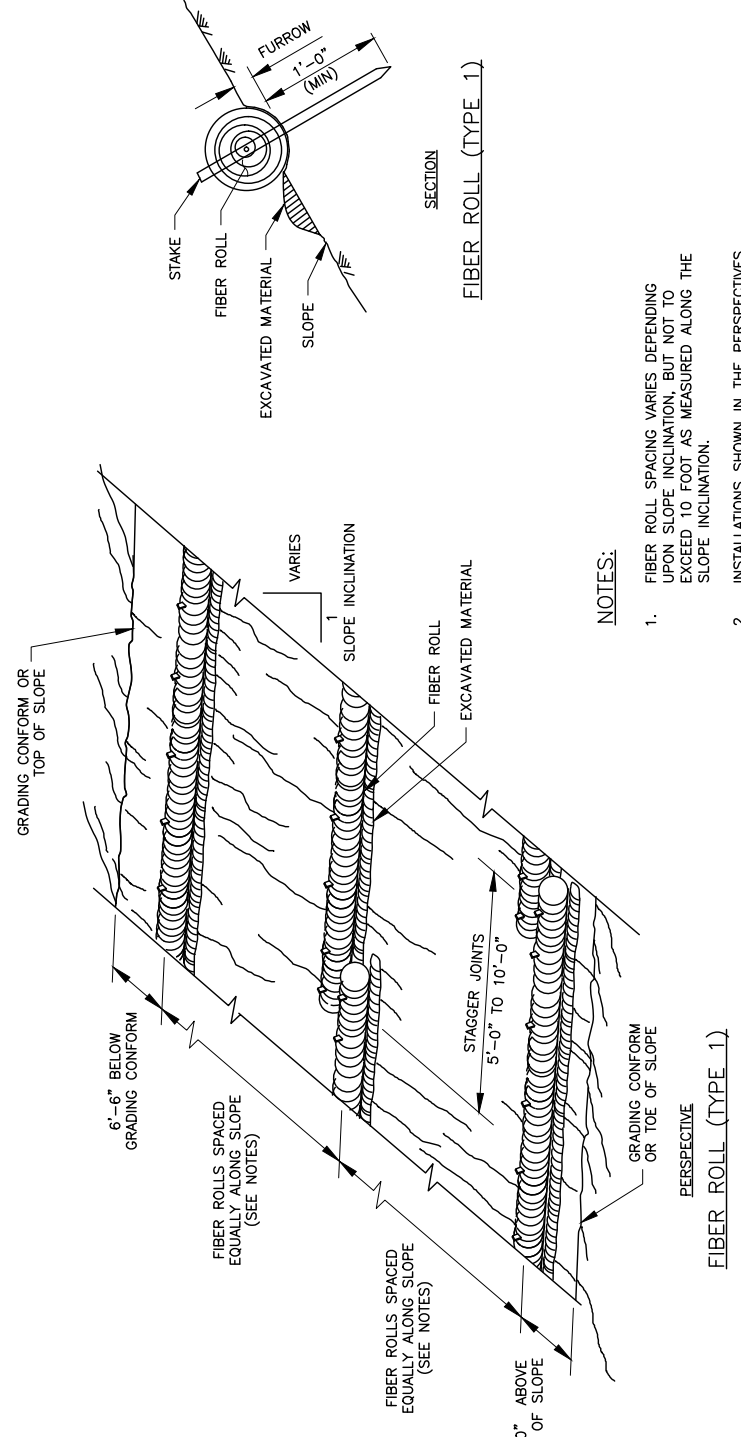
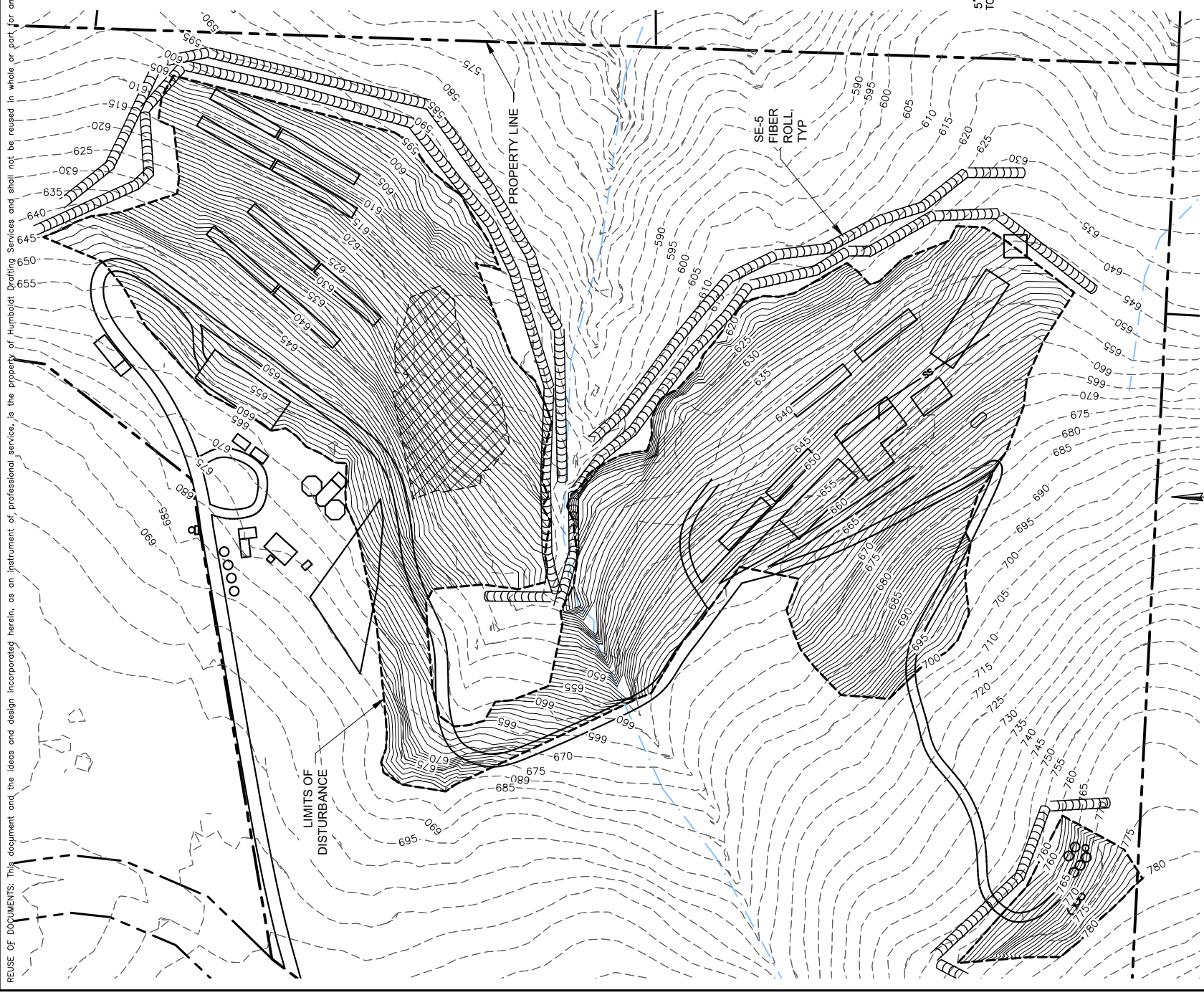
ELDERS RD LLC
17070 ALDERPOINT RD, 95511
EROSION AND SEDIMENT CONTROL PLAN
APN: 216-271-019



HDS
HUMBOLDT DRAFTING
SERVICES
(707) 601-1558 humboldtdraftingservices@yahoo.com

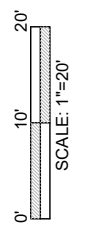
NO.	HISTORY / REVISION
BY	CHK.
DATE	

REUSE OF DOCUMENTS: This document and the ideas and design incorporated herein, as an instrument of professional services, is the property of Humboldt Drafting Services and shall not be reused in whole or part, for any other project without express written authorization.



- NOTES:**
1. FIBER ROLL SPACING VARIES DEPENDING UPON SLOPE INCLINATION, BUT NOT TO EXCEED 10 FEET AS MEASURED ALONG THE SLOPE INCLINATION.
 2. INSTALLATIONS SHOWN IN THE PERSPECTIVES ARE FOR SLOPE INCLINATION OF 10:1 AND STEEPER.

**SE-5 TYPICAL FIBER ROLL INSTALLATION DETAIL
N.T.S.**



PLAN
SCALE: 1"=20'

LEGEND

CAST ANNUAL RYE SEED OR APPROVED SEED MIX. COVER WITH STRAW/MULCH. RE-APPLY AS NEEDED.

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 sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall submit a revised Site Plan showing the following, in addition to what is shown:
 - a. Revise the square footage of onsite cultivation and ancillary propagation areas to reflect a maximum of 15,980 SF of cultivation to include the proposed nursery space of 1,775 SF, for a total of 17,755 of onsite cultivation.
 - b. Location, size, dimensions, and use of all structures, areas of disturbance, grading, septic system, current and proposed water storage tanks, and nursery.
 - c. Existing and proposed locations of the four (4) 5,000-gallon water tanks, currently located within the 30-foot setback of the western property boundary, to be located outside of this required setback to a previously disturbed area without the use of heavy equipment.
 - d. Proposed location of the additional water storage tanks (equal to 5,000 gallons) required under this permit (see Condition of Approval #9).
6. Within 60 days of the effective date of permit approval, the applicant shall submit a revised Cultivation and Operations Plan detailing the following, in addition to what is currently described:
 - a. A maximum of 15,980 SF of cultivation to include the proposed nursery space of 1,775 SF, for a total of 17,755 of onsite cultivation.
 - b. Description of monthly cultivation related activities occurring onsite.
7. The applicant shall remove any remaining cultivation-related infrastructure from the former cultivation areas (Canopy Areas 7, 8, 9, A, and D, as labeled on the 2019 Site Plan). The applicant

shall submit evidence (e.g., photographs, a letter from a qualified professional, etc.) verifying the removal has occurred. Alternatively, the applicant may schedule a site inspection with the Planning Department to verify the removal has been completed. A sign-off from the Planning Department will satisfy this condition.

8. The applicant shall relocate all cannabis-related infrastructure, including four (4) 5,000-gallon water storage tanks, as labeled on the Site Plan, currently located within a required 30-foot setback from the western property boundary, outside of the required setback and to a previously disturbed area without the use of heavy machinery. The applicant shall submit evidence (e.g., photographs, a letter from a qualified professional, etc.) verifying the relocation has occurred. Alternatively, the applicant may schedule a site inspection with the Planning Department to verify the relocation has been completed. A sign-off from the Planning Department will satisfy this condition.
9. Within 1 year of the effective date of permit approval, the applicant shall add an additional 5,000 gallons of water storage within a previously disturbed area, for a total of 155,00 gallons of onsite water storage, which equates to the estimated annual water usage associated with the project.
10. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #11 through #22. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
11. The applicant shall secure building permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying, storage, and processing, or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
12. The applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation or shall secure permits and install an onsite wastewater treatment system and restroom facilities prior to processing onsite. The applicant may secure permits and install a new on-site sewage disposal system, or provide the Department of Environmental Health (DEH) with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or registered environmental health specialist (REHS) that certifies the existing system complies with the SWRCB definition of a Tier 0 system – not impairing groundwater or surface water resources. Board (SWRCB) definition of a Tier 0 system (not impairing groundwater or surface water resources). Portable toilet and handwashing facilities may be utilized by cultivation staff during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
13. The applicant shall improve the driveway to serve as access for the proposed project to current standards for a commercial driveway, which includes paving the driveway apron for a minimum width of 18 feet and a length of 50 feet where it intersects the County road (Alderpoint Road). The applicant shall obtain an encroachment permit from the Department of Public Works prior to commencing any work. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. A letter or similar communication from the Department of Public Works will satisfy this condition.

14. 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. A letter or similar communication from the Department of Public Works will satisfy this condition.
15. 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. A letter or similar communication from the Department of Public Works will satisfy this condition.
16. The applicant shall finalize the Streambed Alteration Agreement submitted to CDFW, and adhere to and implement all requirements of the Final Streambed Alteration Agreement. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
17. The applicant shall continue to adhere to the Right to Divert and Use Water, issued by the State Water Resources Control Board (SWRCB) in July 2019 (Registration ID H508022; Certificate No. H100551) for the spring diversion utilized by the project. A sign-off from the Planning Department will satisfy this condition.
18. The applicant shall adhere to and implement the recommendations in the Water Resource Protection Plan (WRPP; WDID 1_12CC401617) prepared by Six Rivers Construction and Consulting, dated September 2019. The applicant shall submit a letter or similar communication from a qualified professional stating the recommendations are completed as described in the report. Alternatively, the applicant may schedule a site inspection with the Planning Department to verify the improvements are completed as described. A sign-off from the Planning Department will satisfy this condition.
19. The applicant shall adhere to and implement the recommendations in the Trevor Eldridge Less Than Three Acre Conversion Mitigation Plan prepared by Hohman and Associates (not dated). The applicant shall submit a letter or similar communication from a Registered Professional Forester (RPF) that all work was completed as described. Alternatively, the applicant can request a site visit from the Planning Department to verify the completed work. A sign-off from the Planning Department will satisfy this condition.
20. The applicant shall submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
21. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.

22. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
23. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
24. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
25. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the spring diversion and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
26. 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.
27. 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.
28. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.

3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, 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 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 MAUCRSA, as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. 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 California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

14. 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, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of the Final Lake and Streambed Alteration Agreement (EPIMS-HUM-09230-R1), as well as any subsequent amendments, obtained from the California Department of Fish and Wildlife (CDFW).
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
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 Certified Unified Program Agency (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.).
24. In accordance with the recommendation included in the Initial Biological Scoping Report, prepared by Hohman and Associates in February 2019 (on file and confidential), pre-construction surveys for nesting birds shall be completed if any additional construction or clearing of natural vegetation will occur on the subject property during the nesting season (February 1-August 31).

Performance Standards for Cultivation and Processing Operations

25. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:

- a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
30. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the

noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and

Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.

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

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

ATTACHMENT 2

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

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

**APN 216-271-019; 17070 Alderpoint Road, Alderpoint
County of Humboldt**

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

March 2022

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 17,755 square foot (SF) outdoor cannabis cultivation of which 4,429 SF is full-sun outdoor and 13,326 SF is outdoor that is cultivated using light deprivation techniques in fourteen (14) greenhouses, including 1,775 SF of proposed ancillary propagation space. Existing available water storage is 60,000 gallons in a series of hard-sided tanks, with an additional 90,000 gallons proposed, for a total of 150,000 gallons of onsite water storage. Estimated annual water usage is 155,000 gallons. Drying, curing, and bucking occurs onsite within a 600 SF building, with all other processing currently occurring off-site at a licensed processing or manufacturing facility; however, onsite processing is anticipated in the future. A maximum of three (3) employees will be onsite during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E), with two (2) 3,000-watt generators utilized for backup power only. The proposed project also includes a Special Permit for development within the Streamside Management Area for continued use and maintenance of the point of diversion.

The project site contains riparian habitat associated with two unnamed creeks which traverse the southern and southwestern portions of the site. All approved cannabis cultivation activities would occur outside of the required stream setbacks and on slopes less than 50%. The Nearest Northern Spotted Owl (NSO) positive sighting is located approximately 3.77 miles from the nearest cultivation area, with the nearest NSO activity center located approximately 4.18 miles away. Artificial lighting will be used to support the propagation areas.

An Initial Biological Scoping Report was prepared by Hohman and Associates in February 2019 (on file and confidential), which considers the potentially occurring species and communities that could be affected by the project based on available spatial data and habitat requirements. A site visit was not conducted. Vegetation at the subject property is mapped primarily as grasslands, with Oregon white oak woodlands (*Quercus garryana*). The Report notes the project has the potential to impact the following: seven (7) bird species, four (4) reptile and amphibian species, four (4) fish species, and two (2) invertebrate species. Per the Report, it is noted that impacts to special-status fish, amphibians, and reptiles may be avoided by adhering to State and Regional Waterboard guidelines to minimize runoff from cultivation and observing required Streamside Management Area (SMA) buffer distances. Additionally, minimizing light pollution and adhering to International Dark Sky Association standards will minimize potential impacts on birds, bats, and other light-sensitive species, and minimizing noise pollution from generators is important for sensitive birds, bats, and other wildlife. Further, pre-construction surveys, including a bird survey, are also recommended if any construction or vegetation removal is planned, to avoid impacts to nesting birds, which has been included as an ongoing condition of approval in the event of any future development on the subject property.

Conditions of approval require the applicant use light and noise attenuation to ensure the project has a Less than Significant Impact on NSO. The applicant has enrolled with the State Water Resources Control

Board Cannabis Cultivation Policy. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Cultural Resources Investigation prepared by William Rich and Associates in January 2021, as well as the Bear River Band of the Rohnerville Rancheria.

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

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 17,755 square feet of cultivation with ancillary propagation, drying, and future onsite processing activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by Stillwater Sciences, dated 6/25/19, and updated Site Plan, prepared by Humboldt Drafting Services, received 2/23/22.

- Cultivation and Operations Plan prepared by Elevated Solutions Inc., dated January 2022, with additional project information provided on 2/23/22.
- Right to Divert and Use Water (Registration ID H508022; Certificate No. H100551) issued by the State Water Resources Control Board (SWRCB), dated 7/11/19.
- Water Resource Protection Plan (WDID 1_12CC401617) prepared by Six Rivers Construction and Consulting, received 10/18/19, for North Coast Regional Water Quality Control Board Order No. R1-2015-0023.
- Notification of Lake or Streambed Alteration submitted to the California Department of Fish and Wildlife (CDFW), received 10/18/19.
- Trevor Eldridge Less Than Three Acre Conversion Mitigation Plan prepared by Hohman and Associates, not dated.
- Notice of Applicability (WDID 1_12CC401617) issued by the SWRCB, dated 5/17/18 and corrected 9/26/18.
- A Cultural Resources Investigation for Commercial Medical Cannabis Cultivation, Elders Road, LLC – APN 216-271-019, Humboldt County, California, prepared by William Rich, M.A., RPA, William Rich and Associates, Bayside, CA, dated January 2021 (on file and confidential).
- Initial Biological Scoping Report prepared by Hohman and Associates, February 2019 (on file and confidential).

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (**Attached** - Site Plan prepared by Stillwater Sciences, dated 6/25/19, and updated Site Plan, prepared by Humboldt Drafting Services, received 2/23/22)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached** - Cultivation and Operations Plan prepared by Elevated Solutions Inc., dated January 2022, with additional project information provided on 2/23/22)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (**Attached** – Right to Divert and Use Water (Registration ID H508022; Certificate No. H100551) issued by the State Water Resources Control Board, dated 7/11/19)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Water Resource Protection Plan prepared for North Coast Regional Quality Control Board Order No. R1-2015-0023 (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. R1-2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Water Resource Protection Plan (On file – WDID 1_12CC401617) prepared by Six Rivers Construction and Consulting, received 10/18/19; and Notice of Applicability (WDID 1_12CC401617) issued by the SWRCB, dated 5/17/18 and corrected 9/26/18. Condition of approval to prepare and submit a Site Management Plan.)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (On file – Notification of Lake or Streambed Alteration submitted to the California Department of Fish and Wildlife (CDFW), received 10/18/19; Condition of approval to finalize the SAA with CDFW.)

9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable).
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (**Attached** - Trevor Eldridge Less Than Three Acre Conversion Mitigation Plan prepared by Hohman and Associates, not dated)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. A Cultural Resources Investigation for Commercial Medical Cannabis Cultivation, Elders Road, LLC – APN 216-271-019, Humboldt County, California, prepared by William Rich, M.A., RPA, William Rich and Associates, Bayside, CA, dated January 2021 (On file and confidential).
16. Initial Biological Scoping Report prepared by Hohman and Associates, February 2019 (**Attached**).
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
18. Correspondence with agent dated February 23, 2022, regarding clarifications to the operations. (**Attached**)

Cultivation & Operations Plan

**Elders Road, LLC
APN# 216-271-019 App# 12802
WDID #: 1_12CC401617
Provisional State License # CCL19-0000665**

**Proposed Medical Cannabis Cultivation Facilities
Humboldt County Planning Department
3015 H St.
Eureka, CA 95501**



**Prepared By
Elevated Solutions Inc.
Eureka, Ca**

Revised January 2022

Project Description:

Elders Road, LLC is proposing to permit existing cannabis cultivation activities in accordance with the County of Humboldt Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The project requires a Conditional Use Permit (CUP) for a total cultivation area of 17,755 SF. 13,326 SF of cultivation utilizes light deprivation techniques, occurring in 14 greenhouses which will have two harvests per year. 4,429 SF will be cultivated as full sun outdoor will yield one harvest per year. Elders Road, LLC proposes a 1,750 SF ancillary nursery for propagation of plants which will utilize artificial lighting. In addition, the applicant proposes to use an indoor propagation area for mother plants and propagation of clones, which will occur in the 20'x30' (600 SF) drying and curing structure for use during winter and early spring until weather permits clones to be moved into the outdoor ancillary nursery. The ancillary nursery and the propagation area in the structure will never operate simultaneously. Power is supplied by PG&E and (2) 3000kW generators are on-site for backup use only. Water for domestic and agricultural use is provided by a Class II spring which flows year-round. Water is then pumped from the spring to the 60,000 gallons of hard plastic storage tanks which are located above the residence on flat stable ground. Applicant proposes an additional 90,000 gallons of hard plastic storage tanks for a total of 150,000-gallons of hard water storage. Elders Road, LLC has (1) 8'x12' (96 SF) storage shed and (1) 5'x8' (40 SF) storage shed that are used for nutrient, pesticide and fuel storage. The 20'x30' (600SF) building is used for drying and curing of cannabis. Elders Road will apply for an on-site processing license upon project approval but will process off-site until all permits and licenses are in place.

Project Site Directions:

The project site is located approximately 83 miles Southeast of Eureka Ca. To reach the site from Eureka Ca take US-101 South for 67 miles exit Redwood drive. Take a slight right for .2 miles to Alderpoint Road turn right. Stay on Alderpoint Road for 16.8 miles to 17070 Alderpoint Road, driveway is on right side of road. Total drivetime is 1 hour and 40 minutes.

Land Use:

The subject has a general plan designation of Forest Recreational; (FR). Land uses surrounding the parcel are comprised of residential, timber and agriculture. The purpose for which either land or structure is designated, arranged, or intended, or for which is or may be occupied or maintained (former section INL #312-72) a; ord. 1104, sec. 210576 by ord. 2166 section 9 on 4-7-2008.

Department of Cannabis Control:

Elders Road, LLC has a current Provisional State License # CCL19-0000665 issued by the State of California, Department of Cannabis Control (DCC). Inventory is managed using the DCC designated software Metrc.

North Coast Regional Water Quality Control Board:

Elders Road, LLC is currently enrolled with the NCRWQCB for coverage under Tier 2 designation of Order No. 2015-0023 and WQ 2017-0023 Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste resulting from Cannabis Cultivation & Associated Activities or Operations, With Similar Environmental Effects. A Water Resource Protection Plan has been developed for the project by previous owner and a new Site Management Plan has been developed by Elevated Solutions. The associated WDID number is 1_12CC401617.

State Water Resource Control Board:

Water for domestic use and agricultural needs is provided by a year-round Class II spring and stored into the 60,000-gallons of hard plastic water storage during the wet, rainy months. The applicant has enrolled and transitioned to the State Water Resource Control Board, under Order WQ 2017-0023-DWQ and has a Small Irrigation Use Registration for the use of the spring with the State Water Resources Control Board (SIUR# H100551).

California Department of Fish & Wildlife:

A Lake Streambed Alteration Agreement (LSAA) has been issued by CDFW (No. 1600-2019-0659-R1) in 2019.

Water Source and Projected Water Use:

Water for domestic and agricultural use is provided by a class II Spring. Water is then pumped and stored in 60,000 gallons of hard storage tanks during the winter months. Elders Road, LLC utilizes water management strategies to conserve with the use of drip irrigation to reduce water and fertilizers. Elders Road, LLC proposes an additional 90,000-gallons of hard plastic storage. The table below outlines the estimated irrigation water usage for cultivation during a typical year. Variables such as weather conditions and specific cannabis strains will have a slightly different effect on water use.

Table 3.1 Estimated Annual Irrigation Water Usage (gal/month)											
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
0	0	0	10,000	20,000	25,000	25,000	25,000	25,000	15,000	10,000	0

Site Drainage, Runoff, & Erosion Control:

Site Investigation for the development of the Water Resource Protection Plan (WRPP) and Site Management Plan (SMP) showed no evidence of surface water runoff associated with the cultivation, nor was there evidence that it had occurred in the past. Cultivation areas are surrounded by suitable vegetation ground coverage consisting of native grasses with no evidence of leaching from cultivation related activities.

The Water Resource Protection Plan (WRPP) and Site Management Plan (SMP) includes erosion and sediment control plans and Best Management Practices (BMP’s) designed to prevent, contain, and reduce sources of sediment delivery. The WRPP and SMP also include corrective actions to address access road maintenance. Additionally, they require mulch piles and spoils from any grading to be stored in a designated location away from the watercourse. Please refer to the WRPP section titled *Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities* located in *Appendix H* for complete BMP recommendations and specifications.

Watershed and Habitat Protection:

Adherence to the Water Resource Protection Plan and Site Management Plan ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures are >150 ft. from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMPs in accordance with the NCRWQB/SWRCB recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits and be consistent with the signed Lake and Streambed Alteration Agreement with CDFW. Refer to *Appendix H* for detailed descriptions of watershed and habitat protection measures.

Monitoring & Reporting:

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Water Resource Protection Plan (WRPP) and Site management Plan (SMP) to determine if the site meets all standard conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified in the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drain into or toward surface water. The inspection will also document the progress of any planned contingency subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the WRPP and SMP.

On-site monitoring shall occur:

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

Monitoring and Reporting Forms are submitted annually under State Water Resource Control Board Order WQ 2017-0023-DWQ. The annual report will include data from the monitoring reports.

Annual water usage reports are filed with the Waterboard (Spring of the following year) and CDFW (By December 31 of the calendar year) on an annual basis.

Humboldt County Building Department:

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the Conditional Use Permit.

Humboldt County Department of Agriculture:

The applicant of Elders Road, LLC has been assigned an Operator Identification number (PA-12-00142). Elders Road, LLC adheres to all agricultural safety requirements for employees, including posting necessary pesticide safety information on site and conducting pertinent training for employees. Elders Road, LLC has a valid weighmaster license issued by California Department of Food and Agriculture (CDFA) and operational certified scales.

Cal Fire:

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including designation of a fire turn out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100 ft. defensible space. All structures on the property meet the 30 ft. SRA setback requirement from property lines. Fire extinguishers are located at all greenhouse structures, processing facility and fuel areas.

Energy & Generator Use:

On-Grid electricity is provided by PG&E. Generators are only used for emergency purposes such as power outages. Elders Road, LLC currently has (2) Honda generators. The generator and fuel are stored in a secure shed with secondary containment.

Use and Storage of Regulated Products:

Fertilizers and pesticides are currently stored in an agricultural storage structure that meets all requirements for secondary containment. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented, including use of dripline irrigation to prevent excessive water use, and maintenance of stable, vegetated buffer between the cultivation area and riparian zone.

Best Management Practices (BMP's) are applied when storing, handling, mixing, application, and disposal of all fertilizers, pesticides, and fungicides. Application rates will be tracked and reported with the end of the year monitoring report required in the WRPP. Employees are trained to safely handle such pesticides, as before stated in section 2.6-3. See *Appendix H, WRPP* for complete BMP specifications for the use and storage of regulated products.

Fertilizers:

Nutrients and biological inoculants used for cultivation include:

- Bat Guano (0-7-0)
- Bat Guano (7-3-1)
- Bone Meal (1-12-0)
- Alaska Fish Emulsion (6-3-3) & (2-10-10)
- Max Sea (16-16-16)
- Max Sea (3-20-20)

Pesticides & Fungicides

Pesticides and fungicides used for cultivation include:

- Neem Oil
- Green Cleaner

Fuel & Oil:

Elders Road, LLC has (2) storage sheds, 8'x12' and 5'x7', that are used for storage of fuels and oil. Spill kits, fire extinguisher, and eye wash stations are located by all fuel storage, nutrients, and pesticide locations.

Solid Waste Management:

Trash and recycling containers are located near the drying and curing building in a safe, enclosed location. Solid waste and recycling are hauled off-site to 965 Riverwalk Dr. Fortuna, CA 95540. Cultivation waste and soil management stalks are composted or chipped for ground cover and compost. Root balls are hauled away as green waste or composted. Spent potting soil is stored in a contained area with environmental control measures. All packaging from soil amendments and fertilizers are collected and disposed at the appropriate facility.

Water Management:

The water management plan aims to achieve an entirely close-cycled irrigation and nutrient system. Irrigation of nutrients and water is distributed via driplines to ensure water conservation.

Cultivation Plan & Schedule:

The outdoor cultivation will occur in the full sun outdoor cultivation areas totaling 4,429 SF and (14) greenhouse locations totaling 13,326 SF of cultivation using light deprivation techniques. Total cultivation area is 17,755 Square Feet. Greenhouse flooring consists of black polyurethane mat, six inches of rock, and one foot of soil contained in garden beds. Each greenhouse is ventilated by intake and exhaust fans and has met or exceeded all specifications for decibel readings. Cultivation greenhouses do not use any artificial light.

Propagation & Initial Transplant:

Juvenile plants are propagated on-site from “mother plants”. Mother Plants are started in January inside the 20’x30’ (600 SF) drying and curing structure. Mother plants remain in the vegetative stage solely for propagation. Cuttings are taken from the mother plants and placed in trays within propagation medium (typically oasis cubes) under 24-hour light and seeding mats to root on shelves. This process takes 2 to 3 weeks. The clones are grown in these cubes from 7-14 days. Once roots are established clones are transplanted into 4” square pots. When weather permits and the required number of clones are obtained, clones are moved into the ancillary nursery and mother plants are destroyed.

Transitional/Vegetative Cycle:

Once clones are established, they are transitioned out of the ancillary nursery area and into flowering greenhouses. Plants usually remain in a vegetative state for 1 to 2 weeks. Artificial lighting will be used in the ancillary nursery area to keep the plants in a growth state. Artificial lighting will consist of LED bulbs. Blackout tarps will be used on the greenhouse to prevent light pullulation.

Flowering Cycle:

When plants reach their desired height, light deprivation techniques are applied and plants are forced into the flowering cycle. This growth stage lasts for 8-12 weeks depending on strain.

Harvest Cycle:

When Plants reach their full maturity, they are harvested and hang in the 20’x30’ (600 SF) drying and curing structure. The drying process takes approximately two weeks. Once plants are fully dry, they are bucked down into tubs and prepared for transport to be processed. The applicant intends to apply for an on-site processing permit in the future to allow product to be processed on site.

Employee Plan:

Elders Road, LLC is an “agricultural employer” as defined in Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 [Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code], and complies with all applicable federal, state, and local laws and regulations governing California Agricultural Employers.

Job Descriptions & Employee Summary:

- *Lead Cultivator* – There will be one fulltime seasonal lead cultivator to oversee and management of the day-to-day cultivation activities. Responsibilities include, but are not limited to plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvesting activities. This is a full-time, year-round position.

- *Seasonal Labor* – Provides cultivation, harvesting, and processing support including trim machine operation and hand finished trimming. This is a part to full time, seasonal position.

Staffing Requirements:

Elders Road, LLC will employ (1) fulltime seasonal lead cultivator (2) full time seasonal laborers for a total of 3 employees total.

Employee Training & Safety:

On-site cultivation, harvesting, and drying is performed by employees trained on each aspect of the procedure including cultivation and harvesting techniques, use of pruning tools, and proper application of pesticides and fertilizers. All employees are trained by a certified individual, ie. a person holding a PAC (Private Applicator Certification# PA-12-00142) issued by the Department of Pesticide Regulation, before working in treated cultivation areas and/or handling any pesticides. The Material Safety Data Sheets (MSDS), as well as an A-8 and A-9 form are kept on site and accessible to employees. Access to the on-site cultivation, drying and processing facilities is limited to authorized and trained staff.

The owner and lead cultivator have completed 30-hour Cal-Osha general industry training and are current on First Aid and CPR. All employees are trained in proper safety procedures including fire safety, use of safety equipment and protocol in the event of an emergency. Eye wash stations are located at areas where nutrients or fuels are used or stored. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff Department, as well as agent in charge are posted at the cultivation site. Each employee is provided with a written copy of emergency procedures and contact information.

All employees are required to complete sexual harassment prevention training in compliance with SB 1343. All staff involved in harvesting activities will undergo METRC training. Employees involved in track & trace duties are required to stay current with corresponding regulations and attend any future training or refresher courses.

On-Site Housing:

All seasonal employees live off-site and commute daily to the cultivation site via carpool and personal forms of transportation. The residence located on the parcel is non-cannabis use.

Security Plan & Hours of Operation:

The cultivation facilities including the greenhouses and drying/curing buildings are enclosed in a secure privacy fence. An entry gate is located off Alderpoint Road approximately 50 feet on the south side of Alderpoint Road. The entry gates always remain locked and access to the cultivation areas is limited to exclusively to employees. Restricted access signs are posted conspicuously at the entry gates. The cultivation and drying and curing areas will have low intensity exterior lighting to illuminate the entrances and will include a small number of motion activated security lights. Security cameras are installed at the entrance gate, and entrances to the facilities. There are motion alarms posted at various locations on the property to ensure that trespassers are not on the premises.

Appendix D: Generator Specifications

SPECIFICATIONS

Honda EU3000is Electric Start Ultra Quiet 3000 Watt Inverter Generator

WATTS	3000
TYPE	Generators
COLOR	Red
MODEL	658140
DIMENSIONS	25.8in L x 18.9in W x 22.4in H



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H508022

CERTIFICATE H100551

Right Holder: *Elder's Road, LLC
 Veronica Clayton
 PO Box 1705
 Mendocino, CA 95460*



The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 07/22/2019. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Primary POD	Unnamed Spring	Eel River	Pacific Ocean	40.170471	-123.607879	Humboldt	216-271-019

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Fire Protection	Humboldt	216-271-019	0.4

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 07/11/2019.

The place of use is shown on the map filed on 07/11/2019 with the State Water Board.

4. Quantity and Season:

The water appropriated by storage shall be limited to the quantity which can be beneficially used and shall not exceed 0.58 **acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.55 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.** For onstream storage reservoirs, the diversion rate and diversion season bypass conditions may be modified by the Deputy Director for Water Rights (or designee) or the California Department of Fish and Wildlife as part of the onstream storage reservoir determinations under the Cannabis Policy.

5. No water shall be diverted or used under this right unless the right holder is in compliance with all applicable conditions and requirements, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, except as follows:
- Right holders enrolled under Regional Water Quality Control Board Order R1-2015-0023 or Order R5-2015-0113 shall comply at all times with requirements related to flow, diversion, storage, and similar requirements of Attachment A of the Cannabis Policy identified by the Division of Water Rights below in this condition. This condition remains in effect until July 1, 2019, or when the right holder enrolls under the statewide Cannabis General Order, whichever comes first, at which time right holders shall comply with all applicable conditions and requirements of Attachment A of the Cannabis Policy.
- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
 - Section 2 – Term Numbers 23, 63, 64, 66, 69 – 93, 95, and 97 – 102.
 - Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
 - Section 4 – All requirements and conditions.
- The current version of the State Water Board's *Cannabis Policy* is available online at <https://www.waterboards.ca.gov/cannabis>.
6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife, (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing. For changes required by amendments to the Cannabis Policy, the State Water Board may provide notice and the opportunity for a hearing by following the procedures specified in section 13147 of the Water Code.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
- a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be

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

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

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

Dated: 07/11/2019 13:40:57

© 2019 - State Water Resources Control Board



P.O. Box 733, Hydesville, CA 95547 . (707) 768-3743 . (707) 768-3747 fax

Trevor Eldridge
17070 Alderpoint Rd.
Alderpoint CA 95511

Trevor Eldridge Less Than Three Acre Conversion Mitigation Plan

This document has been prepared pursuant to Section 55.4.10(j) of the Humboldt County Commercial Medical Marijuana Land Use Ordinance, applications for Commercial Cannabis Activity occupying sites created through prior unauthorized conversion of timberland. The document evaluates site conditions and conversion history for the parcel and contains a Registered Professional Foresters (RPF's) recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practice Act.

1. Contact Information

a. Timberland/Timber Owner of Record:

Michael, Carolyn, and Trevor Eldridge
17070 Alderpoint Rd.
Alderpoint CA 95511

b. Registered Professional Forester Preparing Report:

Stephen Hohman RPF #2652
PO Box 733
Hydesville CA. 95547
(707) 768-3743

2. Location of Project

a. Site Address: 17070 Alderpoint Rd., Alderpoint CA 95511

b. Community Area: Alderpoint

c. Assessor's Parcel No(s): 216-271-019

d. Parcel Size(s): 21.1 Ac.

3. Project Description

a. Timber stand characteristics including species composition and age class.

The Trevor Eldridge property is within a matrix of mixed Douglas fir/oak forest and grassland. The current forest composition consists primarily of an even aged stand of second growth Douglas-fir, black oak, Oregon white oak, tanoak, and pacific madrone with a minor amount of other hardwood species. All species combined (conifer & hardwood) basal areas is approximately 200 square feet (sq. ft.) per acre in the forested areas. The property is zoned Timber Recreation (FR-B-5(5)).

b. Watercourse and Lake Protection Zones (WLPZ) which exist within the boundaries of the parcel or immediate vicinity of the project (Section 916.4)

The property does contain watercourses that require WLPZ or ELZ protection. As per the Forest Practice Rules, the riparian buffers requirements are listed as follows:

Class II standard watercourse 14CCR 916.9(g): (Class II watercourses within the Coastal Anadromy Zone)

ZONE WIDTHS:

Channel Zone = channel between the WTL.

<30% = 15' Core Zone and 50' Inner Zone

30%-50% = 15' Core Zone and 75' Inner Zone

>50% = 15' Core Zone and 100' Inner Zone

Class III watercourses 14CCR 916.9(h): (Class III watercourses within a coastal anadromy zone)

ELZ WIDTHS:

30 ft. for side slopes <30%.

50 ft. for side slopes >30%.

c. Describe the timber harvest history, including timber operations within the parcel prior to the unauthorized conversion.

The area has had at least one previous entree. The past harvesting incorporated the removal of large diameter old growth by tractor skidding.

d. Identify and describe any portions of the parcel that are part of the unauthorized conversion of timberland. Calculate the total acreage of all areas converted. Differentiate between discrete (non-contiguous) areas of conversion and provide relevant sub-totals of these acreages.

There are 5 sites, totaling **1.51** acres of converted land on the property.

4. Analysis of Consistency Between Unauthorized Conversion and Applicable Forest Practice Rules.

Site A (The Tanks)

History: The initial site was first converted in 2005 for cannabis cultivation. No timber harvesting has occurred in or around this site in the last ten years. No permit was obtained from CALFIRE to clear the area for such activities. The conversion area is not within any riparian buffer zones. No

rare, threatened or endangered animals and plants present within 1000' as per 2017 CNDDDB search. No hazard reduction issues present. Ownership at the time of the initial illegal conversion was Paul Yocom.

Numbers of acres converted without 14CCR1104.1: **0.056**

Mitigations for Site: Road points (RP) are specific locations that are currently in conflict with the Forest Practice Rules or have potential to cause environmental damage. Road points have been identified from where the access road to this site starts to and around the conversion site.

RP#3: Steep jeep road grade (25% +). Install waterbars every 50' to 75' where feasible.

Site B (The House)

History: The initial site was first converted in 2005 for cannabis cultivation. A structure was built here in 2010. Then a house was built on site in 2012. No timber harvesting has occurred in or around this site in the last ten years. No permit was obtained from CALFIRE to clear the area for such activities. The conversion area is not within any riparian buffer zones. No rare, threatened or endangered animals and plants present within 1000' as per 2017 CNDDDB search. No hazard reduction issues present. Ownership at the time of the initial illegal conversion was Paul Yocom.

Numbers of acres converted without 14CCR1104.1: **1.03**

Mitigations for Site: Road points have been identified from where the access road enters the property to and around the conversion site.

RP#1: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#2: Existing 18" diameter cross drain in functioning. Clean inlet and outlet. Clean inside ditch leading to inlet and rock line ditch with 2" to 4" diameter sharp angular rock for 50'. 14CCR 923.5

RP#4: Existing 18" diameter culvert on a class II watercourse undersized for storm flow. Excavate existing culvert and install with a 24" diameter culvert. Rock road with 2" -4" diameter rock left and right of crossing for 25'. 14CCR 923.5

RP#5: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#6: Two 18" cross drains with road in between are functioning. Clean inlets and outlets. Clean inside ditches leading to inlets and rock line ditches with 2" to 4" diameter sharp angular rock for 50'. Decommission road by filling rill, seed, mulch, and waddle to prevent erosion. Install ditch along decommissioned road and cap/line with 4" to 6" diameter rock. 14CCR 923.5

RP#7: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#10: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#11: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#12: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

Site C (The Oak Tree)

History: The initial site was first utilized in 2012 for cannabis cultivation. No significant grading or timber removal has occurred at this site. No timber harvesting has occurred in or around this site in the last ten years. No permit was obtained from CALFIRE to use the area for such activities. The conversion area is within any riparian buffer zones. No rare, threatened or endangered animals and plants present within 1000' as per 2017 CNDDDB search. No hazard reduction issues present. Ownership at the time of the initial illegal conversion was Michael, Carolyn, and Trevor Eldridge.

Numbers of acres converted without 14CCR1104.1: **0.34**

Mitigations for Site: Remove all cultivation activities and grow soil from riparian zones. Seed and mulch any exposed native soil.

Road points have been identified from where the access to this site leaves the main access road to and around the conversion site.

RP#8: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#9: Un-rocked jeep road ford for Class III watercourse. Install 24" culvert and clean inlet and outlet when necessary. Line/cap jeep trail with 4" to 6" diameter rock left and right of culvert for 25'. 14CCR 923.5

Site D (The Greenhouse)

History: The initial site was first utilized in 2012 for cannabis cultivation. No timber removal has occurred at this site. No timber harvesting has occurred in or around this site in the last ten years. No permit was obtained from CALFIRE to use the area for such activities. The conversion area is not within any riparian buffer zones. No rare, threatened or endangered animals and plants present within 1000' as per 2017 CNDDDB search. No hazard reduction issues present. Ownership at the time of the initial illegal conversion was Michael, Carolyn, and Trevor Eldridge.

Numbers of acres converted without 14CCR1104.1: **0.07**

Mitigations for Site: No recommendations

Site E (The Shed)

History: This site is an old shop building that was first utilized in 2012 for cannabis cultivation. It was built at least 40 years ago on the old stage coach road grade to Alderpoint. No timber harvesting has occurred in or around this site in the last ten years. No permit was obtained from CALFIRE to use the area for such activities. The conversion area is not within any riparian buffer zones. No rare, threatened or endangered animals and plants present within 1000' as per 2017 CNDDDB search. No hazard reduction issues present. Ownership at the time of the initial illegal conversion is unknown.

Numbers of acres converted without 14CCR1104.1: **0.014**

Mitigations for Site: No recommendations

Project Discloser: Currently a 40' by 40' area uphill of Site C contains cannabis plants. No grading or timber removal has occurred there. The area is not within any riparian buffer zones. No rare, threatened or endangered animals and plants present within 1000' as per 2017 CNDDDB search. No hazard reduction issues present. This garden is not being considered a conversion site since the grassland has not been altered and contains no infrastructure.

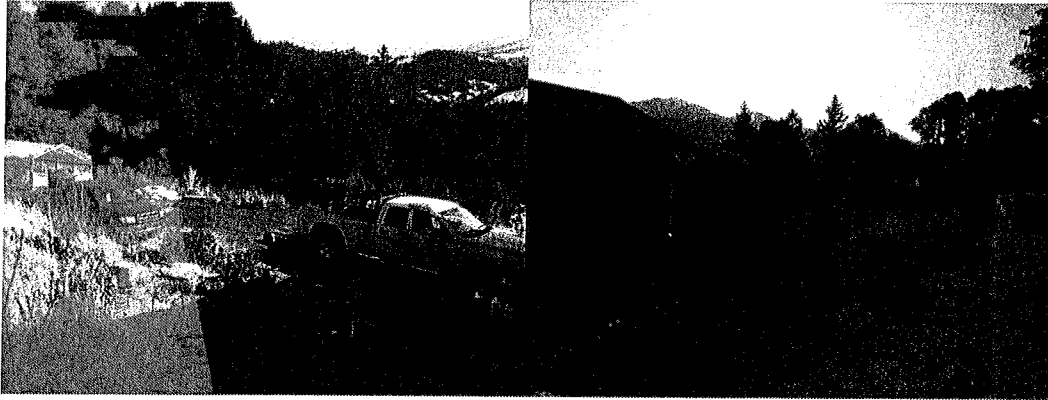
6. Photos, Figures, and Maps

Site A (The Tanks)



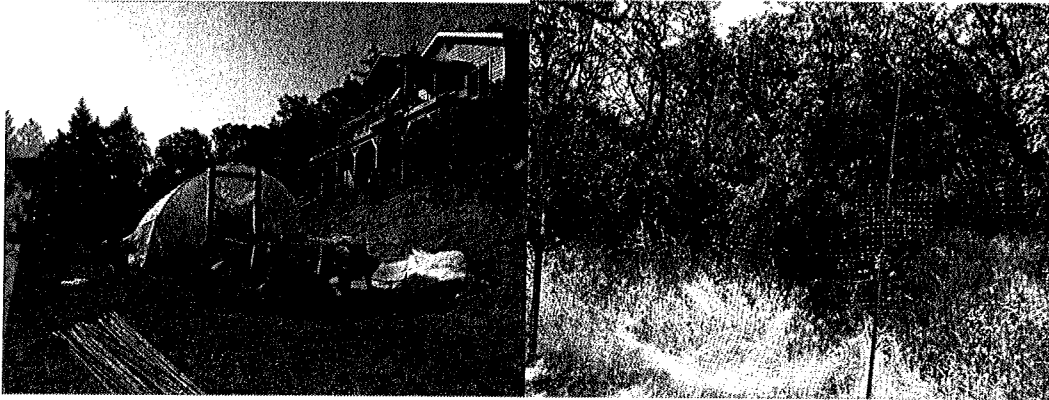
A1) West position facing east

Site B (The House)



B1) South position facing northwest

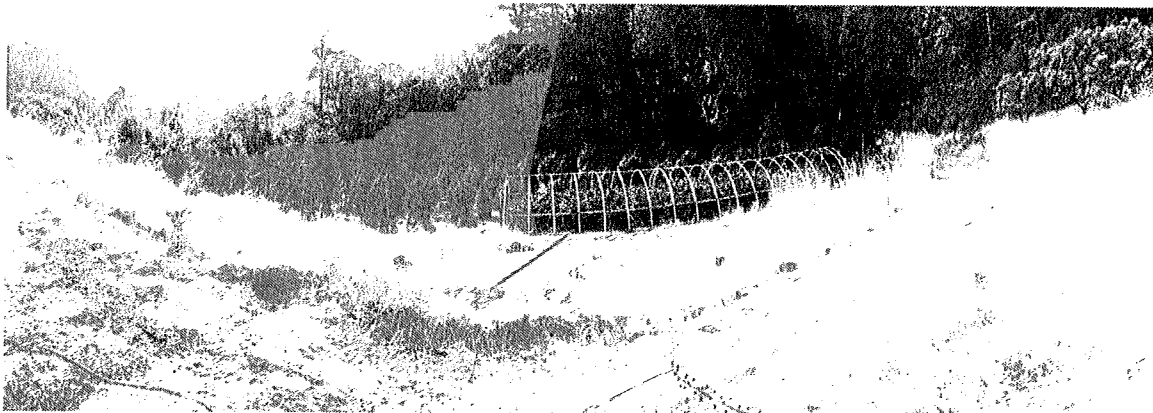
B2) South position facing northeast



B2) Center position facing east

B3) East position facing northeast

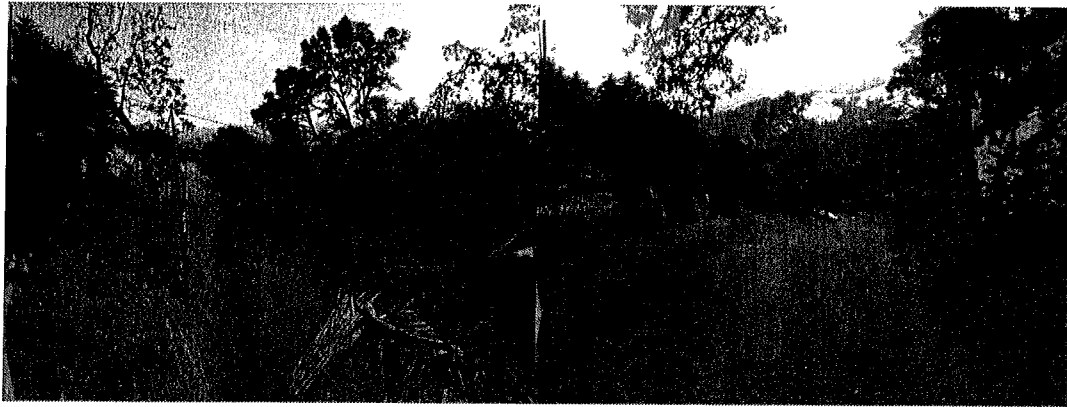
Site C (The Oak Tree)



C1) North position facing southeast



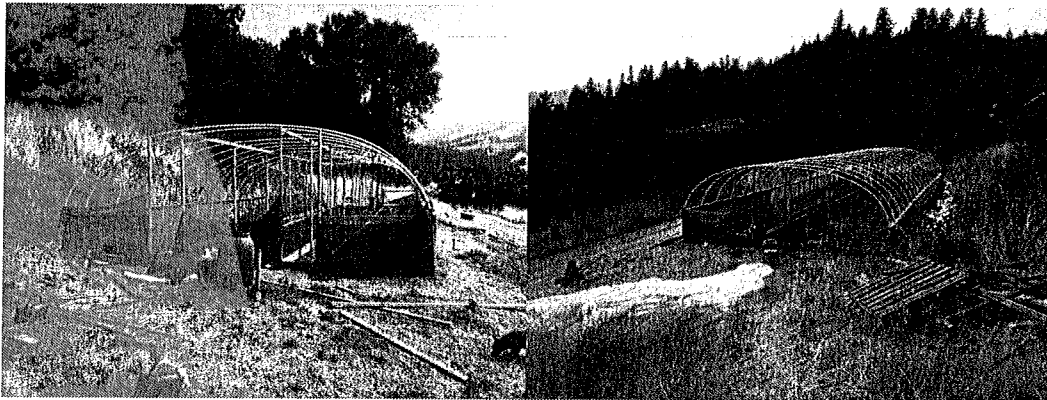
C2) East position facing west



C3) East edge

C4) South position facing east

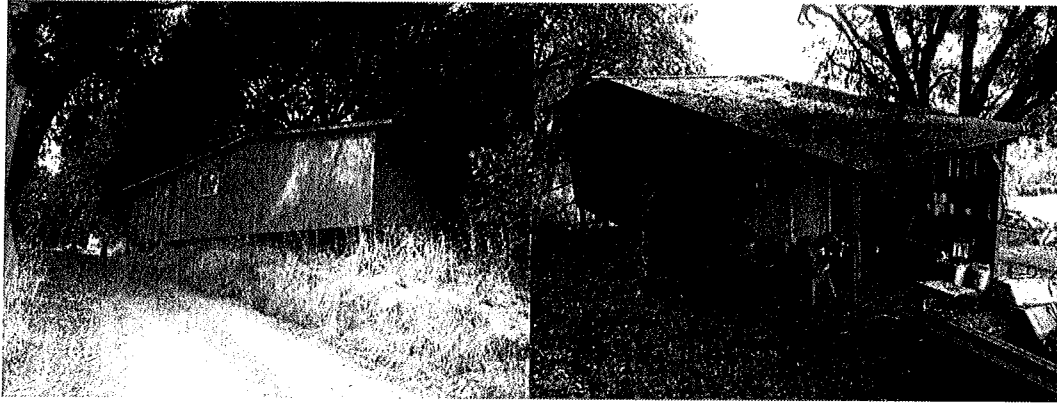
Site D (The Greenhouse)



D1) South position facing northeast

D2) North position facing south

Site E (The Shed)

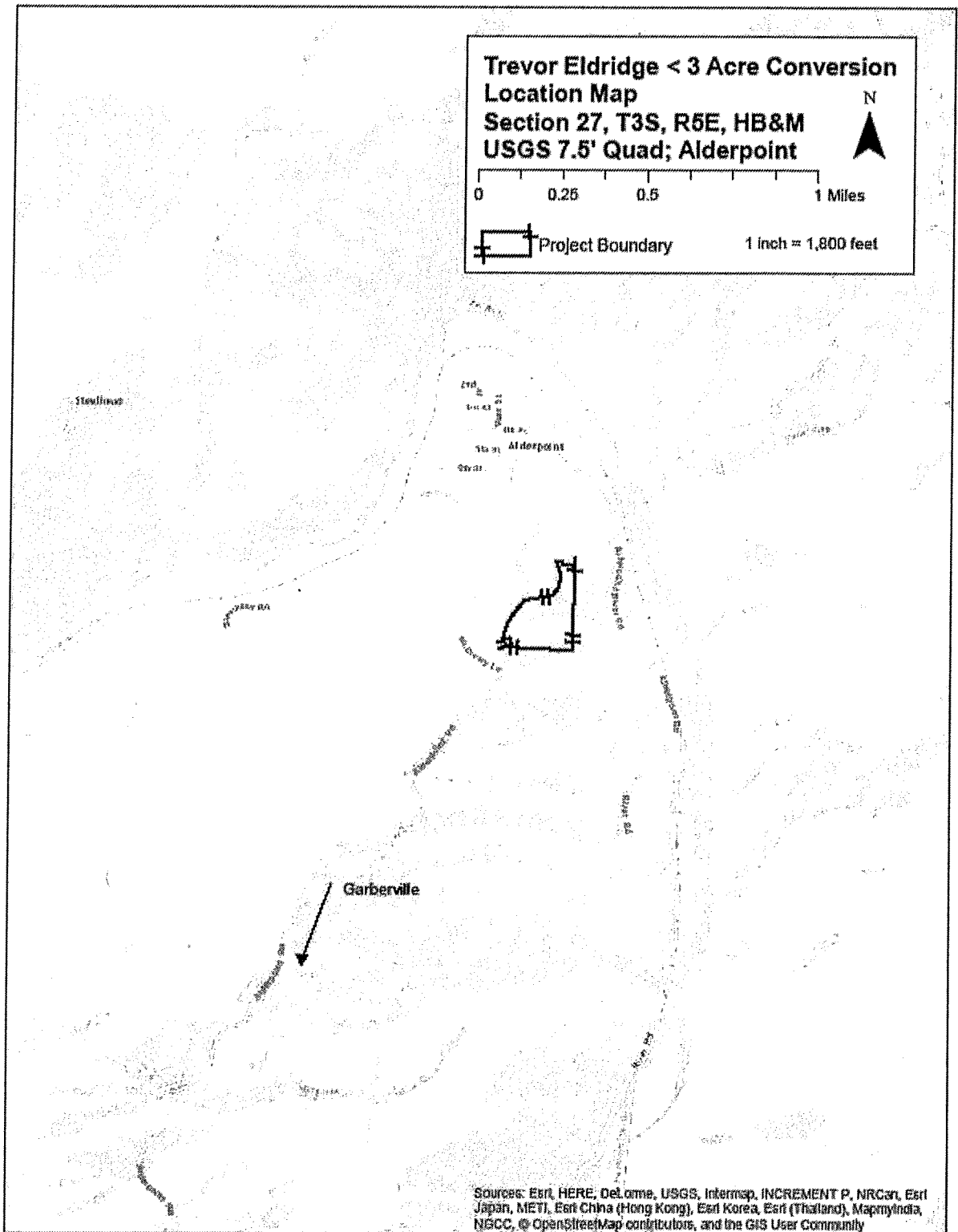


E1) East position facing northwest

E2) west position facing southeast

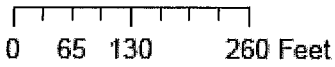
Cultivation outside of conversion area



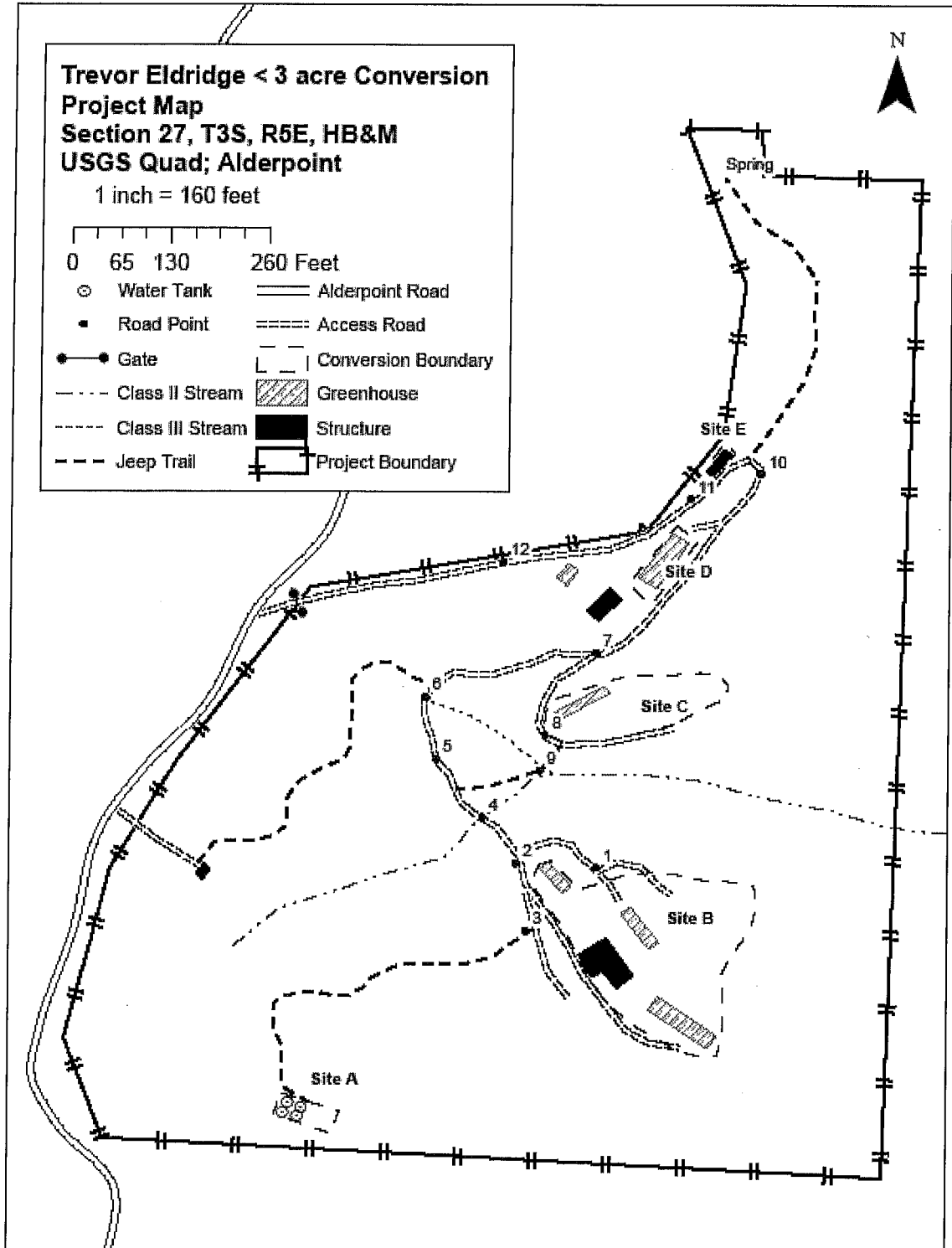


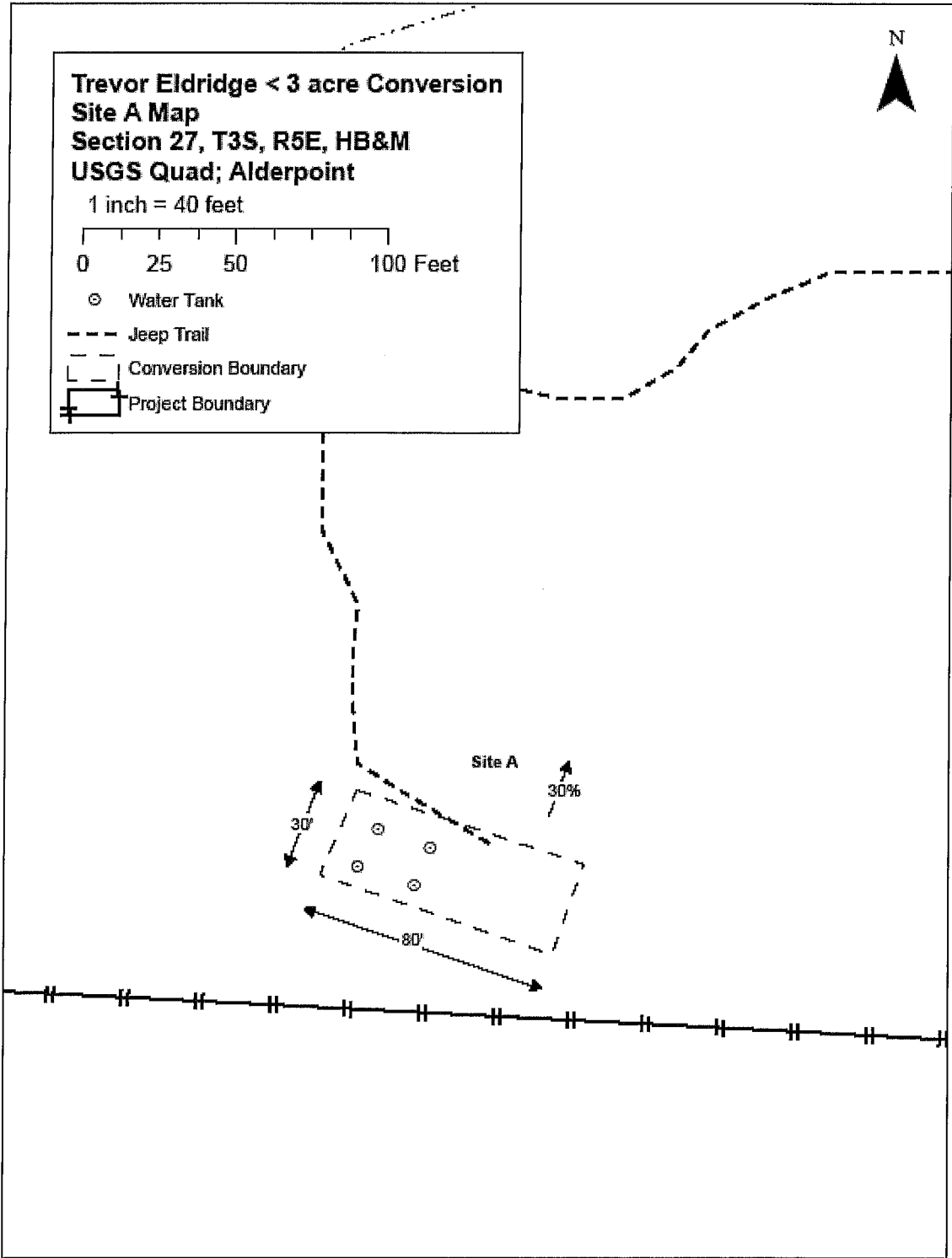
**Trevor Eldridge < 3 acre Conversion
Project Map
Section 27, T3S, R5E, HB&M
USGS Quad; Alderpoint**

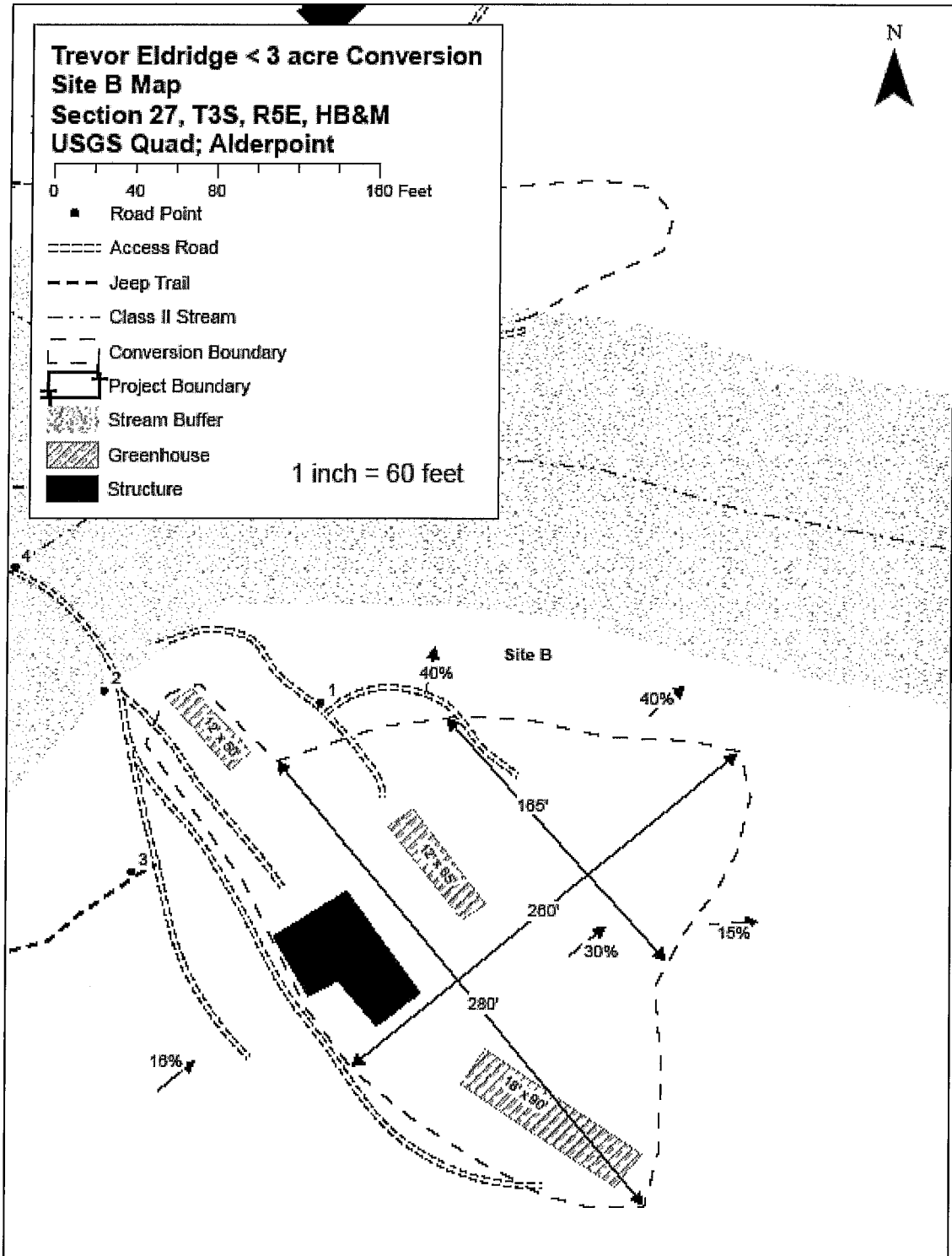
1 inch = 160 feet

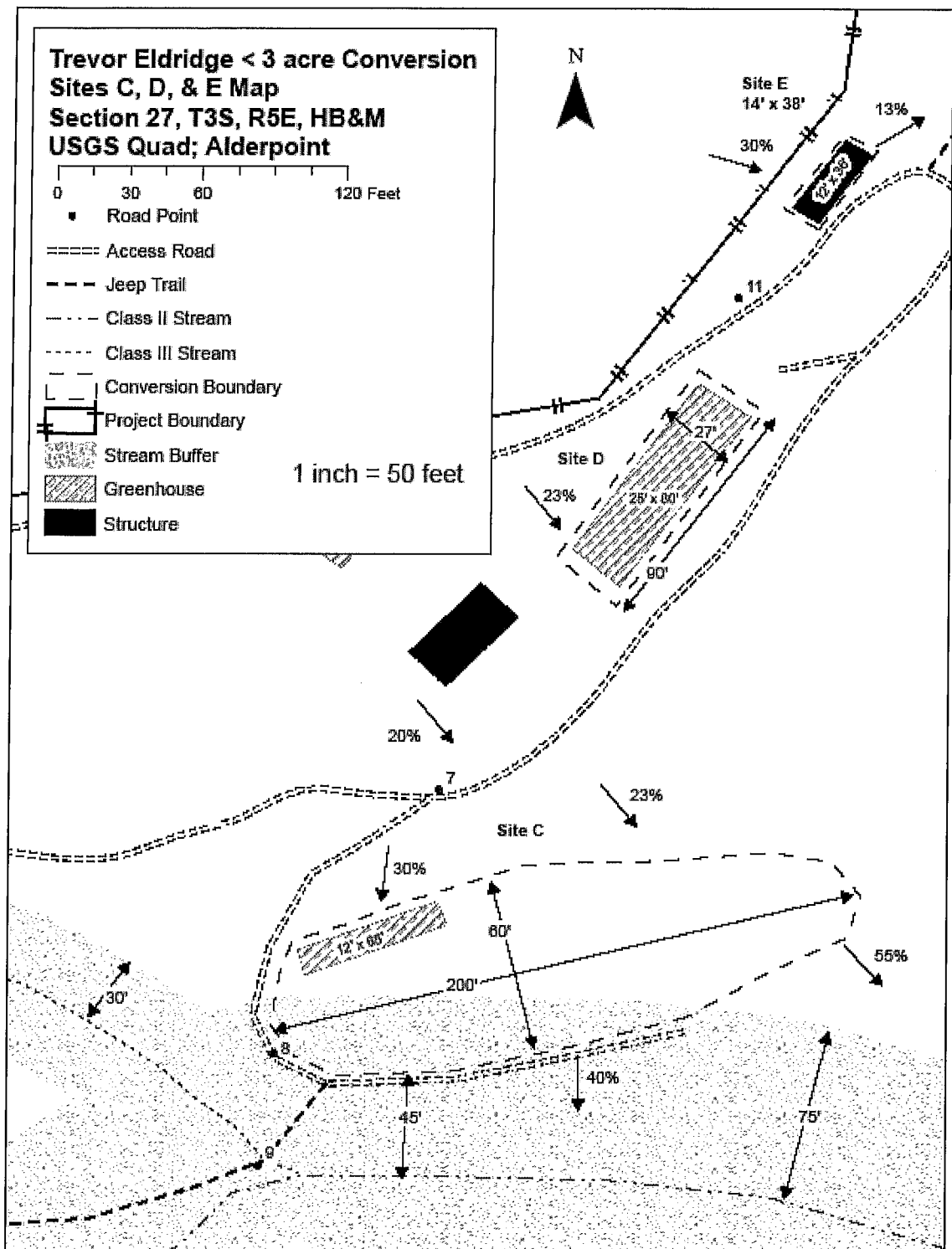


- | | | | |
|---------|------------------|---------|---------------------|
| ○ | Water Tank | — | Alderpoint Road |
| ● | Road Point | ==== | Access Road |
| ●—● | Gate | - - - - | Conversion Boundary |
| - - - - | Class II Stream | ▨ | Greenhouse |
| - - - - | Class III Stream | ■ | Structure |
| - - - - | Jeep Trail | □ | Project Boundary |











P.O. Box 733, Hydesville, CA 95547 . (707) 768-3743 . (707) 768-3747 fax

Initial Biological Scoping Report Eldridge CEQA IS

Prepared by
Monique Silva Crossman

Reviewed by
Kelsey McDonald
2/4/2019

**For
Hohman and Associates
Hydesville, CA**

Signature: *Kelsey McDonald*

Date: 2/4/19

Setting

The Eldridge Cannabis Cultivation Project is located in Section 27, Township 3 South, Range 5 East HB&M; Humboldt County, on the Alderpoint USGS 7.5' quadrangle. The project area is less than a mile south of the town of Alderpoint, CA, off of Alderpoint Road. The biogeographic region can be described using a three-tiered hierarchy of province, region and sub-region. This site lies within the California Floristic Province, Northwestern California region, and North Coast sub-region. The parcel lies ~1,500 feet from the Eel River. The elevation ranges from approximately 700 to 500 feet. Slopes on the property are moderate, and the aspect is primarily east facing. The vegetation is mapped by the USFS CalVeg as primarily grasslands, with Oregon white oak woodlands (*Quercus garryana*). The property is approximately 21 acres.

Methods

The initial scoping for this project was prepared by Monique Silva-Crossman. Monique holds a M.S. in Natural Resources with a concentration in Environmental Science from Humboldt State University. She has taken relevant courses including biology, ecology, plant taxonomy, botany, aquatic ecology, and agricultural ecology. She has 3 years of botany and wildlife experience in Northern California.

The initial scoping for this project was reviewed and edited by Kelsey McDonald. Kelsey is a CNPS Certified Consulting Botanist, and she holds a M.S. in Natural Resources with a concentration in Environmental Science from Humboldt State University. Kelsey has taken relevant courses including conservation biology, ornithology, ecology, plant taxonomy, field botany, and plant biology. She has 5 years of botany and wildlife experience in Northern California.

The Biological Scoping report considers the potentially occurring species and communities that could be affected by the project based on available spatial data and habitat requirements. A site visit should be conducted to further evaluate potential habitat value to protected, endangered, threatened, rare, and sensitive species and finalize survey recommendations. A list of special-status animal species to consider was downloaded from CNDDDB BIOS for the Alderpoint 9-quad area. Animals on the CNDDDB list were primarily included based on state or federal listing status or CDFW designation. Native pollinators found in the area were also included based on state rarity and their potential to be affected by cannabis cultivation. Additional species were added to the CNDDDB list for consideration based on potential habitat or high levels of conservation concern. Habitats within the 1.3-mile Biological Assessment Area (BAA) for potentially occurring species were evaluated based on CALVEG vegetation mapping and aerial photos.

Attachment A shows the vegetation map of showing the CALVEG (Classification and Assessment with LANDSAT of Visible Ecological Groupings) dominant vegetation alliances for the parcel and surrounding area (U.S. Forest Service 2000). Attachment B shows nearby occurrences of special status taxa as mapped in CNDDDB. Rank Definitions are provided in Attachment C. Additional surveys have been recommended to fully address potential biological impacts (See Table 6).

Results: Potentially Occurring Special-Status Animal Species for Alderpoint 9-Quad Area

Table 1. Birds

Scientific Name	Common Name	FESA	CESA	CDFW	GRank	SRank	Potential in BAA
<i>Accipiter cooperii</i>	Cooper's hawk	None	None	WL	G5	S4	Yes
<i>Accipiter gentilis</i>	northern goshawk	None	None	SSC	G5	S3	Yes
<i>Aquila chrysaetos</i>	golden eagle	None	None	FP ; WL	G5	S3	Yes
<i>Falco mexicanus</i>	prairie falcon	None	None	WL	G4	S4	Yes
<i>Haliaeetus leucocephalus</i>	bald eagle	Delisted	Endangered	FP	G5	S3	Yes
<i>Pandion haliaetus</i>	osprey	None	None	WL	G5	S4	Yes
<i>Strix occidentalis caurina</i>	Northern spotted owl	Threatened	Threatened	SSC	G3T3	S2S3	Yes-added to list

Table 2. Mammals

Scientific Name	Common Name	FESA	CESA	CDFW	GRank	SRank	Potential in BAA
<i>Arborimus pomo</i>	Sonoma tree vole	None	None	SSC	G3	S3	Yes
<i>Pekania pennanti</i>	fisher - West Coast DPS	Proposed Threatened	Threatened	SSC	G5T2T3Q	S2S3	Yes

Table 3. Amphibians and Reptiles

Scientific Name	Common Name	FESA	CESA	CDFW	GRank	SRank	Potential
<i>Ascaphus truei</i>	Pacific tailed frog	None	None	SSC	G4	S3S4	Yes
<i>Rana aurora</i>	northern red-legged frog	None	None	SSC	G4	S3	Yes
<i>Rana boylei</i>	foothill yellow-legged frog	None	Candidate Threatened	SSC	G3	S3	Yes
<i>Emys marmorata</i>	Western pond turtle	None	None	SSC	G3G4	S3	Yes

Table 4. Fish

Scientific Name	Common Name	FESA	CESA	CDFW	GRank	SRank	Potential
<i>Oncorhynchus kisutch</i>	coho salmon - southern Oregon / northern California ESU	Threatened	Threatened	-	G4T2Q	S2?	Yes
<i>Oncorhynchus mykiss irideus</i>	steelhead - Klamath Mountains Province DPS	None	None	SSC	G5T3Q	S2	No-range to north
<i>Oncorhynchus mykiss irideus</i>	steelhead - northern California DPS	Threatened	None	-	G5T2T3Q	S2S3	Yes
<i>Oncorhynchus mykiss irideus</i>	summer-run steelhead trout	None	None	SSC	G5T4Q	S2	Yes

Table 5. Invertebrates

Scientific Name	Common Name	FESA	CESA	CDFW	GRank	SRank	Potential
<i>Bombus caliginosus</i>	obscure bumble bee	None	None	-	G4?	S1S2	Yes
<i>Bombus occidentalis</i>	western bumble bee	None	None	-	G2G3	S1	Yes

Potential Special-Status Animal Species Details

Birds

1. Cooper's hawk (*Accipiter cooperii*)

Special Status: CDFW Watch List; Protected under Migratory Bird Treaty Act; NatureServe Ranks: G5, S4

Family: Accipitridae

Habitat/Life-history Requirements: Cooper's hawks are common year-round residents in wooded areas of California, and they can be found in urban and suburban areas as well (Cornell Lab). The raptor commonly nests in riparian and lowland habitats throughout much of Humboldt County (Hunter et al. 2005). The medium-sized hawk builds nests made of piles of sticks over two feet wide in tall trees, typically 25-50 feet off the ground (Cornell Lab). Nesting trees include pines, oaks and Douglas firs (Cornell Lab). Dense stands are typically used for nesting and patchy open areas are commonly used for hunting (Zeiner et al. 1988).

Potential Impact: The area could provide habitat for the Cooper's hawk. The raptor is on the CDFW Watch List and protected under the Migratory Bird Treaty Act (MBTA). If further construction or vegetation removal is planned, and pre-construction nesting bird surveys may be needed. The project should incorporate measures to reduce disturbance from noise and lights to birds and other sensitive wildlife.

2. Northern goshawk (*Accipiter gentilis*)

Special Status: CDFW Species of Special Concern; Protected under Migratory Bird Treaty Act; NatureServe Ranks: G5, S3

Family: Accipitridae

Habitat/Life-history Requirements: The northern goshawk inhabits mature coniferous and mixed-coniferous forests that provide suitable nesting structures and adequate prey for this large hawk (Shuford and Gardali 2008). The northern goshawk builds nests that are 3-4 feet long (Cornell Lab) in stands of large trees with high canopy closure and an open understory (Shuford and Gardali 2008). Northern goshawks are known to breed in the Klamath and Inner North Coast Ranges (Hunter et al. 2005). They have also been spotted in the southwestern area of the county (Hunter et al. 2005). The northern goshawk is sensitive to disturbance, and aggressive toward intruders near their nest. They typically nest in wild forested areas, away from human-caused disturbances (Cornell Lab).

Potential Impact: The BAA could provide habitat for the hawk. The raptor is on the CDFW Species of Special Concern and protected under the Migratory Bird Treaty Act (MBTA). If further construction or vegetation removal is planned, and pre-construction nesting bird surveys may be needed. The project should incorporate measures to reduce disturbance from noise and lights to birds and other sensitive wildlife.

3. **Golden eagle (*Aquila chrysaetos*)**

Special Status: CDFW Fully Protected and Watch List; Protected under Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act; NatureServe Ranks: G5, S3

Family: Accipitridae

Habitat/Life-history Requirements: The golden eagle is an uncommon migrant and year-round resident (Zeiner et al. 1988). The golden eagle typically utilizes open habitats away from human environments (Sibley 2003). Small mammals are the primary prey for the golden eagle (Sibley 2003). One of the largest raptors in North America, the golden eagle builds massive nests, about 6 feet across (Cornell Lab). Nests are typically located on cliffs, but may also be found on trees, man-made structures, or on the ground (Cornell Lab).

Potential Impact: Open areas for foraging occur within the BAA. Trees for nesting is also available on the property. The nearest occurrence mapped in CNDDDB is 2 miles from the project. If further construction or vegetation removal is planned, and pre-construction nesting bird surveys may be needed. The project should incorporate measures to reduce disturbance from noise and lights to birds and other sensitive wildlife.

4. **Prairie falcon (*Falco mexicanus*)**

Special Status: CDFW Watch List; Protected under Migratory Bird Treaty Act; NatureServe Ranks: G5, S4

Family: Falconidae

Habitat/Life-history Requirements: The prairie falcon is uncommon and widespread throughout grassy, open habitats and agricultural areas throughout California (Zeiner et al. 1988). The falcon requires cliffs with depressions and overhangs for roosting, nesting, and rearing young (Steenhof 2013). Their prey base includes small mammals such as squirrels and rodents, as well as smaller birds (Zeiner et al.)

Potential Impact: No likely nesting cliffs or ledges were observed in aerial photos, but they have the potential to exist in the area. The nearest occurrence occurs in the Ruth Reservoir quad. If further construction or vegetation removal is planned, and pre-construction nesting bird surveys may be needed. The project should incorporate measures to reduce disturbance from noise and lights to birds and other sensitive wildlife.

5. **Bald eagle (*Haliaeetus leucocephalus*)**

Special Status: Federally Delisted, California Endangered, CDFW Fully Protected; Protected under Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act; NatureServe Ranks: G5, S3

Family: Accipitridae

Habitat/Life-history Requirements: Federally delisted, but still considered Endangered in California, bald eagles occur along rivers, large creeks, and coastlines throughout Northwestern California (Harris 2005). Fish are a primary source of prey, and bald eagles are typically found in forested areas near large fish-bearing waters (Cornell Lab). Bald eagles

build large nests about 6 feet wide. Nests are typically found in large trees, but may be built on other available vegetation or structures (Cornell Lab).

Potential Impact: The bald eagle may occur in the BAA, in the Eel River area. If further construction or vegetation removal is planned, and pre-construction nesting bird surveys may be needed. The project should incorporate measures to reduce disturbance from noise and lights to birds and other sensitive wildlife.

6. Osprey (*Pandion haliaetus*)

Special Status: CDFW Watch List; Protected under Migratory Bird Treaty Act; NatureServe Ranks: G5, S4

Family: Accipitridae

Habitat/Life-history Requirements: Ospreys primarily prey on fish and they require large fish-bearing waters for hunting (Zeiner et al. 1988). Ospreys are widespread along the Trinity, Klamath, Van Duzen, Eel, and South Fork Eel Rivers in Humboldt County (Harris 2005). Ospreys typically make large nests in tall snags or trees high off the ground in open forest habitats (Zeiner et al.).

Potential Impact/Mitigation: Osprey may occur in the BAA, in the Eel River area. If further construction or vegetation removal is planned, and pre-construction nesting bird surveys may be needed. The project should incorporate measures to reduce disturbance from noise and lights to birds and other sensitive wildlife.

7. Northern spotted owl (*Strix occidentalis caurina*)

Special Status: Federally Threatened, California Threatened, CDFW Species of Special Concern, Protected under Migratory Bird Treaty Act; NatureServe Ranks: G3T3, S2S3.

Family: Strigidae

Habitat/Life-history Requirements: Northern spotted owls typically nest or roost in multi-layered, mature coniferous forest with high canopy closure, large overstory trees, and broken-topped trees or other nesting platforms (USFWS 2012). Confirmed breeding areas are widespread throughout Humboldt County (Hunter et al. 2005). Northern spotted owls may use a broad range of habitats for foraging. Their favored prey, the dusky-footed woodrat (*Neotoma fuscipes*), typically inhabits the forest edge (Harris 2005).

Potential Impact: USFWS protocol surveys are needed for any activity that may modify nesting, roosting, or foraging habitats for northern spotted owls (USFWS 2012). Potential habitat has been mapped in the surrounding 1.3 miles (See Attachment D). Light and noise disturbance from cannabis cultivation operations have the potential to disturb northern spotted owls, and may make areas unsuitable for nesting. The nearest Spotted Owl Activity Center is several miles away, but the area has not been well surveyed. Northern spotted owl surveys are recommended (BIO-6).

Mammals

1. Sonoma tree vole (*Arborimus pomo*)

Special Status: CDFW Species of Special Concern, NatureServe Ranks: G3, S3

Family: Muridae

Habitat/Life-history Requirements: The Sonoma tree vole occurs along the North Coast in old-growth and other forests, mainly Douglas-fir, redwood, and montane hardwood-conifer habitats (Zeiner et al. 1988). The small rodent specializes in feeding on Douglas-fir and grand fir needles, and typically constructs nests in Douglas-fir trees (Zeiner et al. 1988).

Potential Impact: The arboreal rodent is unlikely to occur in the area. The Sonoma tree vole may occur in the surrounding BAA. The nearest occurrence mapped in CNDDDB is 4 miles from the project. The project is not likely to affect the Sonoma tree vole.

2. Fisher - West Coast DPS (*Pekania pennanti*)

Special Status: Federally Proposed as Threatened, State Threatened, Species of Special Concern; NatureServe Ranks: G5T2T3Q, S2S3

Family: Mustelidae

Habitat/Life-history Requirements: The fisher uses large expanses of forest with moderate to high canopy closure, and will avoid open forest, grasslands, and wetlands (USFWS 2014). Fishers use cavities in live trees, snags and down logs for reproductive dens (USFWS 2014). Structural complexity is a critical element of fisher habitat, necessary to provide cover for resting and denning, and habitat for prey (USFWS 2014).

Potential Impact: The area is composed of open woodlands and grasslands, and it is not likely habitat for the fisher. The project is not likely to affect the fisher.

Amphibians and Reptiles

1. Pacific tailed frog (*Ascaphus truei*)

Special Status: CDFW Species of Special Concern; NatureServe Ranks: G4, S3S4

Family: Ascaphidae

Habitat/Life-history Requirements: The Pacific tailed frog requires permanent, cool streams in conifer-dominated habitats including redwood, Douglas fir, mixed-conifer, and ponderosa pine habitats (Zeiner et al. 1988). They prefer turbulent waters with rocky substrates in steep-walled valleys with dense vegetation, where the water temperature remains low (Zeiner et al. 1988). Increased water temperature and siltation from logging pose threats to the amphibian (Zeiner et al. 1988). Additionally, invasive American bullfrogs may pose a threat to native amphibians through competition, predation, and spread of disease.

Potential Impact: Steep, densely vegetated streams in the surrounding area could provide habitat for the Pacific tailed frog. The nearest occurrence mapped in CNDDDB is 9 miles from the project. The project should avoid impacts to amphibians by minimizing runoff.

2. **Northern red-legged frog (*Rana aurora*)**

Special Status: CDFW Species of Special Concern; NatureServe Ranks: G4, S3

Family: Ranidae

Habitat/Life-history Requirements: The northern red-legged frog inhabits low-elevation wetlands of the North Coast Ranges from Del Norte to Mendocino Counties (Zeiner et al. 1988). The northern red-legged frog requires permanent or nearly permanent pools in streams, marshes, or ponds (Zeiner et al. 1988).

Potential Impact: Areas of permanent or near-permanent water in the surrounding area could provide habitat for the northern red-legged frog. The nearest occurrence mapped in CNDDDB is in the Blockburg quad. The project should avoid impacts to amphibians by minimizing runoff. The Northern red-legged frog will be included in surveys for the foothill yellow-legged frog and other sensitive amphibians prior to any road work on crossings or development within 200 feet of wet areas.

3. **Foothill yellow-legged frog (*Rana boylei*)**

Special Status: State Candidate for listing as Threatened; CDFW Species of Special Concern; NatureServe Ranks: G3, S3

Family: Ranidae

Habitat/Life-history Requirements: The foothill yellow legged frog inhabits rocky streams with permanent water in many habitats, including valley-foothill hardwood, valley-foothill hardwood-conifer, valley-foothill riparian, ponderosa pine, mixed conifer, coastal scrub, mixed chaparral, and wet meadows (Zeiner et al. 1988). The invasive American bullfrog and introduced fish species contribute to the reduction of foothill yellow legged frog populations (Zeiner et al. 1988).

Potential Impact: Foothill yellow legged frogs have been mapped in the BAA in CNDDDB. Surveys are recommended prior to any road work on stream crossings.

4. **Western pond turtle (*Emys marmorata*)**

Special Status: CDFW Species of Special Concern; NatureServe Ranks: G3G4, S3

Family: Emydidae

Habitat/Life-history Requirements: The western pond turtle is associated with permanent or nearly permanent water in ponds, lakes, streams, irrigation ditches or permanent pools along intermittent streams (Zeiner et al. 1988). Invasive American bullfrogs prey upon hatchlings and juveniles (Zeiner et al. 1988).

Potential Impact: The stream in the BAA may provide habitat for the western pond turtle. The project should avoid impacts to the western pond turtle by minimizing runoff.

Fish

1. Coho salmon - southern Oregon / northern California ESU (*Oncorhynchus kisutch*)

Special Status: Federally Threatened, State Threatened; NatureServe Ranks: G4T2Q, S2?

Family: Salmonidae

Habitat/Life-history Requirements: Coho salmon are a federally and state-listed anadromous fish that occupy low gradient rivers and coastal streams (CDFW). The anadromous salmonids return to these watersheds in the fall and early winter to spawn in gravel substrate, after the first major rains (Moyle et al. 2008). Coho require cool, clear perennial streams and rivers with structural complexity for cover and low suspended sediment (Moyle et al. 2008). Juveniles are most abundant in well-shaded, deep pools with many structural elements that provide cover (Moyle et al. 2008). Sedimentation is a major threat to salmonids in their early life stages. The southern Oregon/northern California ESU range includes watersheds from Cape Blanco in Oregon south to the Mattole River (Moyle et al. 2008).

Potential Impact: The Eel River and its tributaries provide habitat for the anadromous salmonid. The project should avoid impacts to fish and other aquatic species by minimizing runoff.

2. Klamath Mountains Province DPS (*Oncorhynchus mykiss irideus*)

Special Status: CDFW Species of Special Concern; NatureServe Ranks: G5T3Q, S2

Family: Salmonidae

Habitat/Life-history Requirements: Steelhead are anadromous rainbow trout that migrate to the ocean as juveniles and return to freshwater habitats to spawn. The Klamath Mountains Distinct Population Segment (DPS) ranges from Klamath and Trinity basins and streams north to the Smith, Rogue and Elk Rivers in Oregon (Moyle et al. 2008). Salmonids, including steelhead, require cool, clear perennial streams and rivers with structural complexity for cover and low suspended sediment. Winter steelhead may swim upstream to stream segments that are not accessible to other salmonids during low flows to spawn (Moyle et al. 2008).

Potential Impact: The Eel River and its tributaries provide habitat for the anadromous salmonid. The project should avoid impacts to fish and other aquatic species by minimizing runoff.

3. Steelhead - northern California DPS (*Oncorhynchus mykiss irideus*)

Special Status: Federally Threatened; NatureServe Ranks: G5T2T3Q, S2S3

Family: Salmonidae

Habitat/Life-history Requirements: Steelhead are anadromous rainbow trout that migrate to the ocean as juveniles and return to freshwater habitats to spawn. The Northern California Distinct Population Segment (DPS) ranges from Redwood Creek to just south of the Gualala

River, and includes the Eel River watershed (Moyle et al. 2008). Salmonids, including steelhead, require cool, clear perennial streams and rivers with structural complexity for cover and low suspended sediment. Steelhead may swim upstream in during the winter to spawn in stream segments that are not accessible to other salmonids during low flows (Moyle et al. 2008). Sedimentation is a major threat to salmonids in their early life stages.

Potential Impact: The Eel River and its tributaries provide habitat for the anadromous salmonid. The project should avoid impacts to fish and other aquatic species by minimizing runoff.

4. Summer-run steelhead trout (*Oncorhynchus mykiss irideus*)

Special Status: CDFW Species of Special Concern; NatureServe Ranks: G5T4Q, S2

Family: Salmonidae

Habitat/Life-history Requirements: Summer-run steelhead trout remain in freshwater habitats until they reach maturity (Moyle et al. 2008). These steelhead have similar requirements during their juvenile stages, with an additional need for freshwater habitats to remain suitable throughout the summer (Moyle et al. 2008). Summer steelhead are sensitive to human disturbance and typically are only found in the most remote areas of the watersheds (Moyle et al. 2008). Sedimentation is a major threat to salmonids in their early life stages.

Potential Impact: The Eel River and its tributaries provide habitat for the anadromous salmonid. The project should avoid impacts to fish and other aquatic species by minimizing runoff.

Invertebrates

1. Obscure bumble bee (*Bombus caliginosus*)

Special Status: CDFW Special Animals List (2017); NatureServe Ranks: G4?, S1S2

Family: Apidae

Habitat/Life-history Requirements: The obscure bumble bee occupies open grassy coastal prairies and Coast Range meadows (Hatfield et al. 2014). This long-tongued species may pollinate flowers with elongated corollas, such as *Keckiella* spp. (Hatfield et al. 2014). The obscure bumblebee does not fare well in agricultural or urban/suburban environments, where it is often outcompeted by more common bumblebees (NatureServe 2017). The obscure bumblebee has declined in the San Francisco Bay area, and may be threatened by habitat loss from development (NatureServe 2017).

Potential Impact: An occurrence mapped in CNDDDB 1 and half miles away. The property has the potential to support many native pollinators. Adhering to restrictions and regulations of pesticide use in cannabis cultivation areas, including preventing drift to native vegetation, is expected to minimize the potential impact of agricultural activities.

2. Western bumble bee (*Bombus occidentalis*)

Special Status: CDFW Special Animals List (2017); NatureServe Ranks: G2G3, S1

Family: Apidae

Habitat/Life-history Requirements: The western bumble bee is a generalist short-tongued forager that may be found in open habitats such as grassy areas, urban parks and gardens, chaparral and shrub areas, and mountain meadows (Hatfield et al. 2015). Like many bumble bees, the western bumble bee nests underground in abandoned rodent holes (Hatfield et al. 2015). The western bumble bee is threatened by disease, habitat loss and degradation, and insecticides.

Potential Impact: An occurrence mapped in CNDDDB 3 miles away. The property has the potential to support many native pollinators. Adhering to restrictions and regulations of pesticide use in cannabis cultivation areas, including preventing drift to native vegetation, is expected to minimize the potential impact of agricultural activities.

Conclusion

The Eldridge Cannabis Cultivation Project is set in an open mosaic of grassland and oak woodlands. Floristic surveys for protected plant species will be needed in 2019 (BIO-1). The project footprint does not provide the high canopy-closure forest habitat that supports northern spotted owls, but Northern Spotted Owl Surveys are recommended because some potential habitat occurs in the BAA (BIO-6). Foothill yellow legged frog surveys are recommended for any road work in stream crossings and if any cultivation areas encroach on SMAs (BIO-2). If any ponds are present on the property, and if it cannot be drawn down, invasive American bullfrog surveys and eradication may be necessary (BIO-4). If any construction or vegetation removal is planned, pre-construction surveys will be needed to avoid impacts to nesting birds. The applicant may avoid indirect impacts to special-status fish, amphibians, and reptiles by adhering to state and regional waterboard guidelines to minimize runoff from cultivation and observing SMA buffer distances. Minimizing light pollution and adhering to International Dark Sky Association standards will minimize potential impacts on birds, bats and other light-sensitive species. Minimizing noise pollution from generators is also important for sensitive birds, bats, and other wildlife. A site visit is necessary to evaluate potential impacts onsite and determine if other biological surveys or mitigations are needed (BIO-5).

Table 6. Recommended Biological Surveys

Measure	Survey Name	Description	Timing
BIO-1	Floristic Survey	Complete floristic surveys based on the Protocol for Surveying and Evaluating Impacts to Special Status native Plant Populations and Natural Communities (CDFW 2018).	Seasonally appropriate surveys will be completed in 2019.
BIO-2	Foothill Yellow Legged Frog Survey	An individual qualified to identify FYLF adults, tadpoles, and eggs shall walk at least 100 feet upstream and downstream of any crossings while visually scanning for FYLF and other amphibians. Any amphibians encountered shall be identified to species level and documented.	Surveys shall occur within a week of work beginning on any stream crossings. If FYLF are encountered, CDFW will be consulted for further instructions.
BIO-3	Pre-Construction Bird Surveys	If natural vegetation will be removed during the nesting season for construction, pre-construction surveys for nesting birds are recommended.	Surveys will occur prior to any additional construction or clearing native vegetation between Feb 1 and Aug 31.
BIO-4	American Bullfrog Surveys	If any ponds are on the property, and it cannot be drawn down completely by the end of the season, bullfrog surveys and eradication according to CDFW guidelines.	After dusk, two surveys annually, at least two weeks apart, May-July
BIO-5	Site habitat and impact evaluation	A site visit is recommended to evaluate habitats and site operations and determine whether further mitigations or surveys are needed	2019
BIO-6	Northern Spotted Owl Surveys	USFWS Northern Spotted Owl Protocol surveys (2012).	March-August, 6 visits/year 2019-2020.

References

- Bombay, H.L., Benson, T.M., Valentine, B.E. and Stefani, R.A., 2003. A willow flycatcher survey protocol for California. U.S. Forest Service, Pacific Southwest Region, Vallejo, California.
- Bourque, R. 2008. Spatial ecology of an inland population of the foothill yellow-legged frog (*Rana boylei*) in Tehama County, California. Arcata, CA: Humboldt State University. 93 p. M.S. thesis.
- CABI, 2019. *Rana catesbeiana* (American bullfrog). In: Invasive Species Compendium. Wallingford, UK: CAB International. <www.cabi.org/isc>.
- CalFish: A California Cooperative Anadromous Fish and Habitat Data Program. Species Pages. <http://www.calfish.org/FisheriesManagement/SpeciesPages/PacificLamprey.aspx>.
- California Department of Fish and Wildlife, Natural Diversity Database, BIOS. 2019. California Department of Fish and Wildlife, Biogeographic Data Branch, Sacramento, CA.
- California Department of Fish and Wildlife (CDFW), California Natural Diversity Database, Special Animals List. 2018. California Department of Fish and Wildlife, Biogeographic Data Branch, Sacramento, CA. <<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline>>.
- Cook, D. G. 2012. *Rana boylei* (Foothill yellow-legged frog). Upland Movement. Herpetological Review 43(2): 325.
- Cornell Lab of Ornithology, "All About Birds: Bird Guide." <<https://www.allaboutbirds.org/guide/search.aspx>>.
- Craig, D. and P. L. Williams. 1998. Willow Flycatcher (*Empidonax traillii*). In The Riparian Bird Conservation Plan: a strategy for reversing the decline of riparian-associated birds in California. California Partners in Flight. http://www.prbo.org/calpif/htmldocs/riparian_v-2.html.
- Harris, S.W. 2005. Northwestern California birds. 3rd Ed. Humboldt State Univ., Arcata, CA.
- Hunter, J.E., Fix, D., Schmidt, G.A., and Power, J.C. 2005. Atlas of the breeding birds of Humboldt County, California. Redwood Region Audubon Society.
- Moyle, P.B., J.A. Israel, and S.E. Purdy. 2008. Salmon, Steelhead, and Trout in California: Status of an Emblematic Fauna. U.C. Davis Center for Watershed Sciences.
- Nafis, G. 2000-2017. California Herps - A Guide to the Amphibians and Reptiles of California. <<http://www.californiaherps.com/>>
- NatureServe. 2019. NatureServe Explorer: An online encyclopedia of life [web application]. Version 7.1. NatureServe, Arlington, Virginia. Available <http://explorer.natureserve.org>.

Shuford, W. D., and Gardali, T., editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento. <<https://www.wildlife.ca.gov/Conservation/SSC/Birds>>.

Sibley, D.A., 2003. The Sibley field guide to birds of Western North America. Alfred A. Knopf, New York.

Sullivan, B.L., C.L. Wood, M.J. Iliff, R.E. Bonney, D. Fink, and S. Kelling. 2009. eBird: a citizen-based bird observation network in the biological sciences. *Biological Conservation* 142: 2282-2292.

U.S. Fish and Wildlife Service (USFWS ECOS). ECOS Environmental Conservation Online System. <<https://ecos.fws.gov/ecp/>>. Accessed November 2017.

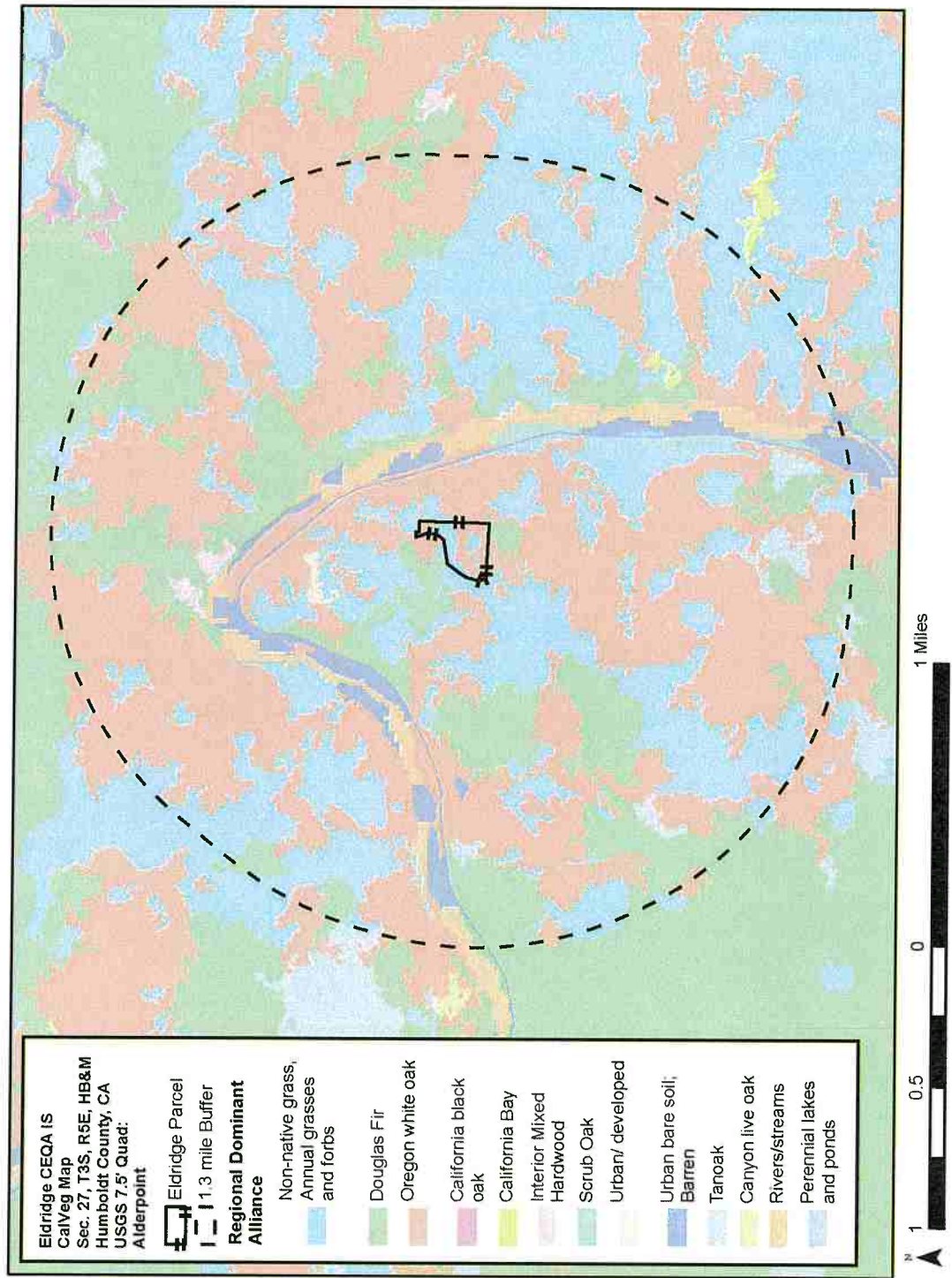
U.S. Fish and Wildlife Service (USFWS). 2014. Draft Species Report: Fisher (*Pekania pennanti*), West Coast Population. https://www.fws.gov/yreka/20140911_WCF SR_finaldraft.pdf.

Xerces Society for Invertebrate Conservation. Bumble bee conservation. Portland, OR. <<http://xerces.org/bumblebees/>>.

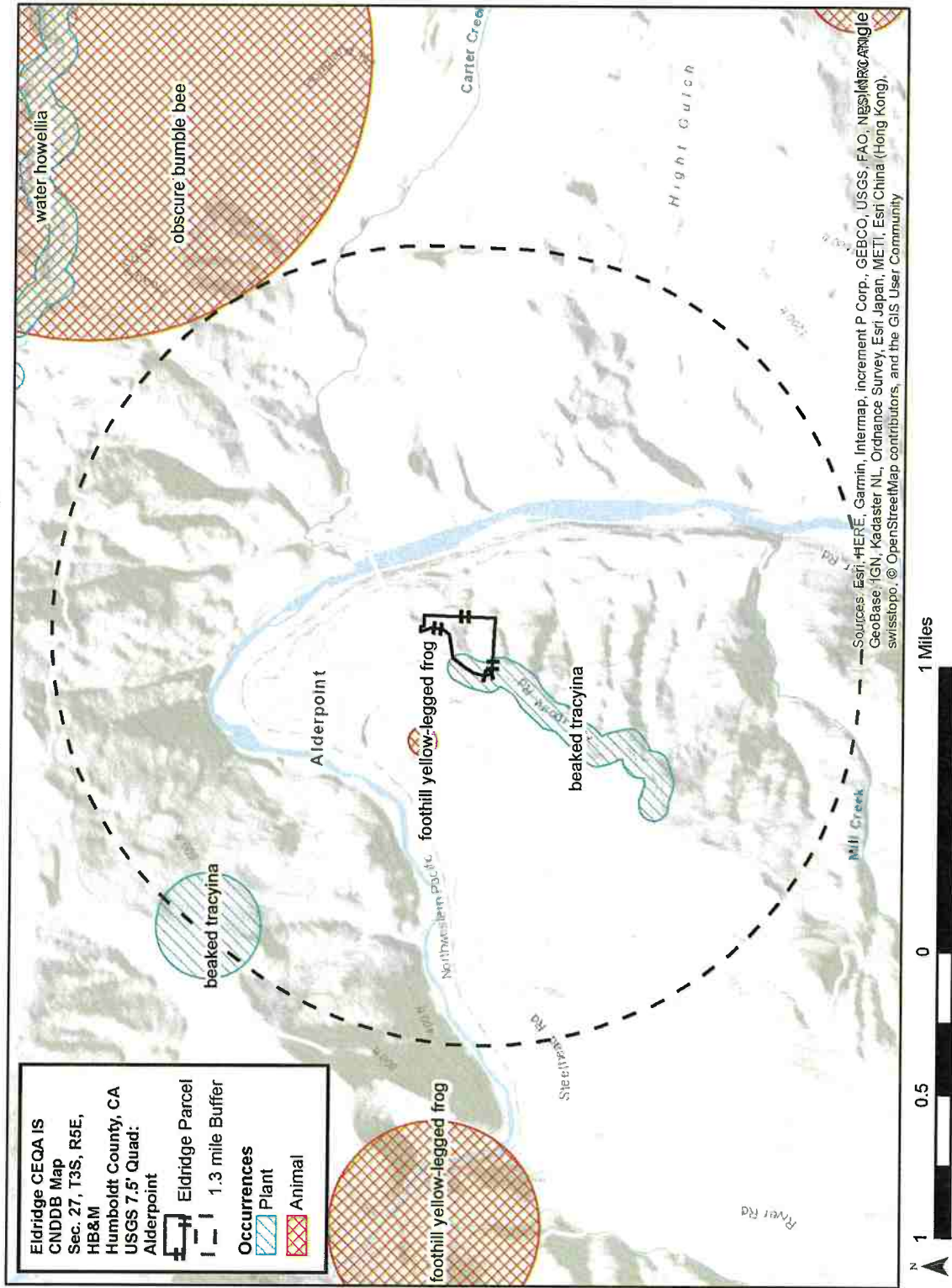
Yarnell, S. 2013. 'Stream Habitat Associations of the Foothill Yellow-Legged Frog (*Rana boylei*): The Importance of Habitat Heterogeneity,' in Maddock, I., Harby, A., Kemp, P., and Wood, P., *Ecohydraulics: An Integrated Approach*, First Edition. John Wiley & Sons, Ltd., p. 93.

Zeiner, D.C., W.F. Laudenslayer, Jr., K.E. Mayer, and M. White, eds. 1988-1990. California's Wildlife. Vol. I-III. California Depart. of Fish and Game, Sacramento, California. Updated by CWHR Program Staff, February 2005. <<https://www.wildlife.ca.gov/data/cwhr/life-history-and-range>>.

Attachment A. CALVEG Vegetation Alliance Map of Surrounding Area



Attachment B. CNDDDB Special-Status Species Search Map



Attachment C. Rank Definitions

Global Conservation Status Definition

Listed below are definitions for interpreting NatureServe global (range-wide) conservation status ranks. These ranks are assigned by NatureServe scientists or by a designated lead office in the NatureServe network.

- G1 Critically Imperiled** – At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
- G2 Imperiled** – At high risk of extinction or elimination due to very restricted range, very few populations, steep declines, or other factors.
- G3 Vulnerable** – At moderate risk of extinction or elimination due to a restricted range, relatively few populations, recent and widespread declines, or other factors.
- G4 Apparently Secure** – Uncommon but not rare; some cause for long-term concern due to declines or other factors.
- G5 Secure** – Common; widespread and abundant.
- G#G# Range Rank** – A numeric range rank (e.g. G2G3, G1G3) is used to indicate the range of uncertainty about the exact status of a taxon or ecosystem type. Ranges cannot skip more than two ranks (e.g., GU should be used rather than G1G4).

Infraspecific Taxon Conservation Status Ranks

- T# Infraspecific Taxon (trinominal)** – The status of infraspecific taxa (subspecies or varieties) are indicated by a “T-rank” following the species global rank. Rules for assigning T-ranks follow the same principles outlined above. For example, the global rank of a critically imperiled subspecies of an otherwise widespread and common species would be G5T1. A T subrank cannot imply the subspecies or variety is more abundant than the species. For example, a G1T2 subrank should not occur. A vertebrate animal population, (e.g., listed under the U.S. Endangered Species Act or assigned candidate status) may be tracked as an infraspecific taxon and given a T-rank; in such cases a Q is used after the T-rank to denote the taxon’s informal taxonomic status.

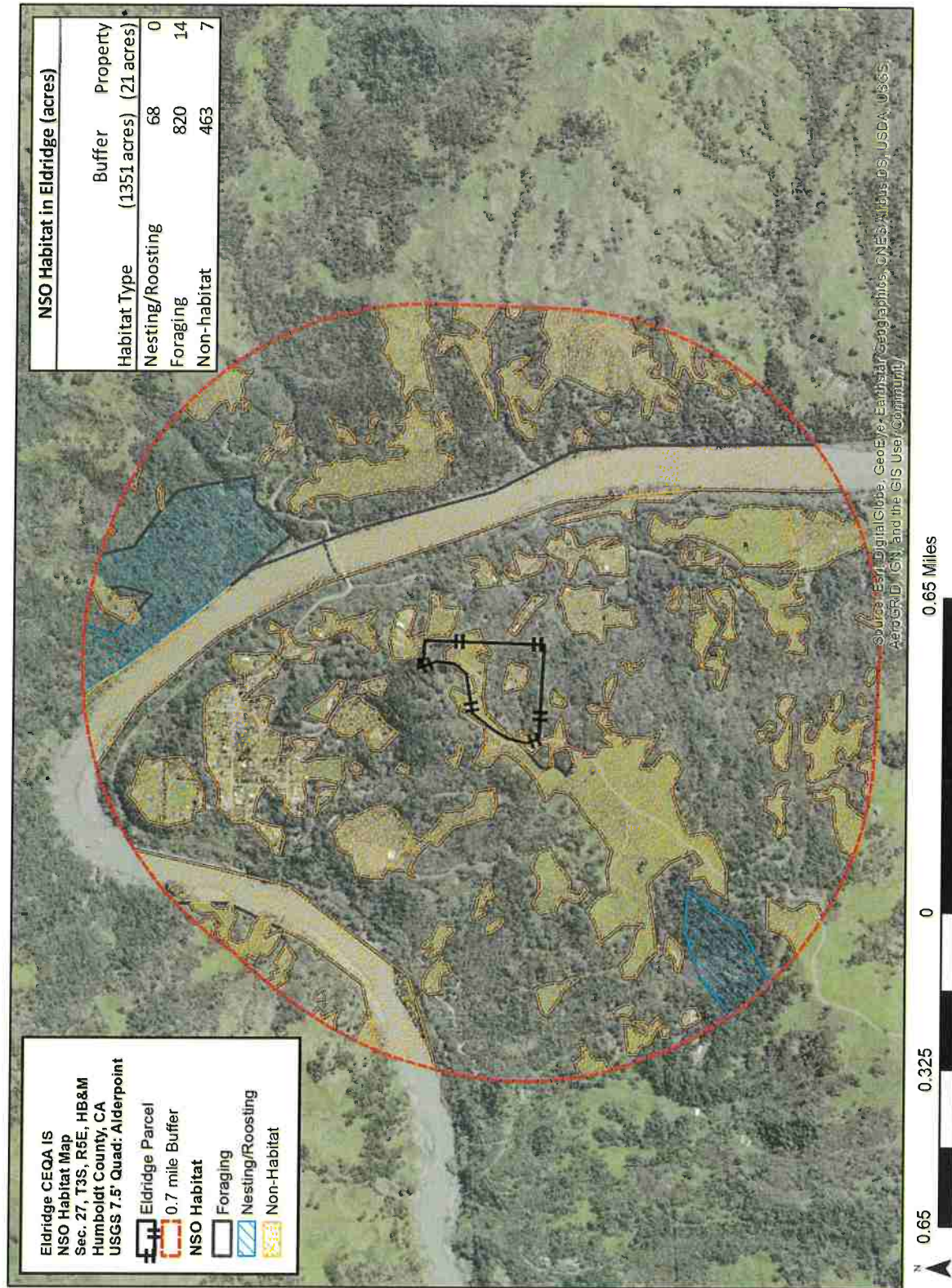
Subnational (S) Conservation Status Ranks

- S1 Critically Imperiled** – Critically imperiled in the jurisdiction because of extreme rarity or because of some factor(s) such as very steep declines making it especially vulnerable to extirpation from the jurisdiction.
- S2 Imperiled** – Imperiled in the jurisdiction because of rarity due to very restricted range, very few populations, steep declines, or other factors making it very vulnerable to extirpation from jurisdiction.
- S3 Vulnerable** – Vulnerable in the jurisdiction due to a restricted range, relatively few populations, recent and widespread declines, or other factors making it vulnerable to extirpation.
- S4 Apparently Secure** – Uncommon but not rare; some cause for long-term concern due to declines or other factors.
- S5 Secure** – Common, widespread, and abundant in the jurisdiction.
- S#S# Range Rank** – A numeric range rank (e.g., S2S3 or S1S3) is used to indicate any range of uncertainty about the status of the species or ecosystem. Ranges cannot skip more than two ranks (e.g., SU is used rather than S1S4).

Rank Qualifiers

- ? Inexact Numeric Rank** – Denotes inexact numeric rank; this should not be used with any of the Variant Global Conservation Status
- Q Questionable taxonomy that may reduce conservation priority** – Distinctiveness of this entity as a taxon or ecosystem type at the current level is questionable; resolution of this uncertainty may result in change from a species to a subspecies or hybrid, or inclusion of this taxon or type in another taxon or type, with the resulting taxon having a lower-priority (numerically higher) conservation status rank. The “Q” modifier is only used at a global level and not at a national or subnational level

Attachment D: NSO Habitat Map



Megan Marruffo

From: Megan Marruffo
Sent: Monday, January 3, 2022 8:04 AM
To: 'Lesley Doyle'
Subject: APPS #12802 - Elders Road, LLC

Good morning, Lesley,

The Elders Road, LLC project (APPS #12802) was recently reassigned to me, so I will be working on wrapping up the staff report and moving the project forward to hearing. I had some questions regarding the project I was hoping you could address:

1. Please confirm if the below project description is accurate and revised as needed.

Project Description: A Conditional Use Permit for 17,755 square feet (SF) of existing outdoor cannabis cultivation of which 8,854 SF is full-sun outdoor and 8,901 SF is outdoor that is cultivated using light deprivation techniques in ten (10) greenhouses. Ancillary propagation is proposed within a 1,750 SF greenhouse. Irrigation water is sourced from a point of diversion from an unnamed spring. Existing available water storage is 60,000 gallons in a series of hard-sided tanks, with an additional 90,000 gallons proposed, for a total of 150,000 gallons of onsite water storage. Estimated annual water usage is 155,000 gallons. Processing occurs onsite within an existing 420 SF processing building. A maximum of ## people will be onsite during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E), with two (2) 3,000-watt generators utilized for backup power only. The proposed project also includes a Special Permit for development within the Streamside Management Area for continued use and maintenance of the point of diversion.

2. Has a road evaluation been prepared for the project? Please provide a copy.
3. Will the proposed nursery space be located within an existing or a new greenhouse?
4. Will artificial lighting be required for the nursery?
5. What is the maximum number of people that will be onsite during peak operations?
6. Please confirm the number of annual harvests.
7. Has the draft or final Streambed Alteration Agreement been issued by the California Department of Fish and Wildlife (CDFW)? Please provide a copy, if available.

Any information you can provide would be greatly appreciated. Thank you for your help!

Sincerely,
Megan



Megan Marruffo
Senior Planner / Project Manager
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
Advancing the quality of life for generations to come
707 443 5054

<http://www.lacoassociates.com>

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

Megan Marruffo

From: Lesley Doyle <lesley@elevsolutions.com>
Sent: Wednesday, February 23, 2022 9:36 AM
To: Megan Marruffo
Subject: Re: APPS #12802 - Elders Road, LLC
Attachments: Elders Road LLC revised Plot map 22022.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi Megan,

Please see the attached revised site map. Here are the answers to your questions.

1. The Max number of workers on-site will be 3.
 2. The operation begins in February and ends in October.
 3. The revised operation plan includes the current cultivation on-site. Area in the SMA has been relocated and restored to a pre-existing flat which is labeled Ag Exempt 6-13 on the revised site map. Please see attached.
- Please let me know if you have any additional questions.

Thank You,

Lesley Doyle
Elevated Solutions, LLC
3943 Walnut Drive, Suite E
Eureka, CA 95503
(707) 798-6388 Office
(707) 683-6686 Cell
lesley@elevsolutions.com
www.elevsolutions.com

On Wed, Feb 23, 2022 at 7:09 AM Megan Marruffo <marruffom@lacoassociates.com> wrote:

Good morning, Lesley,

Thanks again for the information you provided yesterday afternoon. We'd like to notice the project for the March 17th Planning Commission, but in order to do so, will need you to please confirm the project description **today** in order to meet our noticing deadline:

A Conditional Use Permit for 17,755 square feet (SF) of existing outdoor cannabis cultivation of which 4,429 SF is full-sun outdoor and 13,326 SF is outdoor that is cultivated using light deprivation techniques in fourteen (14) greenhouses, with 1,750 SF of ancillary propagation. Irrigation water is sourced from a Class II spring diversion. Existing available water storage is 60,000 gallons in a series of hard-sided tanks, with an additional 90,000 gallons proposed, for a total of 150,000 gallons of onsite water storage. Estimated annual water usage is 155,000 gallons. Drying, curing, and bucking occurs onsite within a 600

SF building, with all other processing currently occurring off-site at a licensed processing or manufacturing facility; however, onsite processing is anticipated in the future. A maximum of ## people will be onsite during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E), with two (2) 3,000-watt generators utilized for backup power only. The proposed project also includes a Special Permit for development within the Streamside Management Area for continued use and maintenance of the point of diversion.

Also, in order for us to wrap up the staff report, I'm hoping you can address the following questions:

1. What is the maximum number of people that will be onsite during peak operations?
2. What months are considered the project's growing season?
3. The revised Cult Ops Plan includes different cultivation amounts than shown on the attached 2019 Site Plan. Is this because the proposed reconfiguration (as denoted on the Site Plan) has already occurred? Will an updated Site Plan be prepared?

Thank you,
Megan



Megan Marruffo

Senior Planner / Project Manager

LACO Associates

Eureka | Ukiah | Santa Rosa | Chico

Advancing the quality of life for generations to come

707 443 5054

<http://www.lacoassociates.com>

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

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CAL FIRE	✓	Comments	Attached
Alderpoint Volunteer Fire Department		No Response	
California Department of Fish & Wildlife		No Response	Attached – Planning staff request for comments
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of Rohnerville Rancheria	✓	Comments	On file and confidential
Alderpoint County Water District	✓	Denial	Attached
So. Humboldt Joint Unified School District		No Response	
Humboldt County Sheriff	✓	Approval	On file with Planning
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights	✓	Approval	Attached



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

10/22/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, CSD: Alderpoint CWD, FPD: Alderpoint VFC, RWQCB, NCUAQMD, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, Division of Water Resources, CalFire, CA Division of Water Rights, Bear River Band, NWIC

Applicant Name Elders Road, LLC **Key Parcel Number** 216-271-019-000

Application (APPS#) PLN-12802-CUP **Assigned Planner** Max Hilken 707-441-2623

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

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

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

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

Return Response No Later Than: 11/6/2019

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

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

- Recommend Approval. The department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.

Other Comments:

Notes in Accela

DATE:

11/6/19

PRINT NAME:

Rudy Marenghi



Attachment for Commercial Medical Marijuana (CMM) Clearances/Permits

Applications for CMM Clearances and/or Permits are reviewed by the Division of Environmental Health (DEH) for compliance with regulations intended to protect public health and the environment. Individuals preparing a CMM Permit Application are encouraged to provide information addressing the items listed below, as applicable, to assist DEH with a timely review. If the requested information is already provided in a complete operations manual submitted to the Planning Division, provide the page and section numbers where it is located.

Name of Business: Elder's Road
 Site Address: 17070 Alderpoint Rd
 APN: 216-271-019

Primary Contact Person: Trevor Eldridge
 Phone: 707-273-7552
 Email: eldersroad@gmail.com

General Project Description (cultivation, processing, manufacturing; seasonal vs year round etc.)
Year Round cultivation

Wastewater (page ___ section ___)

- Connected to public sewer ___ Onsite waste water system X
- Number of Employees: average 1 peak operations: 3
- Hours of Operation/shifts per day: average 8 peak operations: 8
- Additional flow from processing: 20 GPD. Description of effluent greywater
- Describe the proposed and existing wastewater generating structures and method(s) of effluent disposal.
1200 gallon septic system

Water Source (page ___ section ___)

- Describe and show the water source(s) available on the property and what they serve.

<input type="checkbox"/> Public Water System	<input type="checkbox"/> Approved Surface Water/Description _____
<input type="checkbox"/> Well Permit Number(s): _____	<input type="checkbox"/> Unapproved Surface Water/Description _____
<input type="checkbox"/> Unpermitted Well	<input type="checkbox"/> Other: _____
<input type="checkbox"/> No Existing Water Source	
- Describe the approximate daily water demand for the current and projected uses on the property and method used to calculate demand: 1000 gal/day for irrigation

Consumer Protection (page ___ section ___)

- List/Describe any food production or service: N/A
- Describe and show on site plan, any existing or proposed kitchen infrastructure: handwashing sink



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

ON-LINE
 WEB: CO.HUMBOLDT.CA.US

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


ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

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

LAND USE	445-7205
----------	----------

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Max Hilken, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 10/31/2019

RE:	Applicant Name	ELDERS ROAD LLC
	APN	216-271-019
	APPS#	PLN-12802-CUP

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:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS #12802

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 COUNTY MAINTAINED RD)

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 //

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:

From: [Meghan Ryan](#)
To: [Van Hattem, Michael@Wildlife](#)
Cc: ["Johnson, Cliff"](#); [Megan Marruffo](#)
Subject: APPS #12802 - Elder's Road, LLC - APN: 216-271-019/PROJECTED HEARING DATE: MARCH 17, 2022
Date: Monday, March 7, 2022 6:21:00 PM
Attachments: [12802 Initial Biological Survey 10.19.2019.pdf](#)

Good evening, Mike – I hope you're doing well! I am reviewing the Elder's Road, LLC, project and did not see any CDFW comments in the file. I am reaching out to see if CDFW has any comments or questions regarding this project.

The project description is the following:

A Conditional Use Permit for 17,755 square feet (SF) of existing outdoor cannabis cultivation of which 4,429 SF is full-sun outdoor and 13,326 SF is outdoor that is cultivated using light deprivation techniques in fourteen (14) greenhouses, with 1,775 SF of ancillary propagation proposed in a separate greenhouse. Irrigation water is sourced from a Class II spring diversion. Existing available water storage is 60,000 gallons in a series of hard-sided tanks, with an additional 90,000 gallons proposed, for a total of 150,000 gallons of onsite water storage. Estimated annual water usage is 155,000 gallons. Drying, curing, and bucking occurs onsite within a 600 SF building, with all other processing currently occurring off-site at a licensed processing or manufacturing facility; however, onsite processing is anticipated in the future. A maximum of three (3) employees will be onsite during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E), with two (2) 3,000-watt generators utilized for backup power only. The proposed project also includes a Special Permit for development within the Streamside Management Area for continued use and maintenance of the point of diversion.

There is a Notification on file, however, I did not see a copy of a Final Agreement. The conditions of approval require the applicant to submit a copy of the Final Agreement to the Planning Department and adhere to and implement the requirements of the report. Additionally, a biological survey was completed for this site (attached). Recommendations included adhering to State Water Board requirements for cannabis cultivation and noise and light attenuation measures. Conditions of approval require the applicant to adhere and implement the recommendations of the report.

Please let me know if CDFW has any comments or questions on this one.

Best,
Meghan



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

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



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
 3015 H STREET, EUREKA, CA 95501 - PHONE (707) 445-7245



10/22/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, CSD: Alderpoint CWD, FPD: Alderpoint VFC, RWQCB, NCUAQMD, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, Division of Water Resources, CalFire, CA Division of Water Rights, Bear River Band, NWIC

Applicant Name Elders Road, LLC **Key Parcel Number** 216-271-019-000

Application (APPS#) PLN-12802-CUP **Assigned Planner** Max Hilken 707-441-2623

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

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

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

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

Return Response No Later Than: 11/6/2019

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

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

- Recommend Approval. The department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions attached.
- Applicant needs to submit additional information. List of items attached.

Recommend Denial. Attach reasons for recommended denial.

Other Comments: Too much square footage. And they are not part of the hook-up of the Alderpoint County Water District. They have their own water source.

DATE: 11-4-19 PRINT NAME: Altera - Board member



**COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245**

10/22/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, CSD: Alderpoint CWD, FPD: Alderpoint VFC, RWQCB, NCUAQMD, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, Division of Water Resources, CalFire, CA Division of Water Rights, Bear River Band, NWIC

Applicant Name Elders Road, LLC Key Parcel Number 216-271-019-000

Application (APPS#) PLN-12802-CUP Assigned Planner Max Hilken 707-441-2623

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

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

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

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

Return Response No Later Than: 11/6/2019

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

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

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

Recommend Conditional Approval. Suggested conditions attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: Too much square footage. And they are not part of the hook-up of the Alderpoint County Water District. They have their own water source.

DATE: 11-4-19 PRINT NAME: Altera - Board member



**COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245**

10/22/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, CSD: Alderpoint CWD, FPD: Alderpoint VFC, RWQCB, NCUAQMD, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, Division of Water Resources, CalFire, CA Division of Water Rights, Bear River Band, NWIC

Applicant Name Elders Road, LLC **Key Parcel Number** 216-271-019-000

Application (APPS#) PLN-12802-CUP **Assigned Planner** Max Hilken 707-441-2623

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

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

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

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

Return Response No Later Than: 11/6/2019

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

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

- Recommend Approval. The department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.

Other Comments: Has an SIUR H508022

DATE: 11/20/2019 PRINT NAME: Sam Warner