



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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Hearing Date: November 4, 2021

To: Humboldt County Planning Commission

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

Subject: **PACWI, LLC, Conditional Use Permit**  
Record Number: PLN-12049-CUP  
Assessor's Parcel Number (APN): 216-093-009  
1005 Bliss Lane, Harris area

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Please contact Max Hilken, Assigned Planner, at 707-443-5054 or by email at [hilkenm@lacoassociates.com](mailto:hilkenm@lacoassociates.com), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

|                                         |                                          |                              |
|-----------------------------------------|------------------------------------------|------------------------------|
| <b>Hearing Date</b><br>November 4, 2021 | <b>Subject</b><br>Conditional Use Permit | <b>Contact</b><br>Max Hilken |
|-----------------------------------------|------------------------------------------|------------------------------|

**Project Description:** A Conditional Use Permit for continued cultivation of 16,600 square feet (SF) of cannabis utilizing light deprivation techniques within 13 hoop houses. Ancillary propagation occurs in two 750-square-foot greenhouses. Water for irrigation is sourced from two rainwater catchment ponds with a total estimated capacity of 500,000 gallons. Water storage on site consists of one (1) 5,000-gallon tank, three (3) 2,500-gallon tanks, and two (2) 3,500-gallon tanks for a total of 519,500 gallons of storage including the two (2) ponds. Estimated annual water use is 392,000 gallons. Drying and curing activities occur within two structures, a 1,000-square-foot and a 320-square-foot structures. All other processing, including trimming and packaging, will occur offsite at a third-party licensed processing facility. A maximum of six (6) employees may be utilized onsite. Power is provided by a 25K Whisper Watt diesel generator.

**Project Location:** The project is located in Humboldt County, in the Alderpoint area, on the North side of Bliss Lane, approximately .75 miles east from the intersection of Jewett Road and Bliss Lane, on the property known as 1005 Bliss Lane.

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

**Present Zoning:** Unclassified (U)

**Record Number:** PLN-12049-CUP

**Assessor's Parcel Number:** 216-093-009

**Applicant**

PACWI, LLC  
Attn: Jessica James  
1401 Marvin Road NE #307-423  
Lacey, WA 98516

**Owner**

Purevsuren Batmunkh  
412 Richmond Dr. #6  
Millbrae, CA 94030

**Agents**

Copperhead Consulting, Inc.  
824 L Street  
Arcata, CA 95521

**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.

## PACWI, LLC

Record Number: PLN-12049-CUP  
Assessor's Parcel Number: 216-093-009

### Recommended Commission Action:

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

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

**Executive Summary:** A Conditional Use Permit to allow the continued cultivation of 16,600 square feet (SF) outdoor cannabis cultivation operation utilizing light deprivation techniques in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Unclassified (U). Cultivation activities include 3,668 SF of full sun outdoor cultivation and 16,332 SF of light deprivation cultivation within 13 hoop house structures located in the central area of the parcel. Ancillary propagation occurs in two 750-square-foot greenhouses. Two harvests are anticipated annually utilizing light deprivation techniques for a growing season that extends from March through October.

Drying (and bucking) occurs onsite in two existing sheds measuring 800 SF and 364 SF respectively. Additional processing will occur offsite at a licensed processing or manufacturing facility. Up to six (6) employees may be utilized during peak operations. Power is provided by an EPA rated Tier 4 diesel generator. Conditions of approval require the generator to be contained and permitted by the North Coast Unified Air Quality Management District (NCUAQMD) as applicable. The operation will be secured behind a gated road, fenced cultivation areas, and locked structures.

### Onsite Relocation

Historically (previous to January 1, 2016), an approximately 3,000 SF area of cultivation occurred adjacent to the northern pond and within the Streamside Management Area (SMA) setback distances. The 3,000 SF of cultivation is proposed to be relocated to the central portion of the parcel adjacent to the other existing cultivation areas onsite. This historic cultivation location has been abandoned and the property owner has begun removing all cultivation equipment and refuse including garden beds, fencing, cultivation soil, nutrient containers, irrigation line, greenhouse infrastructure, t-posts, tarps, and all other foreign material. Once all foreign materials are removed, the site will be seeded with a native grass mix and covered with straw prior to the onset of the rainy season. No grading or earth moving was required to the create cultivation area, as such no additional earthwork is recommended for remediation. Two drying sheds measuring 800 SF and 364 SF, respectively, were constructed within the 50-foot setback of a Class III stream as well at the northern end of the property. The 800-square-foot shed will be relocated approximately 30 feet south-east to a location adjacent to the internal road meeting setback distance requirements while the 364-square-foot shed will be relocated near the property entry adjacent to the fertilizer storage shed. The historic locations for these sheds will have all foreign material removed and will be seeded with a native grass mix and covered with straw prior to the onset of the rainy season. Staff are supportive of this relocation proposal as relocating commercial activities to be in compliance with the Streamside Management and Wetland Areas (SMAWO) ordinance setback distances conforms with its purpose to protect

surface waters from negative impacts, additionally the relocations sites as proposed will utilize historically disturbed areas requiring no additional earthwork.

**Water Resources**

Water for irrigation is provided by two lined rainwater catchment ponds, of which one has a capacity of 400,000 gallons, and the second that has a storage capacity of 100,000-gallons. The average rainfall for the project area is 57 inches (4.75ft), based on averaging rainfall values from 2011 through 2020 as recorded by PRISM Climate Group. Impermeable surfaces such as roofs, driveways, etc. in general allow for about 620 gallons of rainwater catchment per 1,000 SF for every 1-inch of rainfall or .62 gallons per 1 SF. With a total impermeable rainwater catchment area of 15,340 sf, and an average rainfall amount of 57 inches, the sites potential capture amount totals 542,116 gallons per year on average. A detailed breakdown of proposed rainwater capture infrastructure and capture potentials are provided below in Table 1.

Table 1 Proposed Rainwater Capture Analysis.

| Infrastructure Description | Potential Capture Area (ft2) | Potential Average (2010-2020) Rainfall Capture Amount (gallons) |
|----------------------------|------------------------------|-----------------------------------------------------------------|
| Northern Catchment Pond    | 11,615                       | 410,474                                                         |
| Southern Catchment Pond    | 3,725                        | 131,642                                                         |
| <b>Totals:</b>             | 15,340                       | 542,116                                                         |

Rainwater that is captured through the existing infrastructure will be stored in the existing one (1) 5,000-gallon, three (3) 2,500-gallon, and two (2) 3,500-gallon hard sided water storage tanks in support of the two described ponds totaling 519,500 gallons of storage. The total catchment potential and onsite storage exceeds project needs (392,000 gallons per year) by 25% (127,500 gallons). Due to the amount of storage existing onsite, no additional water storage is required with the approval of this project.

**Biological Resources**

A review of the California Department of Fish and Wildlife (CDFW) Biogeographic Information and Observation System (BIOS) was performed on September 30, 2021, to find positive indicators for the potential occurrence of sensitive receptors on around the cultivation areas. There are no mapped sensitive species onsite, the nearest NSO activity center is located approximately 1.1 mile away from the nearest cultivation area with the nearest positive sighting only 0.5 miles away. Additionally, lands surrounding the site are heavily forested, thus there is a potential for NSO habitat. The project as proposed is for the cultivation of 16,600 sf of cannabis cultivation occurring in 13 greenhouse structures utilizing light deprivation techniques. Two cycles are expected the first cycle starts in March and will end in July utilizing light deprivation techniques whereas the second cycle that starts in late July or early August runs through October and will be grown using full sun techniques. The nursery as proposed will contain low wattage LED "string lights" to provide lighting for employees and will be equipped with blackout curtains to eliminate light from escaping the structure from a half hour prior to sunset to a half hour after sunrise. The power source for the project is a 25kw diesel generator stored in a shop building that has a cement pad floor. The project is conditioned such that generators shall have secondary containment for fluid catchment and noise generated from generators shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. Additionally, any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits.

Included with this project includes the replacement of three 3 stream crossing culverts and the remediation of a 60-foot length of a Class III water course which was impacted by fill placed in or directly adjacent to the channel, and for the reconstruction of the northern 400,000-gallon capacity pond. The applicant has a Final Streambed Alteration Agreement (FSAA) (Notification No. 1600-2017-0599-R1) effective June 20, 2018, which includes the approval for the culvert replacements and stream channel remediation (Attachment 3). The applicant had a Biological Assessment (BA) and Geologic Evaluation (GE) for the northern pond prepared by SHN dated September 16, 2020, and January 20,

2021, respectively (Attachment 3). The BA included six recommendations to protect water quality, and improve habitat value of the pond and adjacent streams outlined below:

- Recontour the pond edge so that the outflow pipe is below the lowest edge of the pond, while retaining a slope of 2:1 or installing exit ramps for adequate wildlife escape. Ensure no overland flow of water occurs from the pond and all overflow is directed through the pipe.
- Place crushed rock below the outflow pipe into the Class III drainage to create a gradual spillway from the outflow end of the culvert pipe to the drainage bed to prevent erosion. Do not remove any vegetation along this Class III drainage unless minor vegetation removal is necessary to install the rock spillway.
- Ensure that any additional fencing or netting used in the pond enclosure design does not restrict wildlife movement through adjacent riparian corridors or cause entanglement. No plastic netting or fencing should be used.
- Remove American bullfrogs from this pond and any other pond on the property in consultation with a qualified biologist or CDFW regarding appropriate eradication methods.
- After bullfrog eradication, install amphibian exclusion fencing around the pond to prevent re-infestation. Consult with a qualified biologist or CDFW for appropriate materials and design.
- When pumping water from the pond, use a 1/8-inch filter basket to avoid aquatic species entrapment.

Based on the inspection performed in 2020 as reported in the GE, recommendations include the reconstruction of the entire embankment using engineered fill, RSP be used on the outside slope following embankment construction to armor the toe of the newly constructed embankment adjacent to the Class III watercourse to prevent erosion. The project is conditioned to adhere to the recommendations provided in the BA, GE, prepared by SHN and the conditions described in the FSAA with CDFW, which includes the reconstruction of the pond's embankment, adherence to the biological protections including the Bull Frog Management Plan, and the prohibition of plastic materials for erosion control or biological exclusion fencing (Attachment 3).

The Class II and III streams that flow through property south to north are tributary to the Mad River. A Site Management Plan (SMP) was prepared by Timberland Resource Consultants (TRC) dated February 28, 2019, that includes a list of recommended best practices for erosion control, winterization of soils outside the riparian setbacks, maintenance of culverts and rolling dips, along with the replacement of three culverts as described in the FSAA (Notification No. 1600-2017-0599-R1) consistent with the State Water Resources Control Board (SWRCB) and North Coast Regional Water Quality Control Board (NCRWQB). The applicant is enrolled in the NCRWQB and has provided documentation showing adherence to the cannabis general order WQ2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order) under SWRCB Cannabis Cultivation Policy (WDID -1B171595CHUM).

The project is conditioned to ensure the combination of background, generator and greenhouse fan or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service. Furthermore, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

### **Access**

Access to the site is via a privately maintained road Bliss Lane off of Jewett County Road a County maintained roadway. A Road Evaluation report for French Camp Road was prepared by the applicant (Attachment 3) which indicates the roadway meets a category 4 equivalent standard, the roadway can accommodate the cumulative increased traffic from the project.

Within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance

Association for the maintenance of Bliss Lane. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. A sign-off from the Planning Department will satisfy this condition.

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).

**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: 21-  
Record Number: PLN-12049-CUP  
Assessor's Parcel Number: 216-093-009**

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

**WHEREAS**, PACWI, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for continued cultivation of 16,600 square feet (SF) of cannabis utilizing light deprivation techniques within 13 hoop houses. Ancillary propagation occurs in two 750-square-foot greenhouses. Water for irrigation is sourced from two rainwater catchment ponds with a total estimated capacity of 500,000 gallons. Water storage on site consists of one (1) 5,000-gallon tank, three (3) 2,500-gallon tanks, and two (2) 3,500-gallon tanks for a total of 519,500 gallons of storage including the two (2) ponds. Estimated annual water use is 392,000 gallons. Drying and curing activities occur within two structures, a 1000-square-foot and a 320-square-foot structure. All other processing including trimming and packaging will occur offsite at a third-party licensed processing facility. A maximum of six (6) employees may be utilized onsite. Power is provided by a 25K Whisper Watt diesel generator; and

**WHEREAS**, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous 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 November 4, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:**                    **Project Description:** The application is a Conditional Use Permit for continued cultivation of 16,600 square feet (SF) of cannabis utilizing light deprivation techniques within 13 hoop houses. Ancillary propagation occurs in two 750-square-foot greenhouses. Water for irrigation is sourced from two rainwater catchment ponds with a total estimated capacity of 500,000 gallons. Water storage on site consists of one (1) 5,000-gallon tank, three (3) 2,500-gallon tanks, and two (2) 3,500-gallon tanks for a total of 519,500 gallons of storage including the two (2) ponds. Estimated annual water use is 392,000 gallons. Drying and curing activities occur within two structures, a 1000-square-foot and a 320-square-foot structure. All other processing including trimming and packaging will occur offsite at a third-party licensed processing facility. A maximum of six (6) employees may be utilized onsite. Power is provided by a 25K Whisper Watt diesel generator.

**EVIDENCE:**            a) Project File: PLN-12049-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 Site Management Plan was prepared by the Timberland Resource Consultants, to show compliance with the State Water Resources Control Board WQ2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order) and addresses measures outlined in the Final Streambed Alteration Agreement issued by the California Department of Fish and Wildlife. Conditions of approval require the applicant to adhere to and implement the recommendations of the SMP and adhere to the applicants Final SAA (Notification No. 1600-2017-0599-R1).
- d) A review of the Biological Information and Observation System (BIOS) through the CDFW which includes layers depicting biological resources identified by the California Natural Diversity Database (CNDDDB) depicts no endangered or protected species onsite as of 9/30/2021. A Northern Spotted Owl (NSO) activity center was depicted as 1.1 miles from the nearest cultivation area onsite and the nearest positive sighting was 0.5 miles away. The project is conditioned such that combined noise generated from generators shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. The project is also conditioned to avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work. Furthermore, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. The project is also conditioned to adhere to the six recommendations provided in the Biological Assessment performed by SHN. As proposed and conditioned, the project is consistent with CMMLUO performance and will not negatively impact NSO or other sensitive species.
- e) A review of NAIP imagery from 2012 through 2020 does not show evidence of timber conversion occurring onsite. The project does not propose any timber conversion, as such the project can be implemented with no net loss of timberland after the environmental baseline of December 31, 2015.
- f) A Cultural Resources Investigation Report was carried out by William Rich & Associates in August 2019. concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.
- g) A Road Evaluation Report was prepared for Bliss Lane by the applicant in April 2019 identified that the road is suitable for safe access and can accommodate the traffic generated from the project to and from the



project site. The project is also conditioned to show proof that the applicant is a member of a formalized Road Maintenance Association, and all applicable permits have been ascertained to implement the safety and drainage recommendations outlined in the Road Evaluation Report.

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

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

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

**4. FINDING** The proposed development is consistent with the purposes of the existing u zone in which the site is located.

**EVIDENCE** a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.

b) All general agricultural uses are principally permitted in the U 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 acres 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 16,600 sf of outdoor cultivation on a 45-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

d) Conditions of approval require the applicant to adhere to and implement the requirements found in the Site Management Plan (SMP) prepared by Timberland Resource Consultants. Additional conditions of approval require the applicant to adhere to and implement the requirements found in the Final Streambed Alteration Agreement issued by CDFW for the life of the project.

**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 U (HCC 314-55.4.8.2.2).

b) The parcel was not created in compliance with subdivision regulations as it was created by deed in 1977. However, through the Determination fo Status process the County has reviewed the site for consistency with the subdivision requirements that would have applied at the time of division and found the project is eligible for an unconditional certificate of subdivision compliance.

- c) Water for irrigation is sourced from one 400,000-gallon and one 100,000-gallon rainwater catchment ponds onsite. The average rainfall for the project area is 57 inches (4.75ft), based on averaging rainfall values from 2011 through 2020 as recorded by PRISM Climate Group. Impermeable surfaces such as roofs, driveways, etc. in general allow for about 620 gallons of rainwater catchment per 1,000 SF for every 1-inch of rainfall or .62 gallons per 1 SF. With a total impermeable rainwater catchment area of 15,340 sf, and an average rainfall amount of 57 inches, the sites potential capture amount totals 542,116 gallons per year on average. Due to the amount of storage existing onsite, no additional water storage is required with the approval of this project as there is sufficient water available to meet the annual demands of the project.
- d) A Road Evaluation Report was prepared for Bliss Lane by the applicant in April 2019 identified that the road is suitable for safe access to and from the project site.
- e) Review of the Humboldt County WebGIS portal indicates the slope of the land where cannabis will be cultivated is less than 30%
- f) A review of NAIP imagery from 2012 through 2020 does not show evidence of timber conversion occurring onsite. The project does not propose any timber conversion, as such the project can be implemented with no net loss of timberland after the environmental baseline of December 31, 2015.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

**6. FINDING**

The cultivation of 16,600 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 assessed by the applicant and can accommodate the traffic generated from the project. The project is also conditioned to show proof that the applicant is a member of a formalized Road Maintenance Association, and all applicable permits have been ascertained to implement the safety and drainage recommendations outlined in the Road Evaluation Report.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Water for irrigation is sourced from one 400,000-gallon and one 100,000-gallon rainwater catchment ponds onsite. The average rainfall for the project area is 57 inches (4.75ft), based on averaging rainfall values from 2011 through 2020 as recorded by PRISM Climate Group. Impermeable

surfaces such as roofs, driveways, etc. in general allow for about 620 gallons of rainwater catchment per 1,000 SF for every 1-inch of rainfall or .62 gallons per 1 SF. With a total impermeable rainwater catchment area of 15,340 sf, and an average rainfall amount of 57 inches, the sites potential capture amount totals 542,116 gallons per year on average. Due to the amount of storage existing onsite, no additional water storage is required with the approval of this project as there is sufficient water available to meet the annual demands of the project.

- e) Provisions have been made in the applicant's Site Management Plan 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 does currently have one residence under construction. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed 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 73 permits and the total approved acres would be 33.51 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 for PACWI, 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

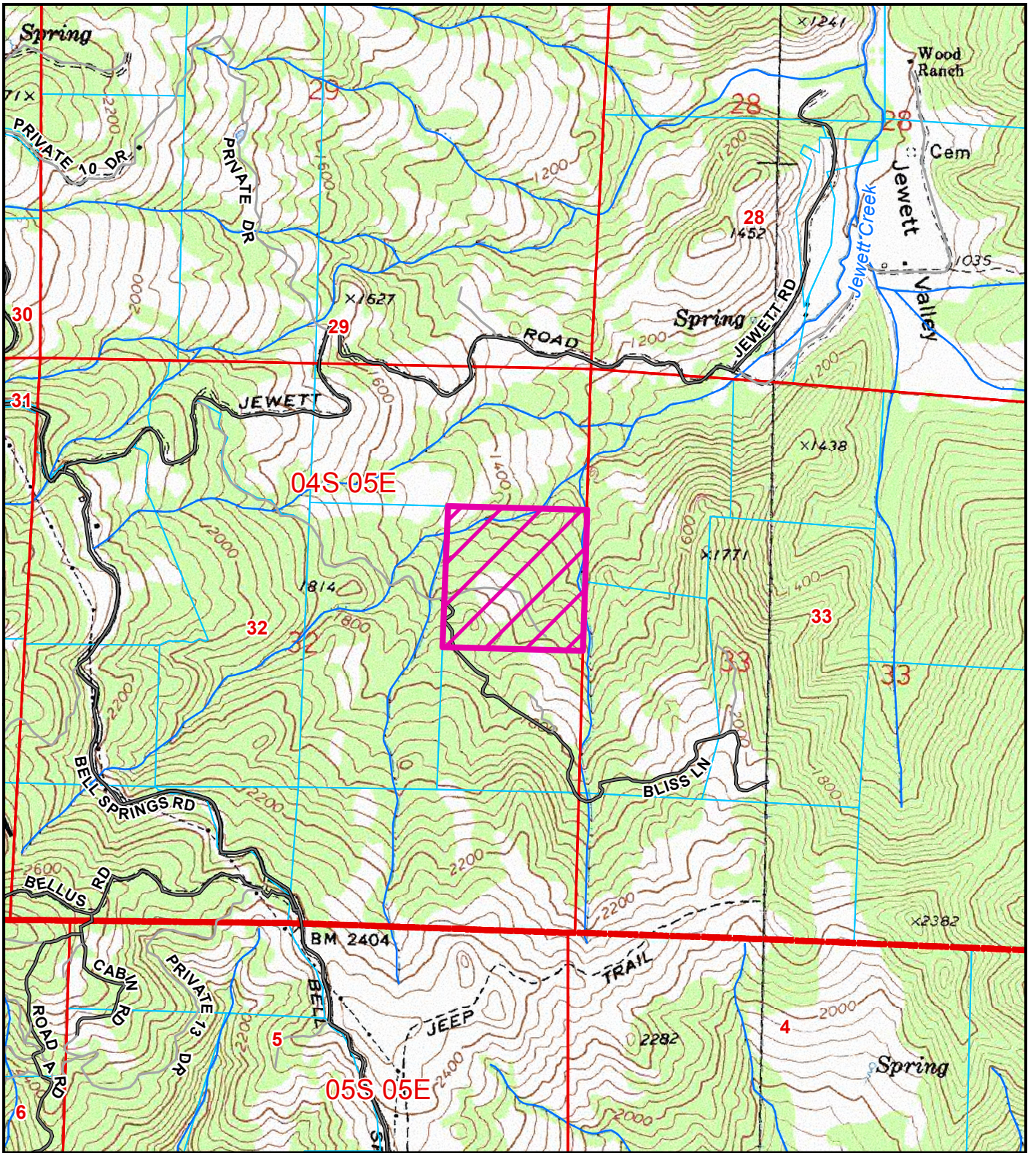
Adopted after review and consideration of all the evidence on November 4, 2021.

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

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

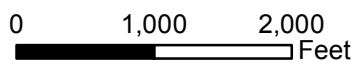
I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

\_\_\_\_\_  
 John Ford, Director  
 Planning and Building Department

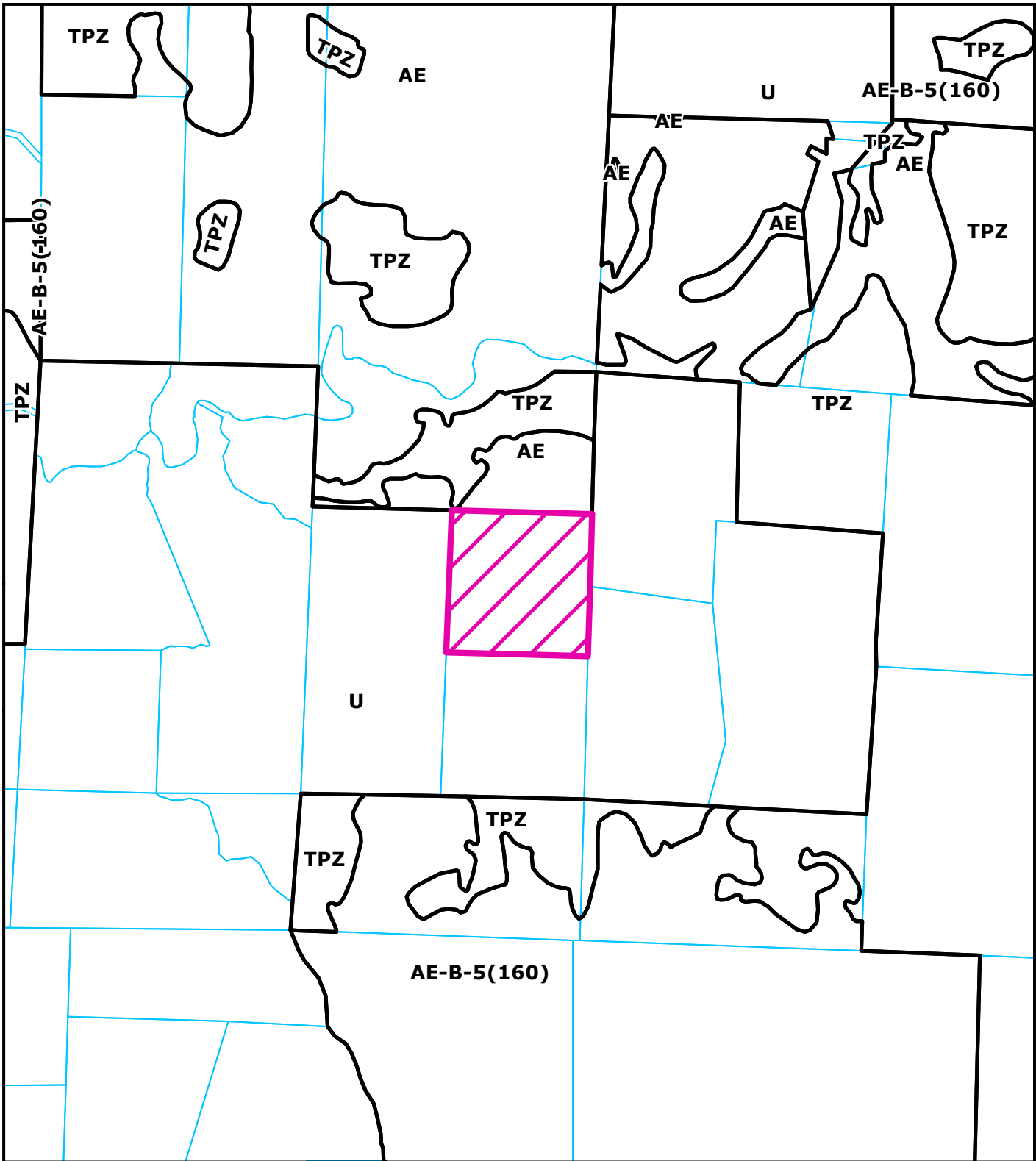


**TOPO MAP**  
**PROPOSED HANS P DILL**  
**ALDERPOINT AREA**  
**CUP-16-518**  
**APN: 216-093-009**  
**T04S R05E S32 HB&M (HARRIS)**

Project Area =

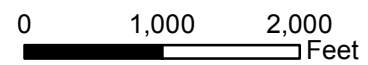


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

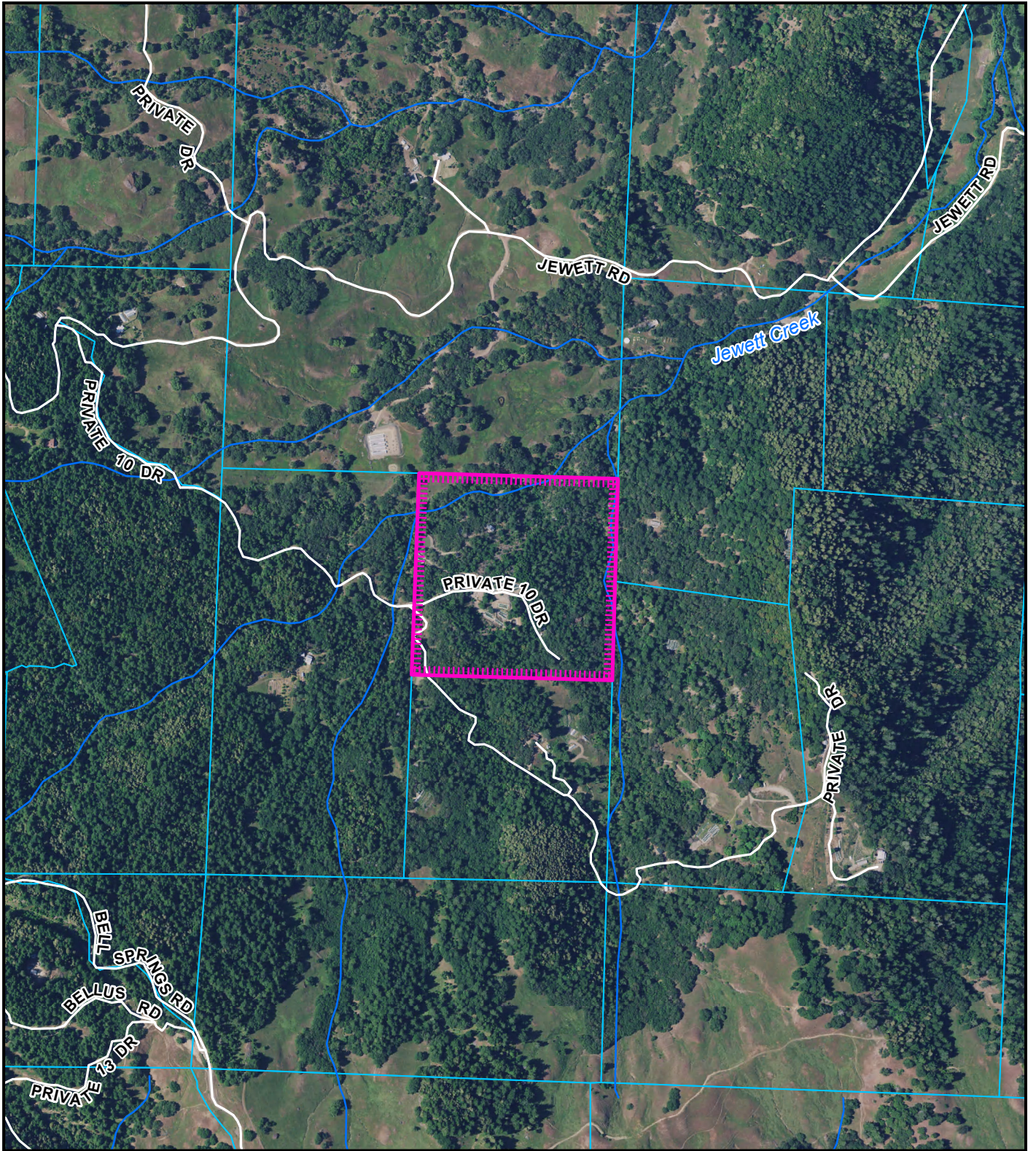


Project Area = 

**ZONING MAP**  
**PROPOSED HANS P DILL**  
**ALDERPOINT AREA**  
**CUP-16-518**  
**APN: 216-093-009**  
**T04S R05E S32 HB&M (HARRIS)**



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

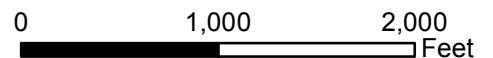


Project Area = 

**AERIAL MAP  
 PROPOSED HANS P DILL  
 ALDERPOINT AREA  
 CUP-16-518  
 APN: 216-093-009  
 T04S R05E S32 HB&M (HARRIS)**



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



**PACWI, LLC  
CONDITIONAL USE PERMIT  
APN: 216-093-009**

**PROJECT DESCRIPTION**

PACWI, LLC PROPOSES TO PERMIT EXISTING COMMERCIAL CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S COMMERCIAL CANNABIS LAND USE ORDINANCE (CLLUO). THE PROJECT REQUIRES A CONDITIONAL USE PERMIT FOR 16,800 SQUARE FEET (SF) OF EXISTING OUTDOOR CULTIVATION. THE PROJECT PROPOSAL ALSO INCLUDES THE PERMITTING OF EXISTING FACILITIES APPURTENANT TO THE CULTIVATION, INCLUDING GREENHOUSES, NURSERY FOR ON-SITE PROPAGATION, AND DRYING BUILDINGS.

**SITE PLAN NOTES**

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY NOR HAS THE PROPERTY BOUNDARY BEEN VERIFIED. THE BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY GIS DATA AND CONTAINS MODIFICATIONS.
3. STREAMLINE AND ROAD CENTERLINES ARE APPROXIMATE.
4. ALL LABELED STRUCTURES ARE EXISTING UNLESS OTHERWISE NOTED PROPOSED (P).
5. THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, OR PUBLIC PARKS WITHIN 600' OF THE CULTIVATION SITES.
6. THERE ARE NO RESIDENCES WITHIN 300' OF THE CULTIVATION SITES.
7. THERE ARE NO UTILITY LINES PRESENT ON THE SITE.
8. LETTERS AND NUMBERS FOR ROAD SIGNS, ADDRESSES, AND HOUSE NUMBERS SHALL BE A MINIMUM 4 INCH LETTER HEIGHT, 1/2 INCH STROKE, REFLECTORIZED, AND CONTRASTING WITH THE BACKGROUND COLOR OF THE SIGN.
9. ALL NOISE LOCATIONS ARE NOTED. NO SENSITIVE RECEPTORS WERE IDENTIFIED.



**PROPERTY INFORMATION**

**OWNER/ APPLICANT:**  
PACWI, LLC  
1001 BLISS LN.  
GARBERVILLE, CA 95542

**SITE ADDRESS**  
1001 BLISS LN.  
GARBERVILLE, CA 95542

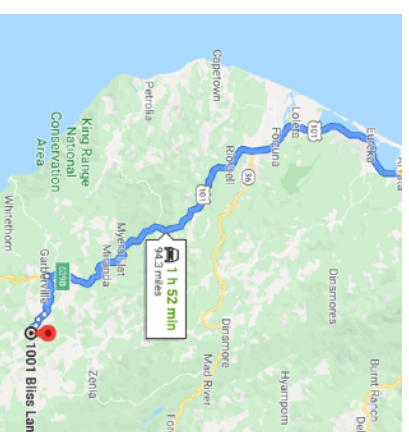
**ZONING:** U (UNCLASSIFIED)  
LAND USE: RA 40

**ASSESSED LOT SIZE:** 45 ACRES

**WATER SOURCE:** RAINWATER  
CATCHMENT PONDS

**DIRECTIONS TO SITE**

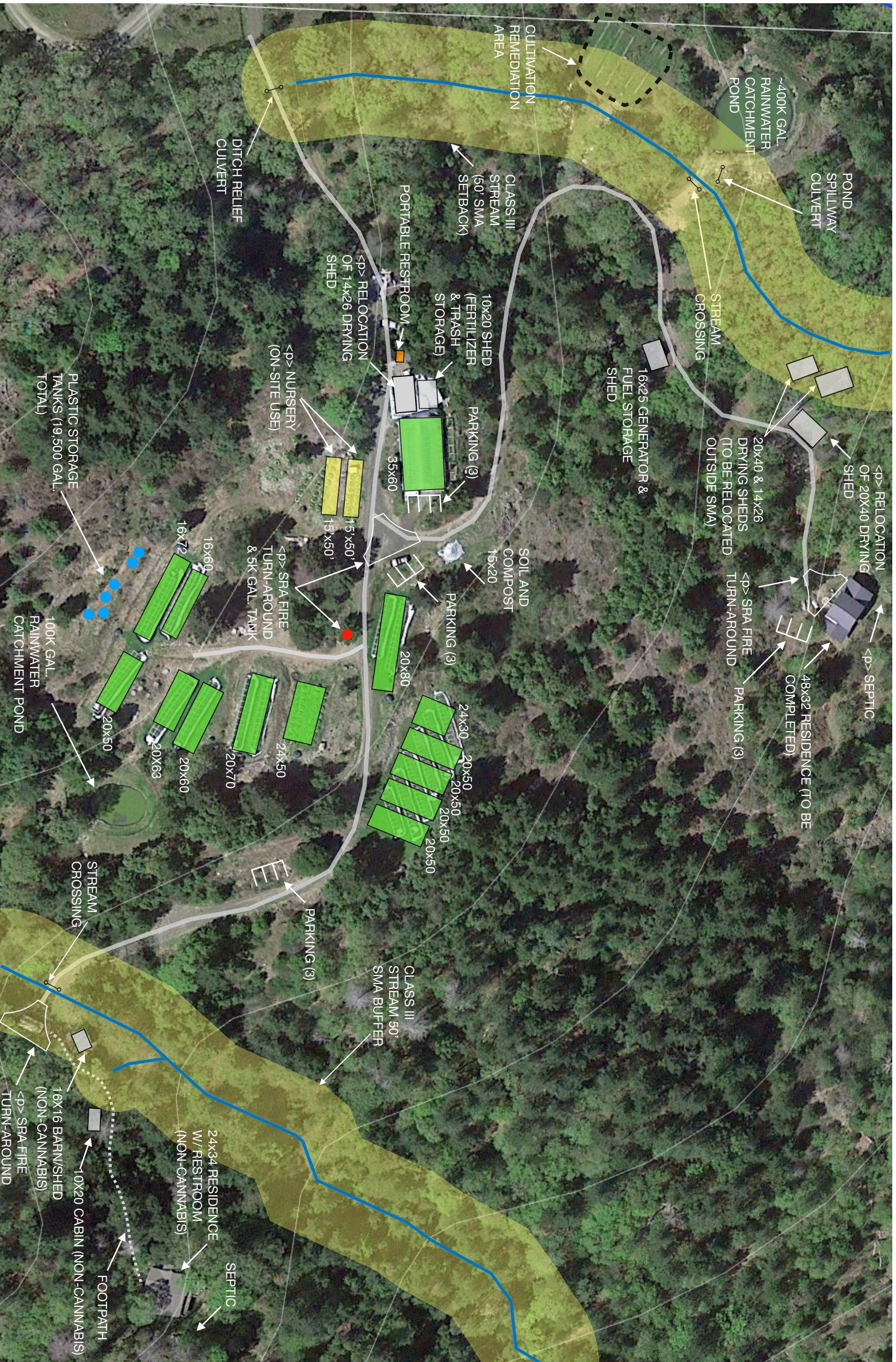
- FROM EUREKA, CA
- TAKE US-101 SOUTH 66 MILES
- TAKE EXIT 639B TO ALDERPOINT RD.
- TURN RIGHT ON REDWOOD DRIVE AND ONTO ALDERPOINT RD FOR 8 MILES.
- STAY RIGHT ONTO BELL SPRINGS RD AND FOLLOW FOR 3.5 MILES.
- TURN LEFT ONTO JEWETT RD FOR 0.5 MILES. TURN RIGHT ONTO BLISS LN. AND CONTINUE FOR 0.9 MILES TO DESTINATION



08/28/20



**PACWI, LLC**  
**CONDITIONAL USE PERMIT**  
**SITE PLAN DETAIL**  
**APN: 216-093-009**



SCALE: 1" = 80'

08/29/21

## 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. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #17. 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.
6. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage, graded flats, 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.
7. The applicant shall improve the access road (Bliss Lane) for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Jewett County Road) in order to meet commercial driveway standards. 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. A sign-off from the Public Works Department will satisfy this condition.

8. Portable toilet and handwashing facilities shall be utilized for cultivation staff. 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.
9. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
10. The applicant shall implement all corrective actions detailed in the Site Management Plan developed for the parcel, prepared pursuant to Tier 1 enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). The applicant shall submit a letter or similar communication from a qualified professional (e.g. civil engineer or Registered Professional Forester) that the improvements were completed as recommended in the *Site Management Plan* prepared by Timberland Resource Consultants, dated February 28, 2019. A sign-off from the Planning Department will satisfy this condition.
11. The applicant shall submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability. 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.
12. The applicant shall adhere to and implement the Final Streambed Alteration Agreement issued by CDFW. 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.
13. 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.
14. All artificial lighting including security and propagation area lighting shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.

15. The applicant shall comply with the attached CDFW Bullfrog Management Plan (Exhibit A of CDFW comments in Attachment 4) for the existing ponds. Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year. Fish stocking is prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code for the life of the project.
16. The applicant is required to adhere to the recommendations located on page 2 of the Biological Assessment prepared 9/16/2020 by SHN including adherence to all streamside management area buffers to avoid any potential impacts to riparian habitat as well as sensitive species. A letter or similar communication from a qualified professional stating the recommendations were adhered to as recommended will satisfy this condition.
17. The applicant is required to adhere to the recommendations located on pages 4 through 6 of the Geological Evaluation prepared 1/20/2021 by SHN including adherence to all streamside management area buffers to avoid any potential impacts to riparian habitat as well as sensitive species. A letter or similar communication from a qualified professional (e.g. civil engineer) stating the recommendations were adhered to as recommended will satisfy this condition.
18. 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.
19. 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.
20. 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 two rainwater catchment ponds and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
21. The Within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of Bliss Lane. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. A sign-off from the Planning Department will satisfy this condition.
22. 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.
23. 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.

24. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. 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 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 any applicable Lake and Stream Alteration (1600 or 1602) Permit 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.).

#### Performance Standards for Cultivation and Processing Operations

24. 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."
25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets (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.
28. All cultivators shall comply with the approved processing plan as to the following:
    - a. Processing practices
    - b. Location where processing will occur
    - c. Number of employees, if any
    - d. Employee Safety Practices
    - e. Toilet and handwashing facilities
    - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
    - g. Drinking water for employees
    - h. Plan to minimize impact from increased road use resulting from processing
    - i. On-site housing, if any
  29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP 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.
  30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within 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.
  31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
  32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
  33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
    - a. Identifying information for the new owner(s) and management as required in an initial permit application;
    - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
    - c. The specific date on which the transfer is to occur;
    - d. Acknowledgement of full responsibility for complying with the existing permit; and
    - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.



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

**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than 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 216-093-009; 1005 Bliss Lane, Harris area  
County of Humboldt**

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

**October 2021**

## Background

### **Modified Project Description and Project History –**

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

The modified project involves a Conditional Use Permit (PLN-12049-CUP) for continued cultivation of 16,600 square feet (SF) of cannabis utilizing light deprivation techniques within 13 hoop houses. Ancillary propagation occurs in two 750-square-foot greenhouses. Water for irrigation is sourced from two rainwater catchment ponds with a total estimated capacity of 500,000 gallons. Water storage on site consists of one (1) 5,000-gallon tank, three (3) 2,500-gallon tanks, and two (2) 3,500-gallon tanks for a total of 519,500 gallons of storage including the two (2) ponds. Estimated annual water use is 392,000 gallons. Drying and curing activities occur within two structures, a 1000-square-foot and a 320-square-foot structure. All other processing including trimming and packaging will occur offsite at a third-party licensed processing facility. A maximum of six (6) employees may be utilized onsite. Power is provided by a 25K Whisper Watt diesel generator. The project requires a Special Permit for work within the SMA for stream channel remediation and culvert replacement.

A review of the California Department of Fish and Wildlife (CDFW) Biogeographic Information and Observation System (BIOS) was performed on September 30, 2021, to find positive indicators for the potential occurrence of sensitive receptors on around the cultivation areas. There are no mapped sensitive species onsite, the nearest NSO activity center is located approximately 1.1 mile away from the nearest cultivation area with the nearest positive sighting only 0.5 miles away. Additionally, lands surrounding the site are heavily forested thus there is a potential for NSO habitat. The project as proposed is for the cultivation of 16,600 sf of cannabis cultivation occurring in 13 greenhouse structures utilizing light deprivation techniques. Two cycles are expected the first cycle starts in March and will end in July utilizing light deprivation techniques whereas the second cycle that starts in late July or early August runs through October and will be grown using full sun techniques. The nursery as proposed will contain low wattage LED "string lights" to provide lighting for employees and will be equipped with blackout curtains to eliminate light from escaping the structure from a half hour prior to sunset to a half hour after sunrise. The power source for the project is a 25kw diesel generator stored in a shop building that has a cement pad floor. The project is conditioned such that generators shall have secondary containment for fluid catchment and noise attenuation, and noise generated from generators shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. Additionally, any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits.

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 60 feet of stream channel restoration, three culvert upgrades, 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 30,000 square feet of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Plot Plans prepared by applicant dated 8/20/20.
- Cultivation and Operations Plan with Addendum prepared by applicant dated 08/XX/2021.
- Streambed Alteration Agreement (Notification No. 1600-2017-0599-R1) through the California Department of Fish and Wildlife dated 6/20/18.
- Site Management Plan (WDID-1B17159CHUM) prepared by Timberland Resource Consultants, dated 2/28/19 for the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy) and Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order).
- Engineering Geologic Evaluation of Existing Pond Embankment prepared by SHN Engineering, dated 1/20/21.

- Road Evaluation Report for Bliss Lane prepared by applicant, dated 4/1/19.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- Biological Assessment of Existing prepared by SHN Engineering, received 2/26/21.
- Cultural Resources Investigation prepared William Rich, M.A., RPA, Principal Investigator, William Rich & Associates, Bayside, CA, received 9/6/19.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

### **FINDINGS**

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

### **CONCLUSION**

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

## ATTACHMENT 3

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

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by applicant dated 8/28/20 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by applicant - **Attached**)
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. (Riparian Water Rights Statement of Diversion and Use claims and reporting (Not Applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Site Management Plan (WDID-1B17159CHUM) prepared by Timberland Resource Consultants, dated 2/28/19 – **Attached**)
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. (Streambed Alteration Agreement (Notification No. 1600-2017-0599-R1) through the California Department of Fish and Wildlife dated 6/20/18 – **Attached**)
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. (Not Applicable)
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. Cultural Resources Investigation prepared William Rich, M.A., RPA, Principal Investigator, William Rich & Associates, Bayside, CA, received 9/6/19 (On-file and confidential).
16. Road Evaluation Report for Bliss Lane prepared by applicant, dated 4/1/19. (**Attached**)
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
18. Biological Assessment of Existing prepared by SHN Engineering, received 2/26/21. (**Attached**)
19. Engineering Geologic Evaluation of Existing Pond Embankment prepared by SHN Engineering, dated 1/20/21. (**Attached**)

## Cultivation and Operations Plan for

**Applicant:** PACWI LLC

**Site Location Address:** 1005 Bliss Lane, Garberville, CA 95542

**Mailing Address:** 1401 Marvin Rd NE # 307-423. Lacey, WA 98516

**APN:** 216-093-009

**Cultivation:** 16,600 square feet outdoor cultivation w/ light deprivation

### Description of water source, storage, irrigation plan, and projected water usage:

The water source for cultivation is two fully-lined rainwater catchment ponds. The bigger pond has an approximate capacity of 500,000 gallons; the smaller pond has a capacity of about 100,000 gallons. Additional water storage for cultivation consists of two (2) 5,000 gallon tanks, three (3) 3,000 gallon tanks,

Cultivation sites are both hand-watered and drip irrigated to allow for more controlled usage. Both ponds have large 1.5” water lines ran to the storage tanks located on the top of the property for gravity fed water pressure. The cultivation water lines from the tanks start at 2” and drop to 1.5” after accessing first group of hoop houses. The small water tanks adjacent to the cultivation sites are plumbed with quick connects. 1” water lines run down the length of each garden bed.

Total projected water usage for the season is 392,200 gallons. A monthly breakdown is provided in the following table:

|                      |                      |                      |                      |
|----------------------|----------------------|----------------------|----------------------|
| Jan-March            | April                | May                  | June                 |
| Total Gallons 15,500 | Total Gallons 27,000 | Total Gallons 34,100 | Total Gallons 60,000 |
| July                 | August               | September            | October-Dec          |
| Total Gallons 86,800 | Total Gallons 86,800 | Total Gallons 51,000 | Total Gallons 31,000 |

**Total 392,200 gallons**



## **Description of site drainage, including runoff and erosion control measures:**

Plants are contained in soil beds, nursery pots, or fabric grow bags. Water is applied via a watering wand with an on-off thumb valve or via drip irrigation, and there is minimal anticipated cultivation-related runoff. The cultivation areas are located on a naturally occurring rock base, and are therefore not susceptible to runoff or erosion from significant rain events. In general, best management practices for preventing runoff and erosion are followed on the property, including sowing native grass seed to mitigate erosion around the cultivation areas and the ponds. Loose soil in any open areas will be contained and protected by tarps and or side walls.

## **Detail of measures taken to ensure protection of watershed and nearby habitat:**

The cultivation areas are conservatively hand-watered and drip irrigated to allow for more controlled usage, thereby preventing runoff and erosion. The cultivation areas are also beyond the required setback from any watercourses. The hoop houses have no-till beds, and soil is reused every season.

Composting occurs on-site in a protected and designated area where air, moisture, and turning can occur to promote proper composting techniques.

Fertilizers are prepared in small batches and mixed in larger tanks.

The cultivation areas are encircled with fencing to prevent wildlife access. Any cultivation-related waste is contained and taken to the transfer station on a regular basis.

The 25k Whisper Watt diesel generator is in a shop with cement floors and exhausted. It is coupled with a 550 gallon diesel storage tank stored inside of a metal no-spill containment tray. Gasoline is also stored in a metal tank inside of a metal no-spill containment tray.

## **Protocols for proper storage and use of fertilizers, pesticides and other regulated products utilized:**

Fertilizers are mixed in water tanks. One (1) 1000 gallon tank, one (1) 2500 gallon tank, one (1) 500 gallon tank, and 3 (3) 300 gallon tanks for a total of gallons in tank storage.

Fertilizers are stored in their original packages and in 5-gallon containers with rubber sealed lids, all of which are stored inside 4'x4' Dutch trays or plastic containers for further containment.

### **Cultural Pest-Management Control Methods**

Best cultural practices will be followed to maintain a clean work environment to prevent cross-contamination of growing areas. Eliminating dead and dying debris from plants and growing areas, removing pest outbreak populations immediately, and using proper nutrition to maintain optimal health of plants to naturally ward off pests will be the primary methods of cultural pest-management control.

### **Biological Pest-Management Control Methods**

A combination of OMRI listed natural bio-pesticides will be used to prevent and combat pest outbreaks. Beneficial insects, such as predatory mites, lady bugs, and predatory beetles, may be used to assist in mitigation of pest outbreaks.

### **Chemical Pest-Management Control Methods**

Integrated pest management products (Pesticides) are stored in original containers inside plastic containers. All Pesticides have MSDS sheets readily available on site. Any necessary Personal Protective Equipment (PPE) is available for use. If a respirator is required for application of any products, proper fit-testing and training will be completed. Pesticides will be applied according to manufacturer specifications and in no-drift conditions.

The lowest dose needed per label instructions will be applied early in vegetative cycles using proper PPE and following best cultural practices. Only California registered OMRI certified products will be used.

**Product Name and Active Ingredients:**

|                          |                                                   |
|--------------------------|---------------------------------------------------|
| Zerotol 2.0              | Hydrogen Peroxide 27% and Peroxyacetic Acid 2.0%  |
| Tritek                   | Mineral Oil/Petroleum Distillate, Light 80%       |
| Rootshield Plus + WP     | Trichoderma Harzianum FIFAI, Strain KRL-AG2 1.15% |
| Regalia PTO Biofungicide | Reynoutria Sachalinensis 5%                       |
| Grandevo                 | Chromobacterium Subtsuge 30%                      |
| SaferGarden Fungicide    | Sulfur 12%                                        |
| Venerate                 | Heat Killed Burkholderia Strain A396 94.6%        |

All products will be housed in a designated pesticide and fertilizer shed that protects products from the sun, rain and prevents wildlife access. Products will be accurately measured and applied at or below manufacturer recommended rates.

**Description of cultivation activities:**

Cultivation is for pots, hoop houses and a greenhouse. Two additional structures will be used primarily for early plant propagation and as drying sheds. All together there is framework for a total of 16,600 square feet of canopy cultivation.

**Processing plan:**

No commercial processing will occur on site. Plants are harvested and either hung to dry or fresh frozen. Harvested material is dried in the two drying sheds. These sheds are an insulated 20 x 50 (1000sf) and a 16 x 20 (320sf) with metal roofing.

**Schedule of activities during each month of the growing and harvesting seasons, including daily projected generator use:**

**March:** Vegetative growth in greenhouse; 4 hours projected generator use daily.

**April:** Vegetative growth in greenhouse; 4 hours projected generator use daily.

**May:** Flowering growth in beds; vegetative growth in greenhouse; 4 hours projected generator use daily.

**June:** Flowering growth in beds; vegetative growth in greenhouse and outdoor pots; occasional generator use daily.

**July:** Flowering growth in beds; vegetative growth in greenhouse and outdoor pots; curing harvested plants; 10 hours projected generator use daily.

**August:** Flowering growth in beds and outdoor pots; vegetative growth in greenhouse; curing harvested plants; 10 hours projected generator use daily.

**September:** Flowering growth in beds and outdoor pots; curing harvested plants; 8 hours projected generator use daily.

**October:** Flowering growth in beds and outdoor pots; curing harvested plants; 8 hours projected generator use daily.

### **Security plan:**

There is a locked gate at the entrance to the property. Rugged terrain prevents vehicular access to the property at any other point. In advance of that by about 1,000 feet, there is a main entry gate for additional security. Visitors first arrive at this gate and can only gain access via keypad access. A sign-in log and access badges will be kept on site for all visitor access. Local authorities will be notified in the event of emergency or a security breach.

PACWI, LLC  
APS #12049  
APN 216-093-009

**Operations Plan Addendum  
August 2021**

Addendum to Cultivation and Operations Plan submitted September 6, 2019.

**1. Number of Cultivation Cycles/ Light Dep**

PACWI, LLC will cultivate two (2) cycles of commercial cannabis; #1: March - July, and #2: August - October. The first cycle will utilize light deprivation covers on the greenhouses in the months of June and July to induce flowering.

**2. Harvesting**

Harvesting and drying of flowering plants will occur at two separate times annually, during the months of July and October.

**3 & 4. Water Source and Storage**

Irrigation water is sourced from and stored in two (2) lined rainwater catchment ponds (400,000 gallons and 100,000 gallons). Additionally, (1) 5000 gallon, (3) 2500 gallon, and (2) 3500 gallon tanks provide an additional 19,500 gallons of water storage.

**5. Onsite Nursery**

Juvenile plant propagation, for on-site use, will occur in the two (2) proposed 15'x50' (1,500 sf total) nursery greenhouses utilizing low wattage LED "string lights." The greenhouses will be equipped with blackout curtains to eliminate light from escaping the structure at night, and to comply with International Dark Standards.

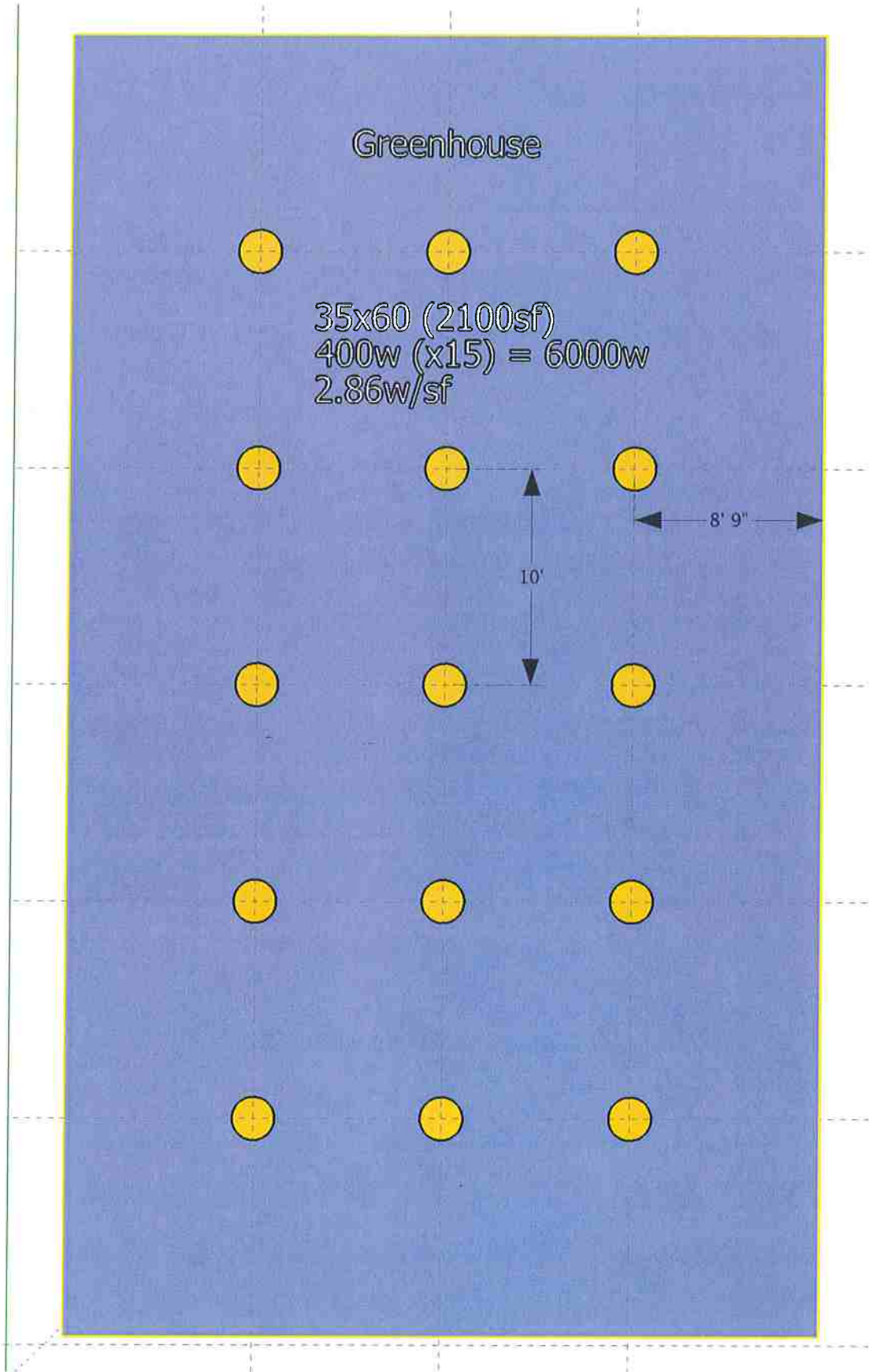
**6. Historic Cultivation Remediation and Relocation**

Historically an approximately 3,000 sf area adjacent to the north pond and a class III stream was utilized for cultivation. Due to potential impacts to the adjacent riparian area cultivation has ceased at this location. The former cultivation area has since been abandoned and the property owner has begun removing all cultivation equipment and refuse including garden beds, fencing, cultivation soil, nutrient containers, irrigation line, greenhouse infrastructure, t-posts, fencing, tarps and all other foreign material. Once all the cultivation soil and equipment has been removed, the site will be seeded with a native grass mix and covered with straw prior to the onset of the rainy season. No grading or earth moving was required to create the cultivation area. A review of historic imagery shows cultivation began at the site in approximately 2012, and the area was clear of trees prior to cultivation activities (it was likely a former logging landing).

## 7. Drying Shed Relocation and Remediation

Two (2) drying sheds measuring 20'x40' and 14'x26' were constructed within the 50' setback of a class III stream at the north end of the property. The sheds were constructed in approximately 2014 and are built on the natural topography using "post and pier block" foundations to minimize ground disturbance. The 20'x40' shed will be relocated approximately 30' south-east to a location adjacent to the road and outside of the stream setbacks. The 14'x26' shed will be relocated near the property entry, adjacent to the 35'x60' greenhouse and the fertilizer storage shed. The relocation sites will not require any grading or earth moving. The sheds will be reconstructed on post and pier foundations. Once the buildings are completely relocated and the former site cleared of foreign material, the site will be seeded with a native grass mix and covered with straw prior to the onset of the rainy season.

#12049  
216-093-009



12049

RECEIVED

JUN 20 2018

CDFW - EUREKA



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

**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION NO. 1600-2017-0599-R1

Unnamed Tributaries to Jewett Creek, Tributary to the Eel River and the Pacific Ocean

Jessica James  
James Water Diversion and Stream Crossings Project  
3 Encroachments

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

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on September 5, 2017, that the Permittee intends to complete the project described herein.

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

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

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

**PROJECT LOCATION**

The project to be completed is located within the Eel River watershed, approximately 7.5 miles south of the town of Alderpoint, County of Humboldt, State of California. The project is located in Section 32, T4S, R5E, Humboldt Base and Meridian; in the Harris U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 216-093-009; latitude 40.0711 N and longitude -123.6374 W at the first stream crossing.

**PROJECT DESCRIPTION**

The project is limited to 3 encroachments (table 1). One encroachment is for replacing a 15 inch culvert with an 18 inch culvert. A second encroachment is for removing a plugged 12 inch culvert and decommissioning the associated growing area. A third



encroachment is for replacing a 30 inch culvert with a 60 inch culvert. Water for irrigation purposes is completely sourced from two off stream ponds.

Table 1. Project Encroachments with Description

| ID                                | Latitude/Longitude | Description                                                                                                                                                                                                                  |
|-----------------------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Crossing-1                        | 40.0166, -123.8443 | Replace undersized 15" diameter culvert with minimum 18" diameter culvert                                                                                                                                                    |
| Crossing-2 and stream remediation | 40.0150, -123.8433 | Remove and decommission a non functioning 12" diameter culvert and associated cannabis growing area. Remediate approximately 60 feet of class III watercourse impacted by fill placed in or directly adjacent to the channel |
| Crossing-3                        | 40.0146, -123.8422 | Replace undersized 30" diameter culvert with minimum 60" diameter culvert                                                                                                                                                    |

**PROJECT IMPACTS**

Existing fish or wildlife resources the project could substantially adversely affect include: Coastal Tailed Frog (*Ascaphus truei*), Foothill Yellow-legged Frog (*Rana boylei*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Western Pond Turtle (*Actinemys marmorata marmorata*), Northern Spotted Owl (*Strix occidentalis caurina*), Yellow Warbler (*Setophaga petechia*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Pacific lamprey (*Entosphenus tridentata* ssp. 1), as well as other amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian and native plant species.

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

**Impacts to water quality:**

- temporary increase in fine sediment transport

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

- loss or decline of riparian habitat

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

- direct and/or incidental take
- indirect impacts
- water quality degradation
- damage to aquatic habitat and function

## MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

### 1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the

anticipated start date. Subsequently, the Permittee shall notify CDFW no later than 7 days after the project is fully completed.

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

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

- 2.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on September 5, 2017, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Work Period.** All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.3 **Work Completion.** The proposed work shall be completed by no later than **October 1, 2018**. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.
- 2.4 **Incidental Take.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

### **Vegetation Management**

- 2.5 **Minimum Vegetation Removal.** No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.
- 2.6 **Vegetation Management.** Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of stream crossing or diversion infrastructure placement/maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides.

### **Water Storage Pond**

- 2.7 **Invasive Species Management for Reservoirs.** Permittee shall implement an invasive species management plan prepared by a Biologist for any existing or proposed reservoir. The plan shall include, at a minimum, an annual survey for

RE: 1600-2017-0599-R1 / Jessica James

Smith, Timothy(TO)@Wildlife [Timothy.Smith@wildlife.ca.gov]

Sent: 6/6/2018 8:21 AM

To: mrueda@timberlandresource.com

Maddy:

Please retain a copy of this email as authorization for the Permittee to complete two of the projects this year and the other by 2019 using the same seasonal timing and all other conditions for completion of the work. A revision requires more paperwork than it is worth. I will place a copy of this email in the folder in case there is a compliance inspection later.

T.O. Smith, CDFW

From: mrueda@timberlandresource.com <mrueda@timberlandresource.com>

Sent: Tuesday, June 05, 2018 12:57 PM

To: Smith, Timothy(TO)@Wildlife <Timothy.Smith@wildlife.ca.gov>

Subject: 1600-2017-0599-R1 / Jessica James

Hello T.O.,

I am emailing you in regards to the above 1600 #. I spoke with the client and it looks like she will be able to complete Crossings 1 & 2 but Crossing 3 she can't complete until 2019. I was hoping to be able to have you revise the draft to show her completion schedule like this, if this is acceptable to you.

Let me know what would be best or if you need anything from me.

Best,

*Maddy Rueda*

**Timberland Resource Consultants**

707-725-1897

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invasive aquatic species. The Biologist, if appropriate, shall implement eradication measures if invasive aquatic species are identified as part of the survey.

- 2.8 Bullfrog Management Plan. The Permittee shall monitor pond(s) each year for invasive bullfrogs. If bullfrogs are or become present, they shall be appropriately managed. Management of bullfrogs, including annual draining and drying of ponds, shall follow the guidelines in **Exhibit A**. A copy of the annual monitoring report, shall be submitted to CDFW in accordance with the reporting measures described in **Exhibit A** and below (Reporting Measure 3.3)
- 2.9 Wildlife Entrapment Prevention. The Permittee shall install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, made of solid material (e.g. wood), and be a minimum length of 1.5 times the radius of the pond. A notice of completed work, with supplemental pictures, shall be submitted to CDFW by **December 31, 2018**.
- 2.10 Pond Spillway. The Permittee shall install an overflow spillway that will withstand a 100-year flood event and control concentrated overflow. The spillway shall prevent surface overflow from reaching waters of the State. The Permittee shall regard pond water in the same manner as a stream, and where applicable, shall adhere to conditions 2.4 to 2.11 below.
- 2.11 No Stocking. Stocking of fish, wildlife, or plant of any kind, in any Waters of the State, including reservoirs, shall be prohibited without written permission from the department pursuant to Section 6400 of the Fish and Game Code.
- 2.12 Water Management Plan. The Permittee shall submit a Water Management Plan no later than 60 days following the signing of the Agreement that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water sources, water storage, water conservation, or other relevant material to maintain water needs. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 2.13 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.14 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at [http://www.swrcb.ca.gov/waterrights/publications\\_forms/forms/docs/sdu\\_registration.pdf](http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf).

## **Stream Crossings**

- 2.15 **Stream Protection.** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.16 **Equipment Maintenance.** Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.17 **Hazardous Spills.** Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.18 **Dewatering.**
- 2.18.1 **Stream Diversion.** Only when work in a flowing stream is unavoidable (e.g., perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
- 2.18.2 **Maintain Aquatic Life.** When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.
- 2.18.3 **Stranded Aquatic Life.** The Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern. The Department staff who prepared this agreement shall be contacted immediately if any of these

species are detected.

- 2.18.4 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately.
- 2.18.5 Minimize Turbidity, Siltation, and Pollution. Permittee shall use only clean, non-erodible materials, such as rock or sandbags that do not contain soil or fine sediment, to construct any temporary stream flow bypass. Permittee shall divert stream flow around the work site in a manner that minimizes turbidity, siltation, and pollution, and does not result in erosion or scour downstream of the diversion.
- 2.18.6 Remove any Materials upon Completion. Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.
- 2.18.7 Restore Normal Flows. Permittee shall restore normal flows to the effected stream immediately upon completion of work at that location.
- 2.19 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 2.20 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- 2.21 Culvert Installation.
- 2.21.1 The project is located in a moderate to very high Fire Hazard Severity Zone as designated by CAL FIRE. Culvert materials shall consist of corrugated metal pipe (CMP). Use of High Density Polyethylene (HDPE) pipe shall be prohibited.

- 2.21.2 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.
- 2.21.3 Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). The Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets.
- 2.21.4 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.
- 2.21.5 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.
- 2.21.6 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e.  $\geq 1.0$  times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

## 2.22 Rock Armor Placement.

- 2.22.1 No heavy equipment shall enter the wetted stream channel.
- 2.22.2 No fill material, other than clean rock, shall be placed in the stream channel.
- 2.22.3 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.
- 2.22.4 Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.

- 2.23 Road Approaches. The Permittee shall treat road approaches to new or re-constructed permanent crossings *on Class I and II watercourses* to minimize erosion and sediment delivery to the watercourse. Permittee shall ensure road



approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed. Road approaches shall be armored from the crossing for a minimum of 50 feet in both directions, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable rock, compacted grindings, pavement, or chip-seal.

## **Erosion Control and Pollution**

- 2.24 **Erosion Control**. Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.
- 2.25 **Erosion Control**. Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.
- 2.26 **Seed and Mulch**. Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.
- 2.27 **Erosion and Sediment Barriers**. Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment and/or replacement of damaged sediment fencing, coir logs, coir rolls, and/or straw bale dikes. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.
- 2.28 **Prohibition on Use of Monofilament Netting**. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- 2.29 **Site Maintenance**. Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and

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

- 2.30 Cover Spoil Piles. Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.
- 2.31 No Dumping. Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.
- 2.32 Project Inspection. The Project shall be inspected by Timberland Resources or a licensed engineer to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

### 3. Reporting Measures

- 3.1 Water Management Plan. The Permittee shall submit a **Water Management Plan** (condition 2.12) no later than **60 days following the signing of this agreement** that describes how compliance will be achieved under this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.2 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.32) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501
- 3.3 Bullfrog Management Plan. To comply with Condition 2.8, the Permittee shall submit all required documents described in the **Bullfrog Management Plan** (Exhibit A) no later than **December 31** of each year. The Bullfrog Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

## **CONTACT INFORMATION**

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

### To Permittee:

Jessica James  
700 Sleater Kinney Road SE B-215  
Lacey, Washington  
206-718-4716  
Bellashoe@gmail.com

### To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2017-0599-R1

## **LIABILITY**

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

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

## **SUSPENSION AND REVOCATION**

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

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

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

## **ENFORCEMENT**

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

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

## **OTHER LEGAL OBLIGATIONS**

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

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

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

## **AMENDMENT**

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

The Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittee. To request an amendment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

## TRANSFER AND ASSIGNMENT

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

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

## EXTENSIONS

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

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

## EFFECTIVE DATE

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

## TERM

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

**AUTHORITY**

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

**AUTHORIZATION**

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

**CONCURRENCE**


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

**FOR Mrs. Jessica James**

  
\_\_\_\_\_  
Jessica James

6/13/2018  
\_\_\_\_\_  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

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

6/20/18  
\_\_\_\_\_  
Date

Prepared by: T.O. Smith, January 3, 2018

## **EXHIBIT A.**

### **BULLFROG MONITORING AND MANAGEMENT PLAN FOR 1600-2017-0599-R1**

#### **GENERAL BULLFROG INFORMATION**

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

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

#### **MONITORING**

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

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

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

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

#### **SUCCESS CRITERIA**

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

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

## OPTIONS FOR MANAGEMENT

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

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

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Senior Environmental Scientist Specialist Ryan Bourque by phone at (707) 441-2064 or via email at [ryan.bourque@wildlife.ca.gov](mailto:ryan.bourque@wildlife.ca.gov).

### Direct Removal

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

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

### Management Authorization

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

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



## Pond Dewatering

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

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

## REPORTING

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

## APPENDIX A. BULLFROG REFERENCE PHOTOS



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



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



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

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

PACWI LLC

Applicant Name: \_\_\_\_\_

APN: 216-093-009

Planning & Building Department Case/File No.: 12049

Road Name: Bliss Lane (complete a separate form for each road)

From Road (Cross street): Jewett County Road

To Road (Cross street): Bliss Lane

Length of road segment: 1 miles Date Inspected: 4/1/19

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

Check one of the following:

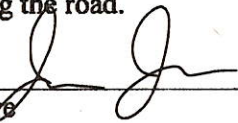
Box 1  The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

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

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

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

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

Signature 

4/1/19  
Date

Jessica James (Manager PACWI LLC)

Name Printed

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



9/11/2018

IMG\_0824.JPG



9/11/2018

IMG\_0825.JPG





12049  
216-093-009



Reference: 020095

September 16, 2020

Robert Jensen  
Box 4434  
Arcata, CA 95518

**Subject: Biological Assessment of Existing Pond at 1005 Bliss Lane, Harris, CA**

Dear Robert Jensen:

The existing pond at 1005 Bliss Lane, near the community of Harris, CA, was visited by Senior Wildlife Biologist Gretchen O'Brien on August 27, 2020. As requested by the Humboldt County Planning Department, the pond was assessed for whether the pond could be improved to protect water quality and habitat value of adjacent streams, assess the connection between outflow and surface water, recommendations on improving the pond, and a discussion of how any proposed actions comply with the County Streamside Management Area and Wetland Ordinance. This assessment also includes results of the potential use by special-status wildlife species or invasive species and if any wildlife entrapment potential exists.

**Existing Conditions**

The pond is located on a terrace outside the SMA for Jewett Creek and adjacent to a Class III ephemeral drainage, to which the pond outflow is directed (Appendix 1, Photo 1). The pond area is enclosed with a wire fence, is lined with plastic, and has native vegetation on the edge. The pond is at about half-capacity with standing water. There is a fallen oak tree along one side that is to be removed and the remaining fence enclosed (Appendix 1, Photo 2).

Several adult American bullfrogs (*Lithobates catesbeianus*) were observed at the edges and within the water of the pond. No other aquatic species were observed. One area of the pond has a gently sloped side, which could adequately allow wildlife to escape the pond, while other portions of the pond sides are steeper (Appendix 1, Photo 3).

The pond outflow pipe is positioned at the top of a steeper side slope adjacent to the gently sloping side, which makes the outflow pipe potentially higher than the lowest side of the pond. This may result in overland flow rather than concentrated flow through the overflow pipe (Appendix 1, Photo 4). The outflow pipe does not currently have a rock spillway to prevent erosion into the Class III drainage.

**Recommendations**

The following recommendations are provided to protect water quality, and improve habitat value of the pond and adjacent streams:



- Recontour the pond edge so that the outflow pipe is below the lowest edge of the pond, while retaining a slope of 2:1 or installing exit ramps for adequate wildlife escape. Ensure no overland flow of water occurs from the pond and all overflow is directed through the pipe.
- Place crushed rock below the outflow pipe into the Class III drainage to create a gradual spillway from the outflow end of the culvert pipe to the drainage bed to prevent erosion. Do not remove any vegetation along this Class III drainage unless minor vegetation removal is necessary to install the rock spillway.
- Ensure that any additional fencing or netting used in the pond enclosure design does not restrict wildlife movement through adjacent riparian corridors or cause entanglement. No plastic netting or fencing should be used.
- Remove American bullfrogs (*Lithobates catesbeianus*) from this pond and any other pond on the property in consultation with a qualified biologist or California Department of Fish & Wildlife regarding appropriate eradication methods. Typical methods are outlined below under **American Bullfrog Management**.
- After bullfrog eradication, install amphibian exclusion fencing around the pond to prevent re-infestation. Consult with a qualified biologist or California Department of Fish & Wildlife for appropriate materials and design.
- When pumping water from the pond, use a 1/8-inch filter basket to avoid aquatic species entrapment.

### **American Bullfrog Management**

Implementing both reservoir dewatering and manual direct removal is believed to be the most effective method of managing bullfrog infestations. Pond dewatering may be appropriate if the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW are necessary to ensure potential impacts to stream resources and can be addressed prior to commencing with pond draining. Discharge of impacted water to "Waters of the State" may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles overwinter and may require up to two years to develop into frogs, whereas most native amphibians only require one year. Therefore, draining a reservoir every two years (or less) is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations, and allow for reduced efforts as a measure of adaptive management. Typically, in Northern California, reservoir draining should occur between September and October to avoid impacts to sensitive native amphibian and fishery resources.

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

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5



Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent ongoing reproduction.

## Conclusion

If the above recommendations are taken into consideration, as well as following the Avoidance and Minimization Measures outlined in CDFW Notification #1600-2017-0599-R1 and in compliance with any other agency permitting required, the existing pond should not have a negative impact on biological resources or their habitat. Recommended pond improvements are in compliance with the Humboldt County Streamside Management Area Ordinance based on the exception in section 61.1.4.1, which states:

“Routine maintenance activities associated with existing public or private facilities, defined as “activities to support, keep and continue in an existing state or condition without decline.” Routine activities include the replacement of culverts and related structures when conducted pursuant to a Department of Fish and Wildlife Lake or Streambed Alteration Agreement (LSAA).”

Feel free to contact me at 707-822-5785 with any questions or concerns.

Respectfully submitted,

**SHN**



Gretchen O'Brien  
Senior Wildlife Biologist

GAO:cet

Appendix 1: Site Photos





# PHOTOS

1



Photo 1. Outlet pipe to adjacent stream.



Photo 2. Dead oak tree that may be removed to enclose the fence fully.



Photo 3. View of lowest side near the outlet pipe.



Photo 4. Outflow pipe set higher than lowest side.





Reference: 020095

January 20, 2021

Robert Jensen  
Box 4434  
Arcata, CA 95560

**Subject: Engineering Geologic Evaluation of Existing Pond Embankment, 1005 Bliss Lane, Harris, Humboldt County, California; APN 216-093-009**

Dear Robert Jensen:

This letter provides the results of a recent engineering geologic inspection that SHN conducted of an existing agricultural irrigation pond at 1005 Bliss Lane, near Harris, Humboldt County, California on Assessor's parcel number (APN) 216-093-009. The intent of our inspection was to evaluate embankment conditions in the context of ongoing permitting at the site for cannabis cultivation. Our task is to provide a professional opinion regarding the integrity of the existing embankment and to define the level of risk of future embankment failure. This is not an assessment of the environmental setting of the ponds relative to watercourses, wetlands, and so on; we understand that others are conducting that assessment as a part of the permitting process. Based on discussions with the property owner, it is our understanding there is the desire to retain the pond for future use.

We note the retroactive assessment of built structures is inherently limited in its effectiveness. Inspection of a finished structure is not a comparable substitute for observation and inspection during construction, and regulatory expectations should be developed accordingly. Post-construction testing can provide localized information relative to the condition of a structure but is of limited utility for evaluation of the structure as a whole. This assessment is, therefore, qualitative and is by nature subjective and based on professional judgment.

We visited the site on September 3, 2020 to conduct a visual reconnaissance of existing site conditions. We evaluated the subject embankment by collecting relevant measurements regarding the geometry of the structure and conducted a thorough reconnaissance of all visible parts of the embankment. Additionally, we reviewed historical aerial photographs, publicly available light detection and ranging (LiDAR) data, and a site management plan prepared by Timberland Resource Consultants, dated February 28, 2019. Sample collection or testing of subsurface materials within the embankment was not conducted, due to the difficulty in the collection of representative samples and the uncertainty in interpretation of testing results (collection and testing of an adequate number of samples to evaluate embankment stability would be cost prohibitive and is beyond the scope of an investigation of this scale).



## Site Description

The subject property is on Bliss Lane, which is accessed by Bell Springs Road, in the southeastern portion of Humboldt County, approximately 1.4 miles southeast of the community of Harris (Figure 1). Latitude and longitude of the site are 40.072356° W and -123.637465° N, respectively. The subject pond is on a northeast facing hill slope with moderate gradients (23 percent), at an elevation of 1,520 feet, among oak woodland.

The subject pond is roughly 60 feet east of a Class II tributary to Jewett Creek (Figure 2), and Timberland Resource Consultants identified a Class III watercourse directly east of the pond, in the site management plan (2019). The access road for the pond crosses the Class III watercourse using a 24-inch culvert. Below the crossing, the Class III watercourse flows at the toe of the pond embankment along its northeast side before continuing to the northeast. Large rock consisting of subangular cobbles and boulders, makes up the outer portion of the embankment fill in this location. The site is vegetated with small oak, madrone and fir. A 24-inch diameter fir was observed growing directly below the pond embankment on the northwest side.

Published geologic and geomorphic mapping (Spittler, 1984) indicates the site is underlain by Jurassic-Cretaceous-age Franciscan Central Belt sandstone bedrock. The Franciscan sandstone bedrock in this area occurs as a 0.6-mile-wide, east-west strip between less resistant bedrock of the Franciscan Central Belt Mélange. The sandstone is described as “graywacke with minor lenses and beds of siltstone and shale; sandstone generally well consolidated and massive; in many places the sandstone is highly fragmented or broken with individual fragments surrounded by crushed materials.” Spittler describes the mélange as “highly sheared argillaceous matrix surrounded by pebble-size to individually mappable blocks of various rock types; the highly erodible, sheared matrix generally is unstable and prone to landsliding on relatively gentle slopes.” Sandstone bedrock was observed at the subject site, and we did not observe any evidence of recent landsliding during our site visit. A small, discontinuous ridge of bedrock, trending to the north, is on the slope below the pond.

## Pond Description

According to Google Earth imagery, the subject pond was constructed sometime between 2012 and 2014; however, we do not know anything about how the pond was constructed. The pond is roughly 125 feet by 125 feet (Figure 2). A cut slope was constructed on the south side of the pond with gradients ranging from 30 to 50 percent. The pond embankment extends away from the cut slope, to the north. Bedrock and rocky soils are exposed in the cut slope.

The inboard embankment slope has gradients that range between 25 and 40 percent, or 4:1 and 2.5:1 H:V (horizontal:vertical), while the outboard embankment slope has gradients up to 53 percent, or 1.95:1 H:V. The embankment is approximately 7 to 12 feet tall with a 5- to 10- foot-wide crest. The elevation of the crest is not uniform. The lowest point on the crest is at the access road, 1 to 2 feet below the rest of the embankment crest surface. In this location, the crest is approximately 1 foot above the pond outlet.

The eastern edge of the embankment appears to have been constructed up to the edge of the Class III watercourse crossing. Adjacent to the watercourse, the embankment is partially constructed with



earthen materials and partially of coarse rock. The rock makes up the outer portion of the embankment below the pond outlet and below the Class III culvert and contains individual rocks up to 4 feet in size. The remainder of the embankment appears to have been constructed with heterogeneous material consisting of fine to coarse soil and rock, which we interpret to be spoils excavated during pond construction activities. The southwestern portion of the embankment has a 4-foot tall by 5-foot-wide outcrop of bedrock protruding out of the embankment fill. At the time of our site visit, small bushes were observed growing out of the inside and top of the embankment, with a large bush growing on the east side of the outfall pipe. The pond is lined with what appears to be a synthetic liner; however, the liner does not extend to the crest of the embankment and is not at a uniform elevation around the pond interior. The top of the liner instead, is at inconsistent elevations, terminating 1 to 2 feet below the outfall pipe, at its lowest point below the access road.

The pond has an outlet consisting of a 14-inch corrugated plastic pipe (CPP) built into the embankment. The outlet provides approximately 8 to 12 inches of freeboard from the lowest part of the embankment crest, at the access road. The outfall pipe discharges directly onto the coarse rock making up the outside of the embankment, as described above, and subsequently into the Class III watercourse. Prevalent ¼- to 1-inch-wide cracks were observed in the embankment crest with the largest cracks occurring above the coarse embankment fill rocks and outfall pipe. Numerous cattle tracks were observed around the exterior of the pond, on the outside embankment slope.

## Discussions and Conclusions

Based on the conditions of the subject pond and embankment observed during our site visit, we believe the embankment does not meet the current industry standards for an earthen structure used for water retention. The eastern portion of the embankment, against the Class III watercourse, is made up of a combination of earthen materials and coarse rock. Although the embankment achieves desired slope gradients in this area, the use of coarse rock to construct the embankment is not standard practice for constructing earthen water retention structures. The cracks observed above the embankment crest above the coarse embankment fill rocks are indicators of settlement and weakness suggesting poor structural integrity of the embankment in this area. Additionally, the location of the Class III watercourse presents the potential to erode into the toe of the embankment. Therefore, we recommend using rock slope protection (RSP) on the outside of the newly constructed pond embankment to prevent erosion. The embankment crest surface is not at a uniform elevation, and therefore, does not have a consistent minimum freeboard of 2 feet. The top of the pond liner is inconsistent, and should it become over-topped at the lowest point at the access road, it will lead to saturated fill conditions or erosion of the embankment with the potential to weaken the structure, leading to failure. The observed bushes growing out of the interior top of the embankment have root systems that can weaken the embankment. Bushes and large shrubs should not be allowed to grow out of the embankment. The pond outlet discharges onto the coarse rock on the outside of the northeast embankment, and subsequently into the Class III watercourse.

Based on the inspection conducted in 2020, we conclude that the pond embankment should be reconstructed based on our recommendations presented below, especially considering the pond's proximity to a Class III watercourse. If the pond is to be decommissioned, other recommendations may be required.



## Recommendations

The entire embankment should be reconstructed using engineered fill and we recommend RSP be used on the outside slope following embankment construction to armor the toe of the newly constructed embankment adjacent to the Class III watercourse to prevent erosion. Recommendations for RSP placement are presented below. Prior to embankment reconstruction, the pond should be drained, and the existing embankment fills should be removed and stockpiled for later use as engineered fill. Pond design and construction recommendations are discussed below. See Figure 3 for a pond design schematic.

Additionally, adding fencing around the embankment is recommended if livestock are grazed or fed in adjacent fields to prevent erosion and differential settlement of the embankment.

## Site Preparation and Grading

We recommend the following basic site preparation and grading prior to pond construction:

- As appropriate, notify Underground Service Alert prior to commencing site work.
- Strip and remove all existing vegetation and root systems from areas of proposed development.
- Strip and remove the footprint areas of these developments, plus an additional 5 feet outward.

Additional grading will vary depending on the existing topography at the proposed pond location. In general, we recommend the following for cut slopes and fill slopes:

- Cut slopes should be no steeper than 1½:1 (H:V). Cut slopes greater than 5 feet in height should be reviewed by the geotechnical engineer for stability.
- Fill slopes should be no steeper than 2:1 (H:V). Fill slopes greater than 5 feet in height should be reviewed by the engineering geologist for stability. All material used to construct fill slopes should meet the engineered fill specifications and compaction requirements outlined below. Where fill is placed on existing slopes steeper than 5:1 (H:V), the fill material should be keyed and benched into competent native soil.

In addition, engineered fill should meet the following requirements:

- Less than 2 percent by dry weight of vegetation and deleterious material
- Liquid limit less than 40
- Plasticity index less than 15

The following installation measures should be followed for engineered fill:

- Moisture-condition the material to near optimum moisture content.
- Place fill in horizontal lifts no greater than 8 inches in uncompacted thickness.
- Compact each lift to at least 90 percent relative compaction<sup>1</sup> before placing the next lift.

---

<sup>1</sup> Relative compaction refers to the in-place dry density of a soil expressed as a percentage of the maximum dry density of the same soil, as determined by the ASTM D1557 Test Method. Optimum moisture content is the water content (percentage by dry weight) corresponding to the maximum dry density.



Sufficient construction inspection and materials testing should be performed, as determined by the engineering geologist or qualified representative, to confirm the grading is completed in accordance with the design recommendations.

Also, in general, final grades around the project site should be constructed so that surface water drains away from all improvements. The grade should fall at least 6 inches within the first 10 feet (a 5 percent grade), moving outward from the improvements. Surface runoff should be directed to the nearest project drainage control system and not allowed to pond.

## **Pond Design and Construction**

- The interior and exterior slopes of the engineered fill embankments for the storage pond should be inclined no steeper than 2:1 (H:V).
- The crest of the storage pond embankments should be at least 2 feet above the maximum water level (freeboard) to minimize the potential for breaching during a seismic event.
- The crest of the storage pond embankments should be at least 6 feet wide for embankments less than 10 feet high; taller embankments (11 to 14 feet) should have crest widths of at least 8 feet. Any embankments taller than 14 feet should have a minimum crest width of 10 feet.
- A core trench (equivalent in width to the crest width) should be excavated beneath the axis of dam embankments. The trench should extend at least 2 feet vertically into firm, native soils or rock. This trench should be included regardless of the slope upon which the embankment is built.
- If embankment fills are placed on existing slopes steeper than 5:1 (H:V), then the fill should be benched into firm, native soil a minimum of 2 feet, and the toe should be supported by a keyway. The keyway should be at least 10 feet wide and sloped 2 percent into the slope.
- Finished grading should be designed such that ponding or concentrated runoff is avoided. Where concentrated runoff does occur (such as, at pond outlets) or at the Class III watercourse below the embankment, flow energy should be dissipated by installing RSP. A permeable, nonwoven geotextile fabric should be placed over the prepared ground surface before installation of any RSP.

For pond construction, we recommend the following:

- All earthworks should be performed by an experienced, licensed contractor.
- Strip and remove all existing vegetation and root systems from the footprint of the pond, plus an additional 5 feet outward. Note that the footprint area is delineated by the total extent of earthwork to be performed (that is, the perimeter of all cut and fill surfaces).
- During excavation of the design cuts, if they are required, stockpile the excavated spoils for future use as embankment fill. All embankment fill should be free from woody debris, roots, organics, and rocks retained on the 4-inch sieve. If coarser soils (gravel and/or cobbles) are encountered during excavation and construction, measures should be taken to remove the coarse material. A rock sorter and/or crusher may be required to remove/modify the oversized



particles (rocks retained on a 4-inch sieve). Embankment fill should be comprised of greater than 50 percent fine-grained material (silts and clays) to minimize water seepage through the embankment. To the extent feasible, segregate fine-grained materials and blend the remainder of the stockpiled material into a uniform mixture.

The engineering geologist or qualified representative should be present during excavating and stockpiling to ensure the adequacy of the excavated material. If the excavated material is deemed inadequate for use as fill, then an alternate source must be determined (from either a borrow area elsewhere onsite or soil imported from offsite).

- After completion of the design cuts, scarify the upper 12 inches of exposed subgrade soils, moisture-condition to a uniform moisture content of at least 2 percent above optimum, and compact to at least 90 percent relative compaction.
- Place embankment fill materials in horizontal layers no greater than 8 inches in loose thickness, moisture-condition to a uniform moisture content at least 2 percent above optimum and compact to at least 90 percent relative compaction.
- To enhance the ability of the pond to retain water, place any fine-grained, low permeability spoils that were segregated during stockpiling in the center of the embankment to create a low permeability core.
- Installation of an impervious liner on the interior of the pond is recommended. Follow all liner manufacturer's installation procedures. Many options are available. Geosynthetic clay liners (GCLs) may be considered for pond applications because they have a low leakage rate, high puncture resistance, long life expectancy, and relatively simple installation procedures.
- Immediately following completion of earthwork, exterior slopes should be seeded/planted with suitable erosion-control vegetation (native grass, for example). Trees and large shrubs should not be planted on the embankment.
- Sufficient construction inspection and materials testing should be performed, as determined by the engineering geologist or qualified representative, to confirm that the pond is constructed in accordance with the design recommendations. At a minimum, the following should be tested for adequate compaction:
  - Scarified and compacted subgrade soils
  - Initial lifts of embankment fill material to verify the contractor's means and methods
  - Middle lifts of embankment fill material (that is, the lift that is halfway up the total design height of the embankment)
  - Final lifts of embankment fill material

## **Pond Outlet**

Any newly constructed pond requires an outlet. We understand current environmental regulatory standards require discharge from a pond be away from any slopes or watercourses. Discharge shall be directed away from steep slopes and watercourses, such as, the Class III watercourse below the current embankment. Design and construction of the spillway should follow recommendations for pond design





Robert Jensen

**Engineering Geologic Evaluation of Existing Pond Embankment, APN 216-093-009, Harris**

January 20, 2021

Page 7

and construction presented in the section above, namely, "where concentrated runoff occurs, flow energy should be dissipated by installing rock slope protection (RSP). A permeable, nonwoven geotextile fabric should be placed over the prepared ground surface prior to the installation of any RSP."

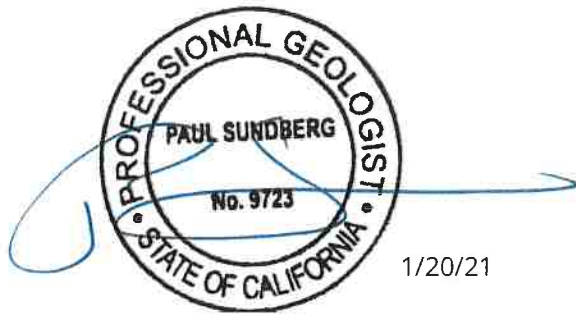
## Closure

The evaluation described herein is a focused investigation limited by the nature of retroactive inspections of built structures. Because we did not observe the construction of the subject embankment, and were not provided any information regarding construction methods, we were only able to evaluate visible portions of the structure. In these situations, we take a conservative approach to assessment of the embankment, and document signs of potential distress or apparent points of weakness.

We hope this evaluation provides the information you need at this time. If you have any questions or require additional information, please call our office at (707) 441-8855.

Sincerely,

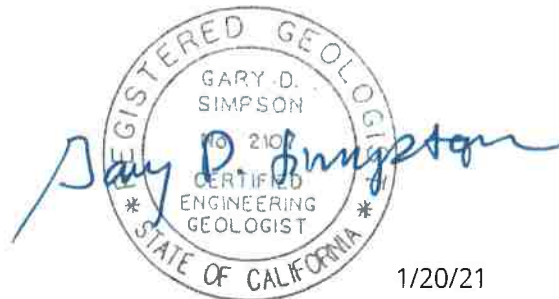
**SHN**



Paul R. Sundberg, PG 9723  
Project Geologist

PRS:GDS:lam

Appendix 1: Figures



Gary D. Simpson, CEG 2107  
Geosciences Director

## References

Google Earth. (April 21, 2019). "1005 Bliss Lane, Harris, CA; 40.072356° W and -123.637465° N.

NR:Google Earth.

Spittler, T. (1984). Geology and Geomorphic Features Related to Landsliding, Harris Quadrangle, Humboldt County, California. California Division of Mines and Geology Open-file Report OFR 84-9 S.F. Scale 1:24,000.

Timberland Resource Consultants. (2019). Site Management Plan, WDID- 1B171595CHUM, Humboldt County APN: 216-093-009-000.

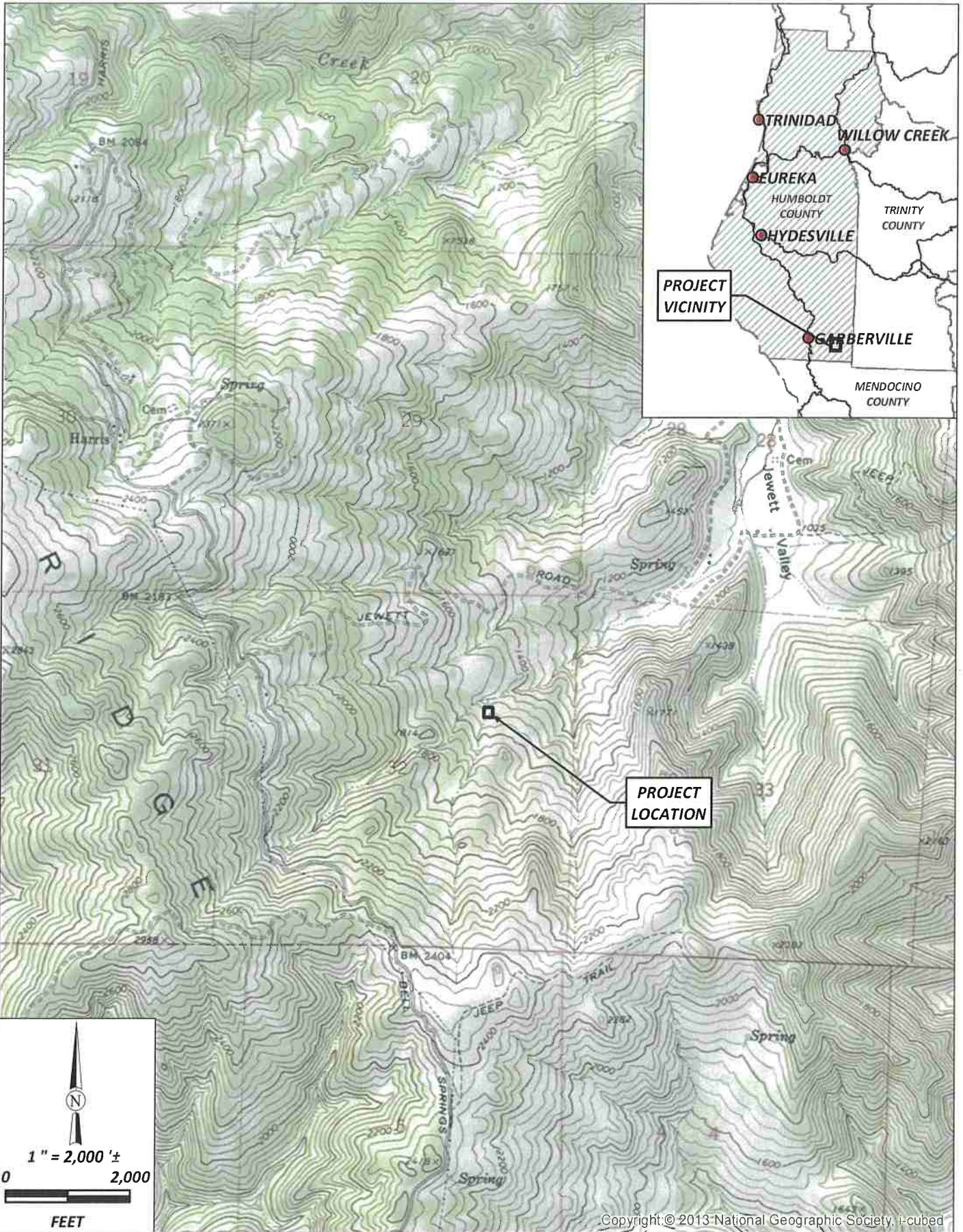


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# Figures

# 1

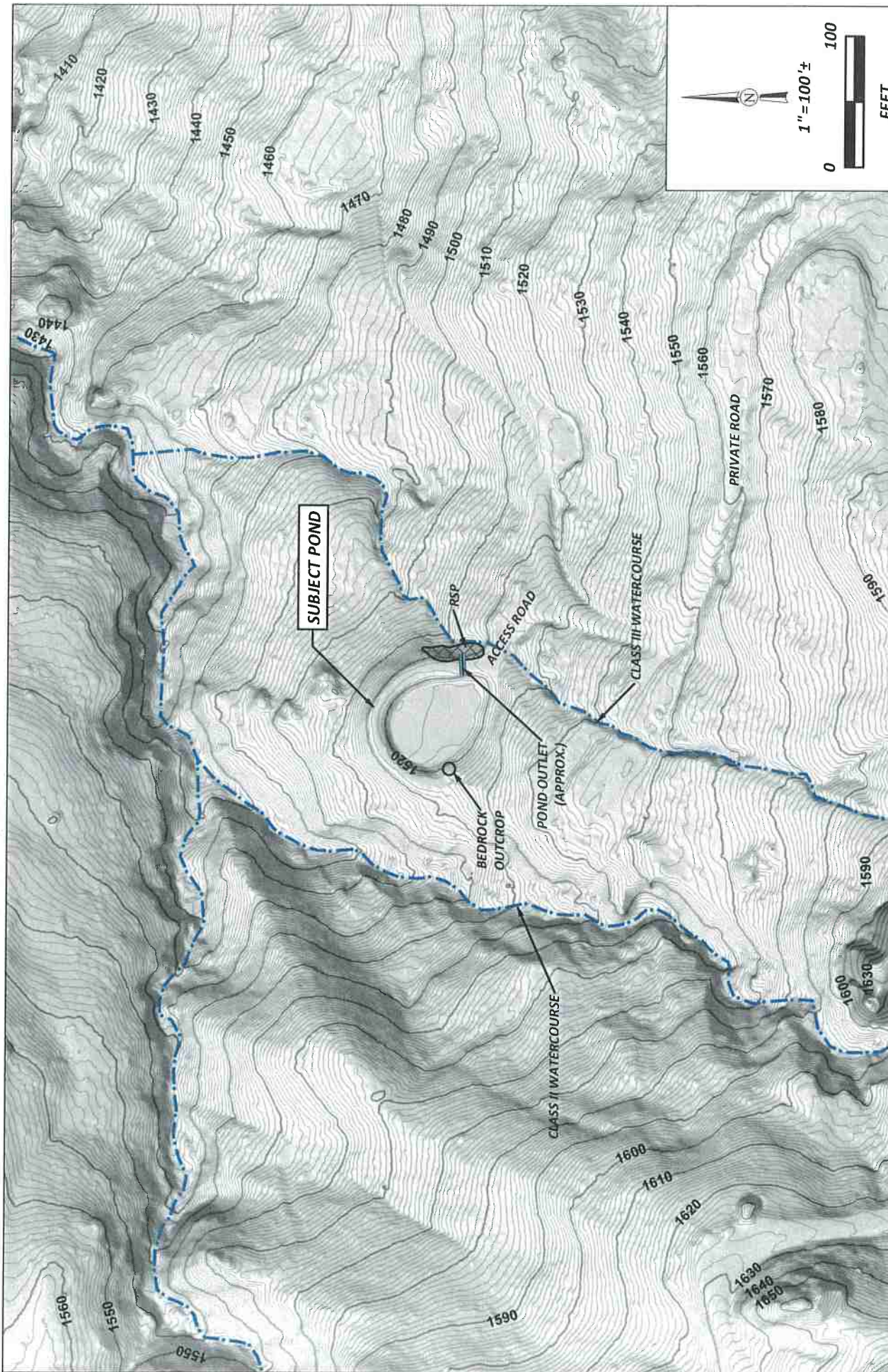
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|                                                                                     |                                                                                         |                                    |
|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|------------------------------------|
|  | Robert Jensen<br>Engineering Geologic Evaluation<br>1005 Bliss Lane, Harris, California | Project Location Map<br>SHN 020095 |
|                                                                                     | January 2021                                                                            | Figure1_ProjectLocationMap         |

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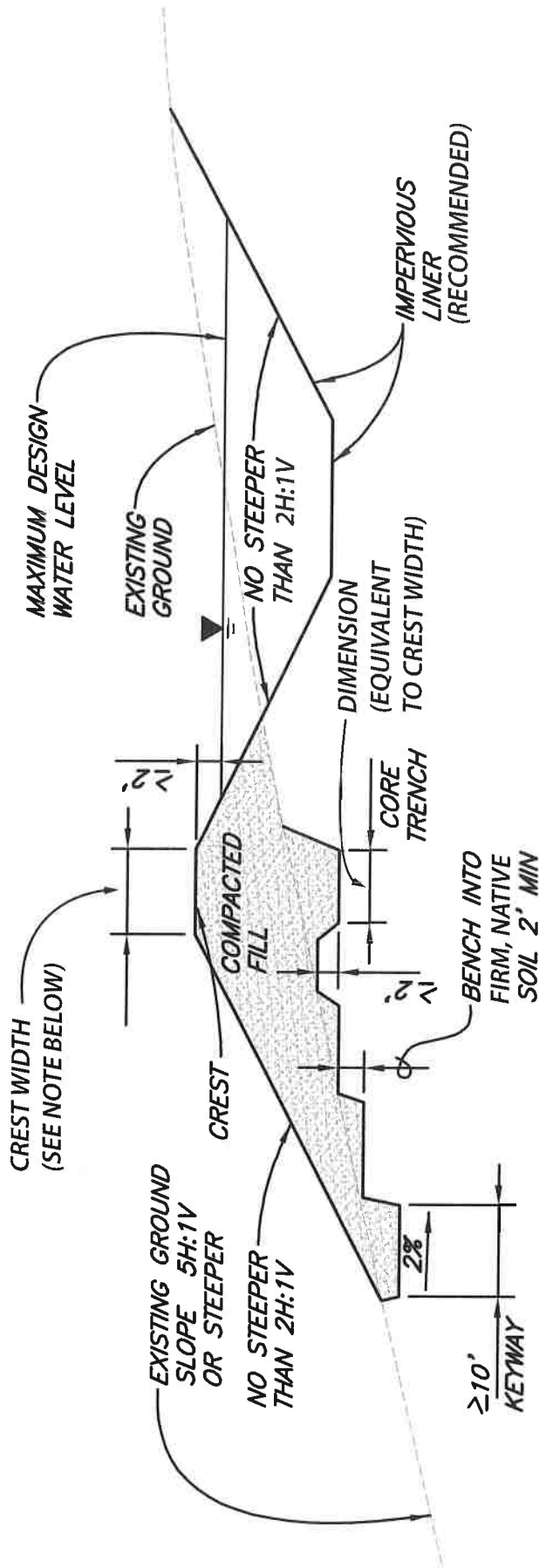


CONTOURS SHOWN IN FEET  
ELEVATION DATA SOURCE: USGS, 2018-2019

Robert Jensen  
Engineering Geologic Evaluation  
1005 Bliss Lane, Harris, California  
January 2021  
Figure2\_SiteMap1

Site Map  
SHN 020095

Figure 2



**NOTE: THIS SCHEMATIC APPLIES TO EMBANKMENTS ON SLOPES OF 5H:1V OR STEEPER**  
**CREST WIDTH: FOR EMBANKMENTS <10 FEET HIGH, CREST WIDTH SHOULD BE A MINIMUM OF 6 FEET; FOR TALLER EMBANKMENTS, CREST WIDTH SHOULD BE A MINIMUM OF 10 FEET**

NOT TO SCALE



Robert Jensen  
 Engineering Geologic Evaluation  
 1005 Bliss Lane, Harris, California

Pond Schematic  
 SHN 020095

January 2020

Figure3\_PondSchematic

Figure 3

## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

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



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

## PRE-SITE INVESTIGATION FORM

THIS IS NOT A PERMIT DOCUMENT

### APPLICATION INFORMATION

**Name** PACWI LLC  
**Address 1** Jessica James **Address 2** PO Box 158  
**City** Alderpoint **State** CA **Zip** 95511

### OWNERS NAME AND MAILING ADDRESS

**Name** James Jessica **Email**  
**Address 1** 1401 Mrvin Rd #307-4 **Address 2**  
**City** Lacey **State** WA **Zip** 98516

### SITE INFORMATION

**Parcel Number** 216-093-009-000 **Application Number** PLN-12049-CUP  
**Street Address** 1001 Bliss Ln **City** Garberville **State** CA **Zip** 95542

### PRESITE INVESTIGATION

|                                                    |                                                  |
|----------------------------------------------------|--------------------------------------------------|
| <b>Project is already started</b>                  | <b>AOB Inspection</b>                            |
| <b>Soil report is required due to</b>              | <b>Project appears to be within wet area</b>     |
| <b>Project is in flood zone A per</b>              | <b>FIRM panel number</b>                         |
| <b>Flood elevation certificate required</b>        | <b>Is 2nd Flood Certificate Required?</b>        |
| <b>Plans stamped by a licensed person required</b> | <b>SRA requirements apply</b>                    |
| <b>SRA water storage requirements apply</b>        | <b>Lot created prior to 1992</b>                 |
| <b>Appr.SRA req. need to be shown on plot plan</b> | <b>Plot plan incomplete, must be revised</b> Yes |
| <b>Driveway slope appears to be</b>                | <b>Submit engineered foundation for</b>          |
| <b>Grading permit required</b>                     | <b>Applicant must locate property lines</b>      |
| <b>Incomplete submittal Construction Plan</b>      | <b>Other concerns exist</b>                      |
| <b>Erosion and sediment control measures req.</b>  |                                                  |

### Inspector Notes

7/5/19 12049

Revise the site map to show use and dimensions of all structures related to cannabis, the harvest area as proposed drying shed, all proposed buildings related to cannabis with use and dimensions, and show the generator shed with dimensions. Make sure the plan of operation reflects these changes.

RM

**QUESTIONS? Please contact the County of Humboldt Building Division**



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

6/11/2019

**Project Referred To The Following Agencies:**

Cal Fish & Wildlife, **Building Inspections**

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**Applicant Name** PACWI LLC **Key Parcel Number** 216-093-009-000

**Application (APPS#)** **PLN-12049-CUP H** Historic Planning **Assigned Planner** Keenan Hilton

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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: 6/26/2019**

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

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**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: See notes in Accela

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DATE: 7/5/19

PRINT NAME: Rudy Marenghi



**From:** [Max C. Hilken](mailto:Max.C.Hilken@lacoassociates.com)  
**To:** [Michael.VanHatten@wildlife.ca.gov](mailto:Michael.VanHatten@wildlife.ca.gov)  
**Cc:** [David.Manthorne@wildlife.ca.gov](mailto:David.Manthorne@wildlife.ca.gov); [Bauer.Scott@Wildlife](mailto:Bauer.Scott@Wildlife.ca.gov); [Meghan Ryan](mailto:Meghan.Ryan@wildlife.ca.gov); [Johnson.Cliff](mailto:Johnson.Cliff@wildlife.ca.gov)  
**Subject:** Request for comment on App 12049 PACWI, APN: 216-093-009  
**Date:** Friday, October 8, 2021 11:41:40 AM

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Good afternoon, Michael Van Hatten, Scott Bauer, and David Manthorne - I hope this email finds you well. I wanted to reach out for comment one more time taking this project to decision.

For ease of review, I am including the Final LSAA (1600-2017-0599-R1), Site management Plan (SMP), Site Plan (additional details are required as conditioned), Bio Report, Geologic Evaluation for the Pond, and updated project description (below).

A Conditional Use Permit for continued cultivation of 16,600 square feet (SF) of cannabis utilizing light deprivation techniques within 13 hoop houses. Ancillary propagation occurs in two 750-square-foot greenhouses. Water for irrigation is sourced from two rainwater catchment ponds with a total estimated capacity of 500,000 gallons. Water storage on site consists of one (1) 5,000-gallon tank, three (3) 2,500-gallon tanks, and two (2) 3,500-gallon tanks for a total of 519,500 gallons of storage including the two (2) ponds. Estimated annual water use is 392,000 gallons. Drying and curing activities occur within two structures, a 1,000-square-foot and a 320-square-foot structures. All other processing, including trimming and packaging, will occur offsite at a third-party licensed processing facility. A maximum of six (6) employees may be utilized onsite. Power is provided by a 25K Whisper Watt diesel generator.

I'm using Adobe Acrobat.

You can view "12049 Biological Assessment 02.26.21.pdf" at:

<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:2aa1e21e-1801-48b4-8659-2d0c536d6a45>

You can view "12049 Geologic Eval for Pond 02.05.2021.pdf" at:

<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:9a224097-824a-417b-b8f3-76308d5c5bee>

You can view "12049 Lake or Streambed Alteration Agreement 12.16.2019.pdf" at:

<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:5097217e-66d2-4c45-b380-737b0db450f7>

You can view "12049 Site Management Plan 02.09.2021.pdf" at:

<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:ff434504-e0f6-4fd9-9847-fe5d000ed4d4>

You can view "210825 PACWI site plan combined.pdf" at:

<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:3de185a5-6613-4ad0-9eb7-f039b8c85c72>

Best,

Max

Max C. Hilken  
Associate Planner  
LACO Associates  
**Eureka** | Ukiah | Santa Rosa | Chico  
*Advancing the quality of life for generations to come*  
707 525-1222

LACO



<http://www.lacoassociates.com>

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**From:** [Hilton, Keenan](#)  
**To:** [Planning Clerk](#)  
**Subject:** FW: Jessica James notes re: 1/9/20 site visit  
**Date:** Monday, February 3, 2020 11:50:14 AM

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Please add as comment from Regional Water Quality Control Board

Thank you,  
Keenan

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**From:** Hawken, Katherine E. @Waterboards <Katherine.Hawken@Waterboards.ca.gov>  
**Sent:** Monday, January 27, 2020 10:48 AM  
**To:** bellashoe@gmail.com  
**Cc:** Jessie Cahill <jessie.timberlandresource@gmail.com>; Orahoske, Andrew@Wildlife <Andrew.Orahoske@Wildlife.ca.gov>; Hilton, Keenan <KHilton@co.humboldt.ca.us>; fhansen@timberlandresource.com  
**Subject:** Jessica James notes re: 1/9/20 site visit

Good morning,

Thank you for allowing a visit of your site APN 216-093-009 on 1/9/20. I'll eventually send a formal report with photos and a map. This draft, interim list is intended to provide a sense of what will need to be addressed on the site.

JJ1: 18" metal culvert new, inboard ditch connected, nicely rocked outlet  
Rec: disconnect inboard ditch, remove irrigation line upstream of culvert

JJ2: decom'd fill crossing  
Rec: pull fill back off creek beds & reveg exposed dirt, remove cultivation area fence, remove bladder/ waste adj. creek

JJ3: lined pond 15' from Class II JJ2 watercourse w/ 12" overflow outlet, flimsy fence, no clear inflow channel  
Rec: assessment of pond stability/ threat to adj. watercourse, pond removal may be necessary

JJ4: Class II stream + inboard ditch culvert crossing on access rd to pond; JJ3 overflow outlet joins stream downstream of crossing  
Rec: disconnect inboard ditch; contact State Water Board DIV for onstream pond assessment if want to keep

JJ5: top of bank Class I stream, approx. 20' to JJ3 pond berm, pond is perched above stream  
Rec: assessment of pond stability/ threat to adj. watercourse, pond removal may be necessary

JJ6: structures ~30 feet from watercourse  
Rec: discontinue use of structures for cannabis-related activities per setback requirements

JJ7: culvert crossing, bottom rusted out, proposed 60' diameter; storage shed 25' away

Rec: obtain 401 water quality cert prior to culvert replacement; discontinue use of structure for cannabis-related activities per setback requirements

JJ8: cultivation area, various hoop houses

Rec: N/A

JJ9: pond #2, culvert outlet and rocked spillway, no clear inflow channel

Rec: N/A, could potentially expand

I can send coordinates if needed. Please let me know if you have questions.

Best,

**Kate Hawken**  
**Water Resource Control Engineer**  
**North Coast Regional Water Quality Control Board**  
**707-445-6127**

*~Subscribe to the Cannabis Discharge Regulatory Program [email list](#) for important updates.~*